AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

11-4-80
Vol. 45—No. 215
BOOK 1:
Pages
72995-73268

BOOK 2:
Pages
73269-73464

federal register

Book 1 of 2 Books
Tuesday, November 4, 1980

Highlights

72995 **Nondiscrimination Laws** Executive order

73272 **Housing** HUD proposes to amend Fair Market Rents for certain market areas for existing housing and for mobile home spaces; comments by 12–4–80 (Part II of this issue)

73054 **Energy** CSA releases a rule detailing how 1981 appropriated energy funds will be allocated under the Fiscal Year 1981 Energy Crisis Intervention Program; effective 11–4–80

73028 **Natural Gas** DOE/FERC issues incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act; effective 11–1–80

73027 **Natural Gas** DOE/FERC publishes maximum lawful prices prescribed under Title I of the Natural Gas Policy Act; effective 10–27–80

73440 **Environmental Protection** EPA proposes modifications to its guidelines for development and implementation of State solid waste management plans; comments by 12–4–80 (Part III of this issue)

72999 **Food Stamps** USDA/FNS establishes program operations in Alaska; effective 11–4–80

CONTINUED INSIDE

Highlights

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

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

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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.

73454 **Civil Rights** HUD proposes a regulation to carry out its responsibility under the Age Discrimination Act of 1975; comments by 1-5-81 (Part V of this issue)

73187 **Grant Programs—Law** Justice/NIJ announces competitive research grant program entitled Unsolicited Research Program; Cycle 1 funding-papers by 12-31-80; Cycle 2 funding-papers received between 12-31-80 and 6-30-81

73037 **Armed Forces—Consumer Protection** DOD/Army establishes policies and procedures for controlling commercial solicitation on Army installations; effective 11-4-80

73051 **Grant Programs—Education** HHS/PHS adopts interim rule which governs the award of grants for educational assistance to individuals from disadvantaged backgrounds; effective 11-4-80

73087 **Air Transportation** CAB proposes exemptions for small aircraft operations within certificated airlines which usually operate large aircraft; comments by 1-5-81

73182 **Freight** ICC addresses increased freight rates and charges nationwide for 1981

73106 **Railroads** ICC proposes guidelines concerning implementation of the Feeder Railroad Development program; comments by 12-4-80

73059 **Television** FCC adds VHF stations in the top 100 markets; effective 12-4-80

73049 **Emergency Telephone Calls** GSA issues regulations for agencies to provide residential phone service to certain staff members; effective 11-4-80

73100 **Privacy Act Document** DOD/Army

73217 **Sunshine Act Meeting**

Separate Parts of This Issue

73272 **Part II, HUD**
73440 **Part III, EPA**
73446 **Part IV, DOE**
73454 **Part V, HUD**

Contents

Federal Register
Vol. 45, No. 215
Tuesday, November 4, 1980

The President
EXECUTIVE ORDERS
72995 Nondiscrimination laws (EO 12250)

Executive Agencies

Agency for International Development
NOTICES
Authority delegations:
73186 Oman, Principal AID Officer; contracting authority

Agricultural Marketing Service
NOTICES
Stockyards; posting and depositing:
73113 Hugh Watson Stockyard, Ga., et al.

Agricultural Stabilization and Conservation Service
NOTICES
Feed grain donations:
73113 Fort Berthold Tribes, N. Dak.
73113 Rice; 1981 program determinations

Agriculture Department
See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Economics, Statistics, and Cooperatives Service; Food and Nutrition Service; Forest Service; Rural Electrification Administration; Science and Education Administration.
NOTICES
73121 Biomass energy projects; determination of exempt categories

Alaska Natural Gas Transportation System, Office of Federal Inspector
PROPOSED RULES
73081 Cost recovery from sponsoring companies

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Meetings; advisory committees:
73138 November

Animal and Plant Health Inspection Service
PROPOSED RULES
Viruses, serums, toxins, etc.:
73079 Tetanus toxoid potency test; retesting

Army Department
RULES
73037 Commercial solicitation on Army installations
PROPOSED RULES
73100 Privacy Act; implementation
NOTICES
Meetings:
73119 Coastal Engineering Research Board; correction

Arts and Humanities, National Foundation
NOTICES
Meetings:
73204 Music Advisory Panel

Civil Aeronautics Board
RULES
Commuter carrier data submission requirements for fitness determinations:
73020 Alaskan mail carriers not engaged in scheduled passenger service or providing essential service; interpretative amendment, exclusion
Procedural regulations:
73020 Air carriers; terminations, suspensions, and reductions of service; notice requirements
PROPOSED RULES
Air taxi operators, classification and exemption:
73086 Commuter air carriers; data submission requirements for fitness determinations
73087 Dual authority grants to certificated airlines for exemption of small aircraft operations; and removal of obsolete restriction on certificated helicopter service competition
Commuter carrier data submission requirements for fitness determinations:
73085 Starting or continuing service, two-year limitation; resubmission
Procedural regulations:
73092 Board proceedings; conduct rules; civil penalty for violation

Commerce Department
See International Trade Administration; Maritime Administration; National Oceanic and Atmospheric Administration.

Commodity Credit Corporation
RULES
Loan and purchase programs:
73009 Milk

Community Services Administration
RULES
Energy conservation program, emergency:
73054 Crisis intervention program; funding requirements, 1981 FY

Consumer Product Safety Commission
NOTICES
Complaints issued:
73119 Imperial Carpets, Inc.; rescheduling of prehearing conference

Defense Department
See also Army Department; Navy Department.
NOTICES
Meetings:
73120 Electron Devices Advisory Group (3 documents)
73120 Science Board task forces

Economic Opportunity, National Advisory Council
NOTICES
73121 Meetings

Economic Regulatory Administration
NOTICES
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
73122 General Motors Corp.

Economics, Statistics, and Cooperatives Service
NOTICES
73115 Plantings report, prospective; January; discontinuance

Education Department
NOTICES
Meetings:
73120 Vocational Education National Advisory Council

Energy Department
See also Economic Regulatory Administration; Energy Research Office; Federal Energy Regulatory Commission.
RULES
73446 Patent licensing
NOTICES
73121 Biomass energy projects; determination of exempt categories
International atomic energy agreements; civil uses, subsequent arrangements:
73122 Sweden and European Atomic Energy Community

Energy Research Office
NOTICES
Meetings:
73123 Energy Research Advisory Board

Environmental Protection Agency
RULES
Air quality implementation plans; delayed compliance orders:
73044 New Mexico
73043 Ohio
Air quality planning purposes; designation of areas:
73046 Kansas
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
73105 Nebraska; advance notice
Waste management, solid:
73440 State plans; development and implementation guidelines
NOTICES
Environmental statements; availability, etc.:
73123 Agency statements; review and comment
Meetings:
73133 Air Pollution Control Techniques National Advisory Committee
Toxic and hazardous substances control:
73125–73132 Premanufacture notices receipts (6 documents)

Equal Employment Opportunity Commission
RULES
Procedural regulations:
73035 Reconsideration of previously issued determinations of reasonable cause or dismissals of charges; final rule

Federal Communications Commission
RULES
Television broadcasting:
73059 VHF stations, adding in top 100 markets and assuring maximum diversity of ownership, control and programming

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act of 1978:
73027 Ceiling prices; maximum lawful prices and inflation adjustment factors
73028 Incremental pricing; acquisition cost thresholds

Federal Maritime Commission
NOTICES
73134 Agreements filed, etc. (2 documents)
Energy and environmental statements; availability, etc.:
73135 Crescent Wharf Co. and Toko Kaiun Kaisha, Ltd.; joint venture to operate terminal facility
73135 Johnson ScanStar; overland minibridge service

Federal Reserve System
RULES
Interest on deposits (Regulation Q):
73016 Time deposits with maturities of 14 days or more
Reserve requirements of depository institutions (Regulation D):
73013 Reporting requirements and methods of calculation, etc.
NOTICES
Applications, etc.:
73136 Cameron Investment Co., Inc.
73136 Clement Bancshares, Inc.
73136 Emerson First National Co.
73136 Erick Bancorporation, Inc.
73137 Erickson Investment Co.
73137 First Carthage Corp.
73137 First Davis Bancorporation, Inc.
73137 First Miami Bancshares, Inc.
73137 Great Western Financial Services, Inc.
73135 Sasser Corp.
73136 Thunderbird Bancshares, Inc.
Federal Open Market Committee:
73138 Domestic open market operations authorization
73217 Meetings; Sunshine Act

Food and Drug Administration
RULES
Human drugs:
73034 Neomycin sulfate-sodium propionate-prednisolone acetate otic solution
PROPOSED RULES
73095 Lobsters, frozen; identity standards; advance notice
73092 Sardines, and sardine-type products, canned; identity standards; advance notice
NOTICES
Laser variance approvals, etc.:
73139 Laser Images, Inc.
73139 Six Flags Over Midamerica et al.
73140 2001 Entertainment Complex, Inc.
Medical devices:
73138 Blairex system; salt tablets for soft (hydrophilic) contact lenses; premarket approval

73140 Psychotropic substances convention; international manufacturing and distribution restrictions; correction

Food and Nutrition Service
RULES
Food stamp program:
72999 Alaska State agency requirements and eligible household certification

Forest Service
NOTICES
Environmental statements; availability, etc.:
73115 Ashley National Forest land and resource management plan, Wyo.
73116 Kaibab National Forest, Ariz.; moth infestation management

General Services Administration
RULES
Property management:
73049 ADP and telecommunications management; essential residential telephone service during emergencies
73050 Surplus personal property under Defense Department control; care and handling; recovery of costs; temporary

Geological Survey
NOTICES
Authority delegations:
73142 Conservation Division Chief; offshore minerals, etc.

Health, Education, and Welfare Department
See Education Department; Health and Human Services Department.

Health and Human Services Department
See also Alchol, Drug Abuse, and Mental Health Administration; Food and Drug Administration; Human Development Services Office; Public Health Service.
RULES
Procurement:
73049 Planning; CFR subpart removed

Heritage Conservation and Recreation Service
NOTICES
Historic Places National Register; additions, deletions, etc.:
73143 Alabama, et al.

Housing and Urban Development Department
See also Interstate Land Sales Registration Office.
PROPOSED RULES
Low income housing:
73272 Fair market rent schedules for existing housing and mobile home spaces (Sections 8 and 23)
Nondiscrimination:
73454 Age discrimination in federally-assisted programs
NOTICES
Authority delegations:
73141 Procurement and Contracts Office, Director, et al.; correction
73141 Secretary, Acting; order of succession

Human Development Services Office
RULES
73059 Social services programs; CFR consolidation and redesignations, etc.; correction

Intergovernmental Relations Advisory Commission
NOTICES
73145 Grants policymaking; meetings

Interior Department
See Geological Survey; Heritage Conservation and Recreation Service.

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
NOTICES
Meetings:
73117, 73118 Computer Systems Technical Advisory Committee (2 documents)
73217 Meetings; Sunshine Act (4 documents)

Interstate Commerce Commission
RULES
Organization, functions, and authority delegations:
73076 Railroad Service Board; emergency service order extension procedures
Rail carriers:
73077 Capital; investment; rate incentives removed
73077 Ratemaking; seasonal, regional, and peak-period; removed
Railraod car service orders:
73076 Section 49 U.S.C. 11123(a) orders; issuance and duration; policy statement
PROPOSED RULES
Rail carriers:
73106 Capital incentive rates; withdrawal
73106 Feeder railroad development program; inquiry
73105 Railroad contract rates; policy change; withdrawn
73105 Ratemaking; seasonal, regional, and peak-period; surcharges or discounts, etc.; withdrawal
NOTICES
Motor carriers:
73185 Commodity description interpretation; wood chips
73146, 73179 Finance applications (3 documents)
73148–73179 Permanent authority applications (2 documents)
Railroad freight rates and charges; various States, etc.:
73185 Kentucky
73182 Nationwide
Rerouting of traffic:
73185 All railroads
73186 Forth Worth & Denver Railway Co.

Interstate Land Sales Registration Office
NOTICES
Land sales program, State certification applications
73142 California

Justice Assistance, Research, and Statistics Office
NOTICES
Meetings:
73186 Juvenile Justice and Delinquency Prevention National Advisory Committee

Justice Department
See Justice Assistance, Research, and Statistics Office, National Institute of Justice.

Labor Department
See also Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
73187 Davenport Pontiac, Inc.
73187 Florsheim Shoe Co.
73187 Thunderline, Corp.
73188 United Technologies Corp.

Legal Services Corporation
NOTICES
73217 Meetings; Sunshine Act

Maritime Administration
NOTICES
Foreign construction cost computation:
73118 Vessels, MA design C3–S–76a; retrofitting

National Aeronautics and Space Administration
RULES
Space transportation system:
73022 Small self-contained payloads use

National Credit Union Administration
RULES
73016 Liquidity reserves of federally insured credit unions

National Institute of Justice
NOTICES
Grants solicitation, competitive research:
73187 Unsolicited research program

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
73077 Tanner crab off Alaska
NOTICES
Marine mammal permit applications, etc.:
73119 C&G Enterprises, Ltd.
73118 Marine mammals; Annual report; availability

National Transportation Safety Board
NOTICES
73217 Meetings; Sunshine Act

Navy Department
NOTICES
Meetings:
73119 Naval Postgraduate School Board of Advisors
73119 Navy Resale System Advisory Committee

Nuclear Regulatory Commission
RULES
Nuclear material, safeguards; implementation of US/IAEA agreement:
73012 Nuclear material transfer reports filing requirements
PROPOSED RULES
Production and utilization facilities, domestic licensing:
73080 Rulemaking petition; anticipated transient without scram
NOTICES
Applications, etc.:
73204 Commonwealth Edison Co.
73204 Florida Power & Light Co.
73205 Indiana & Michigan Electric Co.
73204, 73205 Mississippi Power & Light Co. et al. (2 documents)
73205 Pacific Gas & Electric Co.
73205 Power Authority of State of New York
73206 Public Service Co. of New Hampshire et al.
Meetings:
73207 Reactor Safeguards Advisory Committee
73206 Regulatory guides; issuance and availability

Occupational Safety and Health Administration
NOTICES
State plans; development, enforcement, etc.:
73188 South Carolina

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans:
73189–73204 Prohibition on transactions; exemption proceedings, applications, hearings, etc. (11 documents)
Meetings:
73188 Employee Welfare and Pension Benefit Plans Advisory Council

Personnel Management Office
RULES
Pay administration:
72999 Employee coverage; employees excepted under Senior Executive Service noncareer appointments from severance pay provisions

Postal Service
PROPOSED RULES
International mail:
73103 Argentina; express mail rates

Public Health Service
RULES
Grants:
73051 Teaching facilities construction, etc.; educational assistance to individuals from disadvantaged backgrounds

Railroad Retirement Board
NOTICES
73218 Meetings; Sunshine Act

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
73116 North Carolina Electric Membership Corp. et al.

Science and Education Administration
NOTICES
Meetings:
73117 Food and Agricultural Sciences Executive Committee Joint Council

Securities and Exchange Commission
NOTICES
Hearings, etc.:
73208 Columbia Gas System, Inc.
73209 Potomac Edison Co.

Small Business Administration
RULES
73020 Loans to State and local development companies; interest rates
Small business investment companies:
73017 "Associate of a licensee" and limited partnerships; definition
NOTICES
Applications, etc.:
73209 Equities Capital Co., Inc.
73210 Interstate Capital Co., Inc.
73210 Sunbelt Funding Corp.
73210 Westamerican Capital Corp.
73211 YFY Capital Corp.

State Department
PROPOSED RULES
73100 Foreign service officers appointment; oral examination candidate eligibility and background investigation and medical examination procedures

Treasury Department
NOTICES
Bonds, Treasury:
73214 2005–2010 series
Notes, Treasury:
73213 B–1990 series
73211 G–1984 series

United States Railway Association
NOTICES
Loan applications:
73216 Consolidated Rail Corp.; correction

Water Resources Council
RULES
Water resources planning (Level C):
73034 Environmental quality evaluation procedures; correction
73033 National economic development (NED) benefits and costs and other social effects; evaluation procedures; correction
73033 Uniform requirements for Federal agencies implementation studies; principles and standards; correction

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Science and Education Administration—
73117 Joint Council on Food and Agricultural Sciences Executive Committee, Atlanta, GA, 11–19–80

ARTS AND HUMANITIES, NATIONAL FOUNDATION
73204 Music (Opera-Musical Theater Section), Washington, D.C., 11–17 through 11–20–80

COMMERCE DEPARTMENT
International Trade Administration—
Computer Systems Technical Advisory Committee:
73117 Hardware Subcommittee, Washington, D.C., 11–18 and 11–19–80
73118 Licensing Procedures Subcommittee, Washington, D.C. 11–18–80

DEFENSE DEPARTMENT
Navy Department—
73119 Board of Advisors to the Superintendent, Naval Postgraduate School, Monterey, CA, 12–11 and 12–12–80
73119 Navy Resale System Advisory Committee, New York, NY, 11–24–80
Office of the Secretary—
73120 Defense Science Board Task Force on EMP Hardening of Aircraft, Arlington, VA, 12–3 and 12–4–80
73120 DOD Advisory Group on Electron Devices Advisory Committee, Arlington, VA, 12–10 and 12–11–80 (2 documents)
73120 DOD Advisory Group on Electron Devices Advisory Committee, New York, NY, 12–16–80

ECONOMIC OPPORTUNITY NATIONAL ADVISORY COUNCIL
73121 Council Meetings, Berkeley, CA, 11–24 and 11–25–80

EDUCATION DEPARTMENT
73120 Vocational Education National Advisory Council, Executive Committee, Washington, D.C., 11–24–80

ENERGY DEPARTMENT
Energy Research Office—
73123 Energy Research Advisory Board, Advanced Conservation Technology Subpanel, Washington, D.C., 11–14–80

ENVIRONMENTAL PROTECTION AGENCY
73133 National Air Pollution Control Techniques Advisory Committee, Raleigh, NC, 12–2 and 12–3–80

HEALTH AND HUMAN SERVICES DEPARTMENT
Alcohol, Drug Abuse, and Mental Health Administration—
73138 Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, Rockville, MD, 11–18–80

INTERGOVERNMENTAL RELATIONS ADVISORY COMMISSION
73145 Roundtables on proposed grants policymaking by the Office of Management and Budget, Washington, D.C., 11–20 and 11–21–80

JUSTICE DEPARTMENT
Office of Justice Assistance Research and Statistics—
73186 Juvenile Justice and Delinquency Prevention National Advisory Committee, Phoenix, AZ, 11–19 through 11–22–80

LABOR DEPARTMENT
Pension and Welfare Benefit Programs Office—
73188 Employee Welfare and Pension Benefit Plans, Washington, D.C., 11–13–80

NUCLEAR REGULATORY COMMISSION
73207 Reactor Safeguards Advisory Committee, Washington, D.C., 11–6 through 11–8–80

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Executive orders:
11764 (Revoked by EO 12250)..... 72995
11914 (Revoked by EO 12250)..... 72995
12250..... 72995

5 CFR
550..... 72999

7 CFR
272..... 72999
273..... 72999
1430..... 73009

9 CFR
Proposed Rules:
113..... 73079

10 CFR
70..... 73012
75..... 73012
781..... 73446
Proposed Rules:
50..... 73080
1530..... 73081

12 CFR
204..... 73013
217..... 73016
742..... 73016

13 CFR
107..... 73017
108..... 73020

14 CFR
204..... 73020
323..... 73020
1214..... 73022
Proposed Rules:
204..... 73085
291..... 73085
298 (2 documents)..... 73086, 73087
300..... 73092

18 CFR
270..... 73027
271..... 73027
282..... 73033
711..... 73033
713..... 73033
714..... 73034
716..... 73033

21 CFR
444..... 73034
Proposed Rules:
161 (2 documents)..... 73092–73095

22 CFR
Proposed Rules:
11..... 73100

24 CFR
Proposed Rules:
146..... 73454
808..... 73264
888..... 73264

29 CFR
1601..... 73035

32 CFR
552..... 73037
Proposed Rules:
505..... 73103

39 CFR
Proposed Rules:
10..... 73103

40 CFR
52..... 73043
65..... 73044
81..... 73046
Proposed Rules:
52..... 73105
256..... 73440

41 CFR
3–3..... 73049
Ch. 101..... 73050
101–37..... 73049

42 CFR
57..... 73051

45 CFR
1061..... 73054
1391..... 73059

47 CFR
73..... 73059

49 CFR
1011..... 73076
1033..... 73076
1109 (2 documents)..... 73077
Proposed Rules:
Ch. X..... 73105
1109 (2 documents)..... 73105, 73106
1128..... 73106

50 CFR
671..... 73077

Federal Register
Vol. 45, No. 215
Tuesday, November 4, 1980

Presidential Documents

Title 3—

The President

Executive Order 12250 of November 2, 1980

Leadership and Coordination of Nondiscrimination Laws

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1), Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), and Section 301 of Title 3 of the United States Code, and in order to provide, under the leadership of the Attorney General, for the consistent and effective implementation of various laws prohibiting discriminatory practices in Federal programs and programs receiving Federal financial assistance, it is hereby ordered as follows:

1–1. *Delegation of Function.*

1–101. The function vested in the President by Section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1–102. The function vested in the President by Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1–2. *Coordination of Nondiscrimination Provisions.*

1–201. The Attorney General shall coordinate the implementation and enforcement by Executive agencies of various nondiscrimination provisions of the following laws:

(a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*).

(b) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*).

(c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

(d) Any other provision of Federal statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

1–202. In furtherance of the Attorney General's responsibility for the coordination of the implementation and enforcement of the nondiscrimination provisions of laws covered by this Order, the Attorney General shall review the existing and proposed rules, regulations, and orders of general applicability of the Executive agencies in order to identify those which are inadequate, unclear or unnecessarily inconsistent.

1–203. The Attorney General shall develop standards and procedures for taking enforcement actions and for conducting investigations and compliance reviews.

1–204. The Attorney General shall issue guidelines for establishing reasonable time limits on efforts to secure voluntary compliance, on the initiation of sanctions, and for referral to the Department of Justice for enforcement where there is noncompliance.

1–205. The Attorney General shall establish and implement a schedule for the review of the agencies' regulations which implement the various nondiscrimination laws covered by this Order.

1–206. The Attorney General shall establish guidelines and standards for the development of consistent and effective recordkeeping and reporting requirements by Executive agencies; for the sharing and exchange by agencies of compliance records, findings, and supporting documentation; for the development of comprehensive employee training programs; for the development of effective information programs; and for the development of cooperative programs with State and local agencies, including sharing of information, deferring of enforcement activities, and providing technical assistance.

1–207. The Attorney General shall initiate cooperative programs between and among agencies, including the development of sample memoranda of understanding, designed to improve the coordination of the laws covered by this Order.

1–3. *Implementation by the Attorney General.*

1–301. In consultation with the affected agencies, the Attorney General shall promptly prepare a plan for the implementation of this Order. This plan shall be submitted to the Director of the Office of Management and Budget.

1–302. The Attorney General shall periodically evaluate the implementation of the nondiscrimination provisions of the laws covered by this Order, and advise the heads of the agencies concerned on the results of such evaluations as to recommendations for needed improvement in implementation or enforcement.

1–303. The Attorney General shall carry out his functions under this Order, including the issuance of such regulations as he deems necessary, in consultation with affected agencies.

1–304. The Attorney General shall annually report to the President through the Director of the Office of Management and Budget on the progress in achieving the purposes of this Order. This report shall include any recommendations for changes in the implementation or enforcement of the nondiscrimination provisions of the laws covered by this Order.

1–305. The Attorney General shall chair the Interagency Coordinating Council established by Section 507 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794c).

1–4. *Agency Implementation.*

1–401. Each Executive agency shall cooperate with the Attorney General in the performance of the Attorney General's functions under this Order and shall, unless prohibited by law, furnish such reports and information as the Attorney General may request.

1–402. Each Executive agency responsible for implementing a nondiscrimination provision of a law covered by this Order shall issue appropriate implementing directives (whether in the nature of regulations or policy guidance). To the extent permitted by law, they shall be consistent with the requirements prescribed by the Attorney General pursuant to this Order and shall be subject to the approval of the Attorney General, who may require that some or all of them be submitted for approval before taking effect.

1–403. Within 60 days after a date set by the Attorney General, Executive agencies shall submit to the Attorney General their plans for implementing their responsibilities under this Order.

1–5. *General Provisions.*

1–501. Executive Order No. 11764 is revoked. The present regulations of the Attorney General relating to the coordination of enforcement of Title VI of the Civil Rights Act of 1964 shall continue in effect until revoked or modified (28 CFR 42.401 to 42.415).

1–502. Executive Order No. 11914 is revoked. The present regulations of the Secretary of Health and Human Services relating to the coordination of the implementation of Section 504 of the Rehabilitation Act of 1973, as amended, shall be deemed to have been issued by the Attorney General pursuant to this Order and shall continue in effect until revoked or modified by the Attorney General.

1–503. Nothing in this Order shall vest the Attorney General with the authority to coordinate the implementation and enforcement by Executive agencies of statutory provisions relating to equal employment.

1–504. Existing agency regulations implementing the nondiscrimination provisions of laws covered by this Order shall continue in effect until revoked or modified.

Jimmy Carter

THE WHITE HOUSE,
November 2, 1980.

[FR Doc. 80–34551
Filed 11–3–80; 11:33 am]
Billing code 3195–01–M

Rules and Regulations

Federal Register
Vol. 45, No. 215
Tuesday, November 4, 1980

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 550

Pay Administration (General)

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is revising the pay administration regulations to except employees serving under Senior Executive Service noncareer appointments from the severance pay provisions of the law. This is a conforming change consistent with established policy on eligibility for severance pay.

EFFECTIVE DATE: November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Margaret P. Goodell, (202) 632–4684.

SUPPLEMENTARY INFORMATION: Within the authority derived from section 5595(a)(2)(viii) of title 5, U.S.C., and Executive Order 11257, it has been the policy of the Office of Personnel Management to exclude by regulation from severance pay entitlement employees who accept appointments with a presumed understanding and acknowledgment that their tenure is less than career and that they are subject to removal from the service at any time. Under this criterion the Senior Executive Service noncareer appointments have been determined to be analogous to those types of appointments (Presidential, noncareer executive assignment, and Schedule C appointments) which have been excepted from the severance pay provisions under section 550.701(b)(8) of Title 5, CFR. In order to provide uniform application of severance pay entitlements, this amendment adds the Senior Executive Service noncareer appointment to those appointments excepted under this authority.

The Director of OPM finds good cause that the notice of proposed rulemaking and a delay of the effective date usually required by 5 U.S.C. 553 are unnecessary since this is a nonsubstantive amendment which conforms with statutory intent and existing regulations governing eligibility.

OPM has determined that this is a nonsignificant regulation for the purposes of E.O. 12044.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is revising 5 CFR 550.701(b)(8) to read as follows:

PART 550—PAY ADMINISTRATION (GENERAL)

§ 550.701 Coverage.

* * * * *

(b) *Employees.*

* * * * *

(8) This subpart does not apply to an employee in the excepted service serving under a Presidential appointment, under an appointment to a position filled by noncareer executive assignment under Part 305 of this chapter, under an appointment to a Schedule C position in Part 213 of this chapter, or under a Senior Executive Service noncareer appointment as provided in Part 214 of this chapter.

(5 U.S.C. 5595; E.O. 11257, 3 CFR 1964–1965 Comp., p. 357) 6325–01)

[FR Doc. 80-34278 Filed 11-3-80; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 273

[Admt. No. 162]

Food Stamp Program (Alaska)

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rulemaking amends Part 272, Requirements for Participating State Agencies, to establish additional regulations for Food Stamp Program operations in Alaska. These regulations are specifically designed to accommodate the unique demographic and climatic characteristics found in Alaska while, at the same time, ensuring the efficiency and effectiveness of program operations. This rulemaking also amends Part 273, Certification of Eligible Households, concerning the work registration requirement for households that subsistence hunt and/or fish.

EFFECTIVE DATE: November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Alberta Frost, Deputy Administrator Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250. Phone (202) 447–8982.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing the rule is available from Claire Lipsman, Director, Program Development Division, FNS, USDA, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: The final rule has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified not significant.

Introduction.—Because of limited accessibility, dispersed population and extreme climatic conditions in rural areas of Alaska, on March 28, 1980 (45 FR 20704) the Department proposed regulations to modify some of the food stamp rules for these areas. These modifications concerned: merit personnel, training, application processing, resources, recertification procedures, agency conferences, fair and fraud hearings and coupon issuance. In addition, the Department proposed regulations on the hotline and points and hours requirements for the entire State and modified the work registration exemption for persons who subsistence hunt and fish. An explanation of the proposed changes was set forth in the March 28, 1980 publication.

Comment Analysis

Individual comments were received from the Alaska State agency and eight interested parties. Public meetings on the proposed regulations were held in four locations throughout the State. Comments from these meetings as well as the individual comments were considered by the Department in preparing the final regulations. Based on

the comments, the Department has made changes in several sections of the regulations. The Commenters generally supported the regulation changes for Alaska.

Rural Areas.—One commenter stated that it was impossible to determine the full impact of the proposed regulations since the "rural areas" have not been designated.

The Department does not expect circumstances which would affect rural area designations to change very often. Therefore, the Department has deleted the requirement that rural area designations be made annually.

One commenter suggested that the work registration exclusion for subsistence hunting and fishing apply in all areas where "HF" (hunting and fishing) identification cards are authorized. The Department agrees; and since the Department has decided not to change the current regulations on where "HF" cards can be issued, it will not change the areas where a household can be exempt from work registration because of subsistence hunting and fishing.

One commenter questioned whether fee agents could be used in areas that are not designated "rural areas." The regulations only authorize the use of fee agents in rural areas. However, there may be some rural areas that are not served by fee agents.

One commenter asked whether the rural area references in the points and hours section are the same as those to be established for other sections of the regulations. That is correct; however, it should be noted that some of the points and hours provisions apply to "rural areas served by fee agents," not all rural areas.

Fee Agents.—Most commenters were in favor of the use of fee agents.

Some commenters at the public hearings wanted higher pay for fee agents and language specifying how the State agency should hire and pay fee agents in order to recruit and train better people. The Department does not have the authority to establish salary levels or recruiting procedures for the State agency. Therefore, this concern is not addressed in the final rules.

Commenters at the hearings also thought fee agents should play an active role in nutrition education. Section 272.6(b)(3)(iii) of the regulations provides that applicants shall be informed of the availability of pamphlets on nutrition at the time of application.

One commenter suggested that fee agents serving other villages should plan their trips when the men are in the village, not hunting, since they still make decisions concerning business and food stamps. The Department encourages fee agents to visit other villages when the trips would be the most effective but does not feel that this should be regulated.

Commenters at the hearings suggested that fee agents should be allowed to service nonrural areas as an economical means of providing responsive service. The Department believes households should have direct contact with the State agency except when this is not feasible because of rural isolation.

Two commenters suggested that every effort be made to recruit bilingual fee agents. The Department expects that the State agency will employ bilingual fee agents where they are needed if such individuals are available. Since bilingual individuals are not always available or willing to become fee agents, the Department does not feel that it would appropriate to mandate bilingual fee agents.

Training and Monitoring.—Commenters at the hearings and three individual commenters supported the training requirements for fee agents.

Two commenters suggested that a deadline for submission of the training plan be established. One commenter said a time period should be established for implementation of the training plan. The Department has added a requirement that the fee agent training plan be submitted within 45 days of publication of these regulations and that training be conducted prior to implementation.

One commenter suggested the regulations be specific on the type of training required. The regulations are specific on such points.

Another commenter suggested that fee agent supervision should be described in the training plan. The Department believes it would be more appropriate to include this information in the State Plan of Operation and has added this requirement.

Two commenters felt that training should be on-going and retraining carried out when deficiencies are found. The Department has added a requirement that, in addition to training at least once a year, additional training must be conducted as needed.

One commenter noted that complaints should be investigated. The responsibilities of State agencies for handling complaints will be addressed in future regulations (§ 271.6(a)).

A commenter recommended that a centralized record of training be maintained so compliance with the training requirement can be monitored. The Department has added a requirement that the State agency keep a record of fee agent training.

One commenter suggested that the plan contain requirements for reporting on the progress and effectiveness of training. The Department does not believe the Alaska State agency reporting requirements need be this stringent. Training requirements have been established, and the State will have to maintain a record of training. The same commenter suggested that fee agents be carefully monitored. Another commenter felt the State should keep a record of fee agent performance because this is a significant deviation from practice elsewhere. The regulations require the State to monitor the performance of fee agents, and the eligibility worker will be reviewing each case a fee agent processes. In regard to recording the individual performance of fee agents, the Department believes this should be determined by internal State personnel procedures.

Hotlines.—One commenter pointed out that the proposed regulations indicate that the hotline provision only applies to "rural" areas. This provision applies Statewide and the regulations have been clarified.

Two commenters said that like all other States, Alaska should be able to obtain a waiver to the hotline requirement in one or more areas based on insufficient usage. These comments indicate a misunderstanding of the regulations.

The regulations require hotline type-services in every area. Ideally, this would be a hotline. However, the volume of calls or the expense involved may not justify such service in one or more areas. Thus, an alternative procedure is established in the regulations. That is, the State could provide hotline-type services in one or more areas through fee agents, State agency offices and the acceptance of collect calls. Since the alternative is established in the regulations, the State agency need not obtain individual exceptions from FNS.

One commenter questioned what was meant by each "area" of the State. This reference includes all geographical areas—those serviced by all State agency offices and fee agents.

One commenter suggested that the requirement for the acceptance of collect calls when hotline-type services are provided through fee agents be made clear. The regulations clearly require the State agency to accept collect calls in such circumstances.

One commenter suggested it be made clear that the State agency is required to keep a record of complaints filed. Another commenter suggested the State

agency be required to notify households by mail and through other specific methods. Another commenter suggested the regulations require the State agency to hire someone to answer the hotline. The State agency is required to comply with the staffing, record keeping and outreach requirements set forth in § 272.6(b)(8)(ii). If no hotline number is available in a particular area, the State agency will substitute a designated number to be called for program information. In addition to the requirements for other State agencies, the proposed regulations required the Alaska State agency to solicit the cooperation of authorized retailers in posting this information. Because of the comments the Department has specifically cross-referenced § 272.6(b)(8)(ii) in the final regulations.

Application Processing.—Most commenters recommended that neither the fee agent nor the State agency be liable for mailing time under the processing standards. Therefore, the Department has changed the provision to provide that fee agents will have five days to mail applications to the State agency office.

One commenter suggested that fee agents have ten days to deliver applications to the Postal Service. The Department believes five days should be sufficient.

Two commenters suggested applications be processed even if there are mail delays. The applications would continue to be processed; no change is required.

One commenter suggested fee agents be required to process expedited service cases within two days since volunteers are authorized to do expedited service prescreening. The procedures for determining net monthly income are complex, and the Department does not believe fee agents should be required to make preliminary determinations in these cases. If the fee agents did not judge these cases properly, certification would be delayed since the State agency would have to request different verification.

One commenter recommended that for expedited service cases, when a signed but incomplete application is submitted and an interview is conducted by telephone, the application not be returned to the household for signature. Because of the mailing time in rural areas of Alaska, the Department agrees and has made this change.

One commenter supported making benefits retroactive to the month the application is received by a fee agent.

One commenter felt that under SSI joint processing it would not be possible for Social Security Administration (SSA) itinerant workers to forward the application within one working day after receipt. The commenter felt that the applications should be forwarded within five days as shown by the postmark or the date of receipt if delivered. The SSA Regional Office said that when the SSA workers visit rural locations they are not out more than a week at a time. SSA noted that the applications would be processed faster if the SSA workers posted the applications on the return trip from intermediate locations such as Bethel. SSA noted they could not be held responsible for mailing time. The Department has adopted SSA's recommendation and has added a provision that SSA must mail food stamp applications from a larger village or more accessible postal service area within five days. The Department has also added language concerning the filing date and period of application for jointly processed cases which is consistent with that used for cases processed by fee agents.

One commenter suggested District Offices be required to make eligibility determinations for all households, not just expedited service cases. The Department feels that if the State agency meets the required processing time standards, the State agency should be allowed to determine its internal administrative structure. Therefore, the final rule is as proposed.

Interviews.—One commenter suggested that when interviews are postponed fee agents as well as eligibility workers be allowed to conduct follow-up interviews. The Department agrees and has modified the regulations accordingly.

Telephone Interviews and Hearings.—Commenters at the public hearings and three individual commenters suggested that phone interviews be made with the household's approval since phones are often not a private means of communication in bush areas. The only telephone in some villages may be located in the general store. Also, radio phones are only semi-private. Some of these commenters also suggested postponing interviews, mail hearings and settlement of claims without hearings. One commenter suggested that the State agency conduct a review by mail to reach a determination. The Department believes it is important for the State agency to communicate in person with the household during interviews and fair hearings. Thus, the Department does not believe that postponing interviews indefinitely when person-to-person communication cannot easily be established is in the best interest of the program, the State agency or the household. If a household objects to a telephone or radiophone interview on the grounds of privacy, however, the State agency will be required to contact the household via written correspondence or other private means. The Department has modified the proposed regulations accordingly. If fair hearing matters are not resolved timely, losses could continue to occur over a long period of time. The Department does not believe that claims should be compromised because of difficulties in conducting fair and fraud hearings since this could lead to program abuse. The Department has, however, modified the regulations to allow hearings to be conducted by mail if the household objects to the use of a telephone or radio phone on the grounds of a violation of privacy.

Determining Eligibility and Benefit Level

One commenter suggested this provision apply to households outside the direct service area of a State agency office rather than rural area residents. This provision applies to households in rural areas that are serviced by fee agents, and the language has been clarified.

Work Registration.—Commenters on this provision indicated it is difficult to translate subsistence hunting and fishing into hours. It was felt that the client's statement or the fee agent's knowledge would have to suffice in such instances. Some commenters thought registering for work would be much easier although no Employment Service activities are performed in some areas. Two commenters suggested household members be considered employed full-time based on a declaration that they satisfy a substantial portion of their dietary needs through subsistence. Section 6(d)(2) of the Food Stamp Act of 1977 is restrictive concerning the work registration exemptions. Therefore, the Department is adopting the proposed provision as written. The client's statement or fee agent knowledge would be sufficient in most cases. Verification is not required unless the information is considered questionable.

Resources.—One commenter concurred with the exemption of licensed or unlicensed boats or snowmobilies as proposed.

Three commenters suggested the wording "snowmobiles or boats" be changed to "snowmobiles *and* boats" to recognize the fact that both are needed and used seasonally. This change has been incorporated since use of these

vehicles is mutually exclusive throughout the year in many rural areas.

One commenter indicated that the current regulations only exempt licensed vehicles used for self-employment although unlicensed boats and snowmobiles are often used. The commenter further recommended that such unlicensed vehicles be exempt from subsistence hunting and fishing on the basis they are necessary for self-employment. Unlicensed vehicles, including snowmobiles and boats, which are essential to the employment or self-employment of a household member are excluded by § 273.8(e) of the regulations. This exclusion also applies to unlicensed vehicles used for subsistence hunting and fishing self-employment.

One commenter suggested that all terrain and off-road vehicles be treated in the same manner as snowmobiles and boats. The Department believes this would be too comprehensive an approach. Therefore, this comment was not adopted.

One commenter advised that there are no State or local licensing requirements for snowmobiles and boats in many areas that may not be designated as rural areas. Because of this, the final regulations provide that in areas where there are no licensing requirements snowmobiles and boats that are used for basic household transportation shall be treated in the same manner as licensed vehicles.

Reporting Changes.—One commenter suggested that fee agents date change reports when they are received and the effective date for changes be clarified. The Department agrees, and the final regulations require fee agents to date the change report when it is received and forwarded. Additionally, the household's obligation will have been met if it submits the change to the fee agent within ten days. However, for purposes of increasing and decreasing benefits, the change will be considered to have been reported upon receipt at a State agency office.

Notices of Expiration.—One commenter suggested that the time frames for notices of expiration be Statewide in view of administrative limitations and the comprehensive nature of the requirement. The Department does not believe these procedures are necessary Statewide, particularly in the large towns and cities.

One commenter felt that only households living in the service area of fee agents should have the option of submitting applications to either fee agents or the State agency. This was the Department's intent and the language has been clarified.

Quarterly Allotments.—Most of the commenters suggested that quarterly or semiannual allotment issuances be related to food deliveries and the availability of food rather than regular mail service. The proposed regulations used regular mail service as an indication of accessibility of remote areas. However, based on the comments received the Department has changed the final regulations to provide that quarterly and semi-annual issuances will be allowed in certain rural areas when provisions are not available on a monthly basis.

Two commenters recommended that quarterly and semiannual allotments be issued to households in rural areas where households generally rely on quantity food purchases. Since the intent of this provision was not to enable households to benefit from the economies of scale but the availability of food, this recommendation was not adopted.

One commenter pointed out that overissuances and underissuances may occur because of changes in household circumstances. The commenter was also concerned that casefiles indicate the allotment provided by month if multiple allotments are mailed. The Department has modified the final regulations to provide that, if changes which are subsequently reported result in overissuances and underissuances, claims and restored benefits will be processed. The household's case file must indicate the allotments month-by-month when they vary under normal procedures. The Department does not feel that a special regulation provision is necessary for this.

One commenter suggested that households eligible for quarterly or semi-annual allotments be informed of this through Outreach efforts. The Department has added a provision to this effect.

Points and Hours.—One commenter suggested fee agent areas be included in the Regional and District service areas. The commenter noted that the direct service area would only include the community in which the office is located, and this would artificially reduce the number of households served thus resulting in a lower service standard. The commenter felt that this would result in a different standard for Alaska because in another State if certification services were provided by itinerant or mobile units these hours of service would not be counted toward the total hours of service required. The commenter was mistaken. Section 272.5(a) of the regulations allow the service hours to be met by different methods such as itinerant and mobile offices. The Department believes that distinguishing rural areas served by fee agents from direct service areas of State agency offices should result in adequate service. Because of the uniqueness of rural areas served by fee agents, they should not be included in the direct service area of State agency offices.

One commenter suggested the State have a public place in each village where applications could be picked up during business hours. The commenter felt this would be useful when fee agents are absent and would make the rules regarding mail-in applications from rural areas which have bypassed fee agents meaningful. The Department agrees and has added this requirement.

One commenter suggested that it would be better to set the maintenance of effort date at a reasonable past date to prevent the State agency from closing offices. The Department did not make the maintenance of effort provision retroactive for any other State and does not feel it would be equitable to do so for Alaska. Also, the State agency on its own initiative established these offices. It is unlikely they would close some of them solely because of this provision. One commenter suggested the maintenance of effort provision apply to all certification offices, whether currently operating or temporarily closed, since some offices are closed from time to time when there is a lack of staff in the area to run them. The Department has modified the regulations accordingly.

One commenter noted that flexibility may be needed in establishing the hours of certification service in some villages. The regulations establish minimum standards, and some exceptions are allowed.

Two commenters said the regulations should be more specific in defining direct service areas. The Department has added clarifying language to the effect that this means the area surrounding the office to which applicants are required to submit applications.

One commenter noted that direct mail issuance was good and the State should not be allowed to use the deviation. Although the specific reference was unclear, the Department assumes this comment was directed at the requirement for mail issuance in rural areas. Some deviations may be beneficial to households. For example, households may want to pick up their coupons when they buy their food. FNS will review any requests for deviations carefully, and the Department believes that some deviations may be warranted.

One commenter suggested the State agency employ fee agents in rural

communities or villages "outside the direct service area of State agency offices" rather than in "rural communities and villages." The Department has not adopted this suggestion since the direct service area of State agency offices includes areas where fee agents may be needed but are not currently employed. The same commenter felt fee agents should establish regular service hours. The Department understands that life styles in rural areas are very informal, fee agents work out of their homes and some fee agents may only receive one or two applications a month. Therefore, the Department does not believe that regular service hours should be required.

One commenter suggested the State agency be required to mail the ATP or coupons within 25 days of receipt of the application to households outside the direct service area of State agency offices. The regulations require that coupons, not ATP's, be mailed to all rural areas, even those that are not served by fee agents, to ensure prompt delivery to isolated households. The Department believes the household should be given an opportunity to participate within 30 days to comply with section 11(e)(3) of the Food Stamp Act of 1977. The 25-day requirement proposed by the commenter is apparently based on 5 days mailing time, and the State agency should allow at least this much time for mailing. However, in some instances the State agency may need to mail the coupons earlier.

Visits to Villages in the Aleutian Chain.—One commenter suggested visits to villages in the Aleutian Chain were unnecessary if residents have hotline service. The Department believes such visits are necessary for the purpose of accepting applications and interviewing households.

"HF" Identification Cards.—Some commenters at the public hearings and one individual commenter noted that households residing outside of "rural" areas should also be issued ID cards marked "HF" if they depend to a substantial extent upon hunting and fishing for subsistence as is done under current regulations. Otherwise, a number of households would be adversely affected. The proposed rules assumed that the correlation of "HF" cards with rural areas would serve the needs of households in areas where it is extremely difficult to reach stores selling food. Since this is apparently not the case, the Department has decided not to change § 273.10(g)(4)(iv)(C) of the regulations.

Outreach.—One commenter advised that there should be more outreach workers, and they should advise people of the changes in these regulations. Also, outreach material should be bilingual. The Department believes that the outreach requirements set forth in § 272.6 which apply to all States are sufficient. The State agency will, of course, have to revise its outreach material to reflect the program changes required by these regulations.

Use of Coupons

One commenter wanted to prohibit households from purchasing candy and soda with food stamps. The Food Stamp Act of 1977 provides that any food or food product may be purchased with food stamps (Section 3(g)). Therefore, the Department does not have this discretion.

One commenter suggested that incentives be provided to encourage grocery sales outlets to accept food stamps in rural areas. An incentive is already provided in that food stamp sales usually result in an increase in the volume of food purchases. The Department does not believe additional incentives would be appropriate.

Varying Allotments

Two commenters strongly supported different size allotments for different areas of Alaska. Since allotment sizes are a major issue and they were not addressed in the proposed regulations, they cannot be addressed in these final regulations. The Department will consider these comments separately.

The final regulations are as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. A new subparagraph (13) is added to § 272.1(g) and reads as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation* * * *

* * * * *

(13) *Amendment 162.* Program changes required by Amendment 162 of the Food Stamp Program regulations shall be implemented as follows:

(i) The fee agent system for conducting interviews is currently in use and its continuing use is approved.

(ii) All other rules except paragraph (p) of § 272.8 shall be implemented as soon as practical but no later than 90 days following the date of final rulemaking. A fee agent training plan must be submitted within 45 days of the date of final rulemaking. Paragraph (p) of § 272.8 concerning points and hours shall be implemented following the time standards contained therein.

* * * * *

2. In § 272.6, Outreach, paragraph (b)(8), *Hotlines,* the third sentence is amended and the fourth sentence is deleted. The amended sentence reads as follows:

* * * * *

(b) * * *

(8) * * * The Alaska State agency shall, however, enable participants and potential participants to secure program information and applications, lodge complaints and make inquiries in accordance with § 272.8(f).

* * * * *

3. A new § 272.8 is added to Part 272 to read as follows:

§ 272.8 Procedures for program administration in Alaska.

(a) *Purpose.* To achieve the efficient and effective administration of the Food Stamp Program in certain rural areas of Alaska, FNS has determined that it is necessary to develop additional regulations which are specifically designed to accommodate the unique demographic and climatic characteristics which exist in these rural areas.

(b) *Applicability.* The regulations established in this section except for paragraphs (f) *Hotlines,* (j) *Resources* and (p) which pertains to points and hours shall apply only in those areas of Alaska which are designated by FNS as "rural". All regulations not specifically modified by this section shall remain in effect. The State agency, in consultation with FNS, shall establish the criteria for designating areas of the State as "rural" taking into consideration such factors as population concentrations, weather and road conditions, the risk to the health or safety of applicants in traveling, and the regularity of mail service. The State agency shall, in consultation with FNS, determine those areas that meet the rural criteria. The State agency shall publish the proposed criteria and designations for a public comment period of at least 30 days prior to submission to FNS for approval. The criteria for designating rural areas and the designated areas shall be identified in the Alaska State Plan of Operation as an addendum to the Program and Budget Summary Statement.

(c) *Definitions.* "Fee agent" means a paid agent who, on behalf of the State, is authorized to make applications available to low-income households, assist in the completion of applications, conduct required interviews, secure required verification, forward completed applications and supporting documentation to the State agency, and provide outreach and other services as required by the State agency. Such

services shall not include making final decisions on household eligibility or benefit levels.

"State agency" for purposes of this section shall include Regional and District offices. It shall not include fee agents.

(d) *Merit Personnel.* In addition to the volunteer activities prescribed in § 272.4(a)(2), fee agents may be used by the State agency to conduct the certification interviews required by § 273.2(e).

(e) *Training.* The State agency shall design and implement a comprehensive training plan, including detailed instructional material, to ensure that fee agents are able to fulfill the responsibilities assigned to them under this section. The training shall include those items referenced in § 272.4(e)(1)(ii) with the exception of training on actual eligibility determinations. The State agency shall submit to FNS for approval the procedures for training fee agents and the instructional manual to be used by fee agents. The initial fee agent training plan shall be submitted to FNS within 45 days of publication of these rules. The State agency shall reflect subsequent changes in policy and procedures promptly. The State agency shall conduct training sessions for fee agents prior to implementation of these regulations and at least once a year and as needed thereafter. The State agency shall keep a record of fee agent training. In addition, the State agency shall provide close supervision to assist and monitor the performance of fee agents. The State agency shall describe fee agent supervision in the Alaska Plan of Operation as an addendum to the Organizational Chart.

(f) *Hotlines.* In each geographical area, the State agency shall provide either toll-free hotline services or hotline-type services through State agency offices and fee agents. Where hotline-type services are provided through State agency offices and fee agents, the State agency shall accept collect calls directly from participants and potential participants regarding the Food Stamp Program. These services shall enable participants and potential participants throughout the State to secure program information and applications, lodge complaints and make inquiries. The requirements in § 272.6(b)(8)(ii), regarding hotline service staffing, record keeping and publicizing the hotline number apply to the State of Alaska. If no hotline number is available in a particular area, the State agency shall substitute a designated number to be called. Additionally, the State agency shall solicit the cooperation of retailers in posting this information in retail stores which are authorized to accept food coupons.

(g) *Application Processing.* The application processing standards contained in § 273.2 are modified to the following extent:

(1) *Filing an application.* The date the application is first received by a fee agent, the date it is mailed to a State agency office and the date it is filed with a State agency office shall be documented by recording the dates on the application. An application is considered filed for purposes of this section when it is received by an office of the State agency.

(2) *Normal Processing Standards.* The State agency shall issue benefits to eligible households as soon as possible.

(i) If the signed application is first submitted by a household to a fee agent, the fee agent shall: (A) Record the date the application is received, (B) conduct the interview, (C) obtain the necessary verification, (D) record the date the application is mailed, and (E) mail the application to a State agency office within five days of the date the application was received by the fee agent. The household shall be given the maximum amount of time to provide verification requested by the fee agent as long as the five day processing period is met. The State agency office shall record the date that the application is filed, and insure that the application process is completed and eligible households are provided an opportunity to participate as soon as possible but no later than 30 day after the application is filed with the State agency.

(ii) If the signed application is submitted in person by a rural resident or its authorized representative directly to the State agency, bypassing the fee agent, the State agency shall complete the application process and provide eligible households an opportunity to participate as soon as possible but no later than 30 days after the application is filed.

(iii) If the signed application is submitted by mail by a rural resident directly to the State agency, bypassing the fee agent, the State agency shall either (A) contact the household directly, conduct the interview and secure necessary verification or (B) request the fee agent to complete the interview process and submit the required information to the State agency. Regardless of whether the State agency or the fee agent conducts the interview, the processing time to meet the 30 day standard shall commence with the date the application was initially received by the State agency. If the State agency cannot process a case within the required time period because it has to contact the household for additional information or verification, the procedures established in § 273.2(h) regarding delays in processing shall be followed except that the household shall submit the information or verification so that it will be received by the State agency by the 30th day after the State agency's initial letter or a verbal request for the information or verification.

(3) *Expedited Service.* Households determined eligible to receive expedited service shall be issued benefits as soon as possible.

(i) If the signed application is first received by a fee agent, the fee agent shall: (A) Record the date the application is received, (B) conduct the interview, (C) obtain the necessary verification, (D) record the date the application is mailed and (E) mail the application to a State agency office within 5 days of the date the application was received by the fee agent. The State agency office shall record the date the application was filed, complete the application process and, for households eligible for expedited service, mail the coupons no later than the close of business of the second working day following the date the application was filed at the State agency.

(ii) If the signed application is submitted in person by a rural resident or its authorized representative directly to the State agency, bypassing the fee agent, the State agency shall conduct the interview and issue coupons to households eligible for expedited service in accordance with the time standards contained in § 273.2(i)(3) of the regulations.

(iii) If the completed, signed application is submitted by mail by a rural resident directly to the State agency, bypassing the fee agent, the State agency shall conduct an interview with the household either directly or through the intermediary services of a fee agent. If an incomplete application is submitted directly to the State agency by mail, the State shall conduct the interview by the first working day following the date the application was received if the fee agent can contact the household or the household can be reached by telephone or radio phone and does not object to this method of interviewing on grounds of privacy. Based on information obtained during the interview, the State agency shall complete the application and process the case. Because of the mailing time in rural areas, the State agency shall not return the completed application to the household for signature. The processing standard shall be calculated from the date the application was filed. The household, if determined eligible, shall

be entitled to benefits retroactive to the first day of the month in which the application was first received by the State agency.

(4) *SSI Joint Processing.* SSA workers shall mail all jointly processed applications to the appropriate State agency office within five days of receipt of the application. The dates the application is received and mailed shall be recorded on the application. The application shall be mailed from a location as close to the State agency office as is feasible. Jointly processed applications shall be considered filed for purposes of timely processing when they are received by a State agency office. The household, if determined eligible, shall receive benefits retroactive to the first day of the month in which the jointly processed application was received by the SSA worker.

(h) *Interviews.* The State agency or fee agent shall conduct a face-to-face interview with the household at the State agency office or fee agent location prior to certification or recertification except in the following instances.

(1) The State agency or fee agent shall either conduct a home visit or conduct the interview by telephone or other means of communication when a household or its authorized representative is unable to come to the State agency office or fee agent for the reasons specified in § 273.2(e)(2) which include transportation difficulties and hardships such as prolonged severe weather. If a household objects to being interviewed by telephone or radio phone on grounds of privacy, the State agency shall conduct the interview using private means such as written, mailed correspondence to obtain and transmit necessary information.

(2) When a face-to-face interview cannot be conducted in time to meet the expedited service standards, the State agency or fee agent may conduct an interview using a telephone or other means of communication such as a radio phone unless the household objects on grounds of privacy.

(3) The State agency may postpone the interview until after the household is certified when: (i) A household lives in a remote area, (ii) no fee agent or eligibility worker is reasonably accessible, (iii) a telephone interview cannot be conducted, or the household objects on grounds of privacy, and (iv) the administrative costs of conducting the interview would be extremely high. The eligibility worker shall exercise prudent judgment when dealing with these cases and fully document the eligibility decision in the case file. Such households shall be interviewed and the eligibility decision and documentation shall be re-examined when an eligibility worker or fee agent visits the community in which the household resides.

(i) *Determining Household Eligibility and Benefit Level.* If a household in a rural area that is serviced by a fee agent first submits its application to the fee agent, the household shall, if determined eligible, receive benefits retroactive to the first day of the month in which the application was received by the fee agent. If a household in a rural area that is serviced by a fee agent submits its signed application directly to a State agency office, the household shall, if determined eligible, receive benefits retroactive to the first day of the month in which the application was received at that office.

(j) *Resources.* In areas of the State where there are no licensing requirements, snowmobiles and boats used by the household for basic transportation shall be evaluated in accordance with § 273.8(h) even though they are unlicensed.

(k) *Reporting Changes.* The State agency shall allow the household to choose to report changes either directly to the State agency or to the fee agent. If reported to the fee agent, the fee agent shall record the date the change was reported and the date the change is mailed to the State agency office on the change report and mail the change report to the State agency office within two working days of the date of receipt. The household's obligation to report the change will have been met if it submits the change to the fee agent within 10 days of the date the change becomes known to the household. However, for purposes of State agency action for increasing or decreasing benefits, the change will be considered to have been reported when it is received by a State agency office. To insure that the time standards for acting on changes are met, the State agency shall record the date the change is received on the change report.

(l) *Recertification.*—(1) *General Standards.* In rural areas, the State agency shall provide each household entitled to a Notice of Expiration such notice no earlier than one month prior to, nor later than the first day of, the household's last month of certification. Households in the service area of a fee agent shall be allowed to submit their applications for recertification either directly to the State agency or to the fee agent for forwarding to the State agency. Households which are certified for one month, and households which are initially certified for two months during the month following the month of application, shall be provided a Notice of Expiration at the time of certification. The State agency may provide a Notice of Expiration at the time of certification to households certified for two months in the month in which they apply.

(2) *Timely Reapplications.* (i) Households provided a Notice of Expiration at the time of certification, except those that are certified for two months during the month in which they apply, shall have 15 days from the date the notice is received to file a timely application for recertification with the State agency. Households that wish to submit their reapplications directly to the fee agent shall be advised to allow sufficient time for the fee agent to forward the application so that it will be received by the State agency within the 15 day period.

(ii) All other households, including those that are certified for two months during the month in which they apply, shall be considered to have timely reapplied if the application is received by the State agency by the 15th day of the last month of the certification period. Households that wish to submit their reapplications to the fee agent shall be advised to allow sufficient time for the fee agent to forward the application so that it will be received by the State agency by the 15th day of the last month of the certification period.

(m) *Agency Conferences.* In those instances where households wish to contest a denial of expedited service and a personal conference cannot be held within the two-day standard, the State agency may, at its option, conduct the expedited agency conference required by § 273.15(d) within two working days using a telephone or other similar means of communication provided that the household does not object on grounds of privacy. If the household objects to a phone conference, the State agency shall conduct the conference as soon as possible through a personal conference or other private means such as written, mailed correspondence.

(n) *Fair Hearings and Fraud Hearings.* The State agency may, at its option, conduct fair hearings and administrative fraud hearings using a telephone or other means of communication if the time standards contained in §§ 273.15 and 273.16 respectively cannot be met using the normal procedures for households that live in rural areas that are inaccessible due to weather conditions and/or distance. If the household objects to the use of a telephone or radio phone on grounds of privacy, the State agency shall use some means of private communication such as written, mailed correspondence to

conduct the hearing within the specified time.

(o) *Coupon Issuance.* With the approval of FNS, coupons may be mailed on a quarterly or semiannual basis to certain rural areas of Alaska when provisions are not available on a monthly basis. The decision to allow the distribution of coupons in this manner will be made on an annual basis, separate from the determination as to which areas of Alaska are to be designated as rural areas. These areas shall be listed in the State's Plan of Operation in the same section as the rural area designations. Through its Outreach efforts, the State agency shall advise households that live in rural areas where quarterly or semiannual allotments are authorized of this provision. If, as the result of the issuance of quarterly or semiannual allotments, food coupons are overissued or underissued, the State agency shall process claim determinations and restore lost benefits.

(p) *Location and Hours of Operation of Certification and Issuance Services.*—(1) *Certification Services.* The State agency is responsible for determining the locations and hours of operation of the food stamp certification services made available in the State. These determinations shall be based on assessments of the certification service needs of the low-income population in the State and on the *minimum* requirements set forth herein. The State agency may choose among a variety of certification methods to fulfill the certification service needs of its low-income population. These methods include, but are not limited to, the use of full service certification offices, satellite and itinerant certification offices and mobile certification units.

(i) The minimum certification service requirements set forth below shall be applied to the direct service area of each State agency Regional and District certification office. The direct service area is the surrounding area in which applicants are required to submit applications to that office. This provision does not apply to rural areas that are serviced by fee agents.

(ii) Basic certification services consist of distributing and accepting applications, interviewing applicants, and accepting notices of change in household circumstances. The State agency shall provide these services as set forth below.

(A) In service areas with more than 250 households participating in the Program, the State agency shall provide at least 35 hours each week (in weeks without holidays) of basic certification services in at least one office in the service area. In offices with more than two eligibility workers, these services shall be scheduled so that there is no break in their availability during the lunch period. The State level office may approve a service plan for a service area that does not make service available during the lunch period if the plan is adequately documented to show that compliance cannot be achieved for statutory or security reasons.

(B) In service areas with 250 or fewer households participating in the Program, the State agency shall provide a minimum of 30 hours of basic certification services each month in at least one office in the service area. The 30 hours of basic certification services shall be scheduled so that there are at least some hours of service during each calendar week. To the greatest extent practicable, the schedule of hours shall be consistent from month to month. In addition to providing these basic certification services, the State agency shall make arrangements to afford people in these service areas access to the Program during all normal working hours. To accomplish this, the State agency shall arrange to have a place in each service area where applications can be picked up by applicants during all normal business hours each business day. The State agency shall provide addresses along with the applications so that applicants can mail them in. At the address provided, applications shall be accepted and considered filed on the same day they are received, except Saturdays. Additionally, the State agency should attempt to make arrangements to have a place in the service area where applications that are ready for filing can be dropped off. Where drop-off points are established, households shall have the option of either leaving their applications at the drop-off point or mailing them to the address provided on the applications. Where drop-off points are established, the State agency shall make instructions available that inform households of their filing options and explain the circumstances under which the mailing of applications will result in faster filing than the dropping-off of applications. FNS may approve an alternative level of service if the State agency adequately demonstrates that the caseload is so small that the 30-hour requirement would be excessive for the caseload being served, provided that an adequate number of hours of certification service are available for the size of the caseload. This may include having services available on an as needed basis in addition to the regularly scheduled hours.

(C) In service areas that normally have caseloads of 250 or fewer households, but which periodically have caseloads of more than 250 households, such as may result from influxes of seasonal workers, the minimum requirements in paragraph (p)(1)(ii)(B) of this subsection shall apply. However, the State agency shall implement additional hours of basic certification services when these influxes occur. The additional hours shall be in operation at the time the influx begins so that the needs of the new applicants and participants can be met. The State agency shall determine the number of additional hours of basic certification service needed under such circumstances in each service area.

(D) The State agency shall use the latest participation figures available each year a service plan is required in order to determine which requirements, either those in paragraph (p)(1)(ii)(A) or (B) of this section, apply to each service area. If a State agency can demonstrate that the latest participation figures available are not representative of normal participation, the State agency may use data from a different month to determine which requirements to use. Likewise, if FNS determines that the participation data used for a service area is not representative of the service area's normal participation, FNS shall require that different participation data be used. The State agency shall indicate in each service area's plan what participation data were used. Whenever the State agency does not use the latest available data for a service area, the subsitution, along with justification, shall be noted in the service plan.

(E) Applicant and participant households which are unable to obtain certification services established in accordance with the requirements of this section without missing time from work shall be given appointments for such services. The State agency is encouraged to arrange these appointments outside normal business hours or for times that would minimize the applicants' or participants' absence from work. The availability of this service shall be publicized by the State agency. In addition, people who contact the food stamp office and who indicate that they work all or nearly all of the scheduled hours of certification service shall be informed of the availability of appointments.

(iii) To make face-to-face interviews possible for participants and applicant households, the basic certification services provided in each service area shall be established so that all or all but a small number of these households

reside within 30 miles of a site that provides at least four hours of basic certification services every two weeks. If the offices established in compliance with the requirements of paragraph (p)(1)(ii) of this section provide basic certification services in accordance with this requirement, additional offices and hours of operation are not required. Any additional services that are required in order to comply with this provision may be provided through itinerant or satellite offices.

(A) Any applicant or participant household that does not reside within 30 miles of a site where four hours of basic certification services are available every two weeks shall be eligibile for the out-of-office certification procedures. The State agency shall publicize the availability of these procedures in those areas where applicant and participant households are eligible for them. In addition, people who contact food stamp offices inquiring about certification services, and who live more than 30 miles from sites where four hours of basic certification services are available every two weeks, shall be informed of their eligibility for out-of-office certification services.

(B) FNS may approve exceptions to the 30 mile requirement of this paragraph if the State agency demonstrates that participants normally travel more than 30 miles to places with various stores to conduct their personal business including the use of their coupons. To be granted an exception, the State agency shall demonstrate that certification services of at least four hours every two weeks are available in the location where the applicants and participants normally conduct their personal business and buy their food. The State agency may request FNS approval to provide certification services in this location rather than closer to the applicants and participants (i.e., within 30 miles). Exception may be granted for parts of the service area. The provisions of paragraph (p)(1)(iii)(A) of this section do not apply to residents of areas covered by this exception.

(iv) Changes in a service area's participation that are expected to continue on a long-term basis, or changes in local circumstances that would either require a rejustification of exceptions or lead to a need to request an exception, and which are discovered outside of the needs assessment provided for in paragraph (p)(5)(i) of this section, shall be processed as follows.

(A) Whenever a State agency becomes aware of a long-term increase in a service area's food stamp participation that lasts for at least four consecutive months and causes the service area to move into the category described in paragraph (p)(ii)(A) of this section, the State agency shall take prompt corrective action to bring the service area into compliance with the requirements of that paragraph.

(B) Whenever a State agency becomes aware of a long-term decrease in a service area's food stamp participation that lasts for at least four consecutive months and causes the service area to move into the category described in paragraph (p)(ii)(B) of this section, the State agency may change the certification services offered so that they are consistent with the requirements specified in that paragraph.

(C) Whenever a State agency becomes aware of a change in circumstances that would require deletion or rejustification of an allowable exception, the State agency shall take action to reevaluate the situation, update the documentation or the plan, and resubmit, if required, the request to FNS for approval. The State agency shall not delay action until the next scheduled service plan but shall promptly take the necessary action.

(D) Whenever a State agency becomes aware of a change in circumstances in a service area that would warrant the requesting of an allowable exception, the State agency may act on a request for an exception or submit it to FNS, if required. The State agency is not required to wait until the next scheduled service plan is due. FNS shall approve or deny requests for exceptions within 30 days of receiving them.

(v) The State agency shall employ fee agents as needed to the extent possible to provide certification services in rural communities or villages. The fee agent should be available to provide basic certification services on at least a weekly basis. In addition, the State agency shall arrange to have a place in each fee agent area where applications can be picked up during normal working hours. Households in these communities and villages shall be advised either through outreach efforts or another method determined by the State agency of the availability of these services, including the location of the fee agent and any established hours of availability. In the event a fee agent has been removed by the State agency or the position is otherwise vacant, the State agency shall use the interview procedures provided in paragraph (h)(i), (ii) or (iii) of this section. In such instances the State agency shall, if possible, have either State agency staff or a fee agent from another village visit those villages every 30 days until such time as another fee agent is appointed.

(vi) State agency certification staff or a fee agent shall visit the villages in the Aleutian Chain without appointed fee agents once every six months, or at intervals as close to once every six months as the weather permits for the purpose of providing basic certification services.

(2) *Issuance Services.* The State agency is responsible for determining the locations and hours of operation of the issuance services made available in the State. These determinations shall be based on assessments of the issuance service needs of the low-income population in the State and on the minimum requirements set forth below. The State agency may choose among a wide variety of issuance methods to fulfill the issuance service needs of the low-income people in the State. The methods include, but are not limited to, the use of contract issuance agents such as banks, post offices, credit unions, etc.; government issuance offices; itinerant issuance offices; mobile issuance units; and mail issuance. Mail issuance may be used to comply with any or all of the requirements specified below.

(i) The minimum issuance service requirements set forth below shall be applied to the direct service area of each State agency Regional and District office, exclusive of rural areas.

(ii) In accordance with § 273.2(g)(2), issuance services, including mail issuance, shall be planned and implemented so that all eligible applicant households are given an opportunity to obtain coupons within 30 days of filing their applications.

(iii) Issuance services shall be planned and implemented so that any applicant who receives expedited service and who receives an ATP card in accordance with the provisions of § 273.2(i) is given an opportunity to obtain coupons within one calendar day, excluding weekends and holidays, of receiving it.

(iv) Issuance services, with the exception of the mail issuance of coupons, shall be made available within each service area as provided for in this paragraph. Mail issuance services shall be provided so that, at a minimum, the delivery standards in paragraphs (p)(2)(ii) and (iii) of this section and in Parts 273 and 274 are met. The needs of two groups of participants are served through the hours of issuance services set by this provision: Those who are newly certified and those on a regular issuance cycle.

(A) In each service area six hours of issuance services each calendar week shall be available to all participants.

(B) In each service area, at least six hours of issuance services shall be made available each month to all participants on regular issuance cycles within seven calendar days following receipt of ATP cards. Any hours of issuance services that are provided to comply with this requirement may be counted towards compliance with the requirement in paragraph (p)(2)(iv)(A) of this section.

(C) In service areas which assign participants to particular issuance sites, each site shall offer the six hours of service required in paragraphs (p)(2)(iv)(A) and (B) of this section, or arrangements shall be made to allow participants to obtain their coupons at another, unassigned site so that the combined number of hours at the sites equal six.

(D) When the hours of operation of issuance sites required in paragraphs (p)(2)(iv)(A), (B) and (C) of this section overlap at sites within the service area, the overlapping hours shall only count once toward meeting the minimum requirements of these sections. For example, if three sites in a service area were all open each Tuesday from 2 to 4 p.m., this service area would have two hours counted toward the six hours.

(v) The issuance service requirements in paragraph (p)(2)(iv)(B) of this section (for households on regular issuance cycles) shall be located at sites that are within 30 miles of the residence of all or all but a small number of participants in each service area. The issuance services required in paragraph (p)(2)(iv)(A) of this section are not subject to the 30 mile requirement.

(A) Service areas which have over-the-counter issuance and where only small numbers of participants live more than 30 miles away from sites where issuance services are available for the required number of hours shall give such households the option of either traveling more than 30 miles to receive their coupons or having them provided by mail. The State agency shall publicize the availability of these procedures in those areas of the service area where applicant and participant households are eligible for them. In addition, people who apply for food stamps and who are eligible for this option shall be informed of the availability of the option. This requirement does not apply to participants residing in areas excepted under paragraph (p)(2)(v)(B) of this section.

(B) FNS may approve exceptions to the distance requirement specified in this paragraph if the State agency demonstrates that participants normally travel more than 30 miles to a location in order to conduct personal business and use their coupons. Such exceptions are subject to the same conditions specified in paragraph (p)(1)(iii)(B) of this section.

(vi) The State agency shall mail coupon allotments to all households living in rural areas. FNS may, however, grant a deviation from this requirement for specific areas. Any requests for deviations which are submitted by the State agency shall describe the alternative issuance procedures that would be used and justification for their use.

(vii) Those households comprised of elderly or disabled members which have difficulty reaching an issuance office to obtain their regular monthly allotments shall be given assistance in obtaining their coupons. The State agency shall assist these households by arranging for the mail issuance of coupons to them, by assisting them in finding authorized representatives who can act on their behalf, or by using other appropriate means.

(3) *Maintenance of Effort.* Except as provided for in paragraph (p)(3)(ii) of this section, the State agency shall not reduce the number of certification sites and hours or issuance hours in each service area or the number of fee agents below the number available as of the month of publication of these regulations. This provision applies to all certification offices, including those that are temporarily closed because of lack of staff.

(i) The initial service plans prepared for each service area shall include data showing the total numbers of certification sites and hours, issuance hours and fee agents available in each area as of the month of publication of these regulations. The number of hours shall be a total of all the hours available at all sites, even if the hours overlap.

(ii) The State agency shall request and obtain FNS approval before reducing the number of sites, hours or fee agents below those available as of the month of publication of these regulations. Approval of such exceptions may be granted only if the State agency can demonstrate that the caseload in a particular area has changed in size or location, thus warranting a change in services or if the State agency can demonstrate that the change in level of service will result in an improvement in service delivery. The State agency may shift services from one location to another or change the hours of service available at particular locations without having an exception approved by FNS, provided that the changes do not result in a reduction in the total number of sites and hours below the totals in effect as of the month of publication of these regulations.

(4) *Exceptions.* No exceptions to the service requirements except those specifically provided for in the above paragraphs shall be granted. Requests for exceptions shall be considered according to the following procedures.

(i) The State-level office shall grant or deny only those exceptions specified as being subject to State agency approval. Granted exceptions shall be described in the service plans for the areas to which they apply, and shall be accompanied by documented justification. In considering an allowable exception, a State agency shall first determine whether the exception complies with the requirements in these rules. Secondly, the State agency shall determine whether the service that would exist if the exception was granted would be adequate to meet the service needs of the people in the affected area. Exceptions shall be granted only if both of these determinations are positive.

(ii) FNS shall grant or deny only those exceptions specified as being subject to FNS approval. The State agency shall forward requests for exceptions to FNS for consideration along with any documentation needed to justify the exceptions. FNS shall consider the request against the same criteria the State agency must use as provided in paragraph (p)(4)(i) of this section. FNS shall grant or deny requests for exceptions within 30 days of receipt of the request and all necessary documentation. Those exceptions not acted upon within 30 days shall be considered to be approved.

(5) *Establishing Services.* The State agency shall establish certification and issuance services in accordance with the following provisions.

(i) The State agency shall assess the certification and issuance needs of the low-income population in the service area of each State agency office and in rural areas served by fee agents. At a minimum, these needs assessments shall include examinations of factors such as the number and geographic location of participants and potentially eligible populations in each area; the transportation costs people would incur to reach certification and issuance services; the availability of public transportation; and cyclical changes in participation due to the existence of seasonal employment in the area. The needs assessments shall also include the solicitation of public comment on the certification and issuance services in each area. The State agency shall announce at the beginning of each comment period that comments are being sought and will be accepted. In addition, the State agency shall solicit

comments through public meetings; written comments; consultation with professional, client and advocacy groups; consultation with groups participating in each area's outreach efforts; or, through other means that would enable the public to have an adequate opportunity to comment before final decisions are made regarding the services that will be offered in each locality. Whatever method is used, the State agency shall allow a minimum of 30 days for the submission or collection of comments.

(ii) The State agency shall assess the current hours and locations of Regional and District offices and fee agents to determine if they are adequately meeting the needs of Alaska's low-income population.

(iii) The State agency shall establish additional offices and/or fee agent services in other areas identified through certification and issuance needs assessments.

(6) *Service Plans.* (i) The State agency shall prepare a service plan for each service area based on the results of the needs assessment and on the certification and issuance service requirements contained in paragraphs (p) (1), (2) and (3) of this section. These service plans shall contain descriptions of the certification and issuance services that will be offered in each service area. They shall also contain clear descriptions of the factors affecting certification and issuance that were examined during the needs assessments, the conclusion drawn from the examination of these factors and summaries of the comments that were received from the public.

(ii) The State agency shall schedule the service plans as follows:

(A) The initial service plan for each area shall be completed within 120 days of the publication of this rulemaking. For a service plan to be considered complete, the State level office shall have reviewed it for regulatory compliance; approved or denied all requests for exceptions that the State agency is authorized to act upon; and, have submitted to the appropriate FNS Regional Office all requests for exceptions that FNS is authorized to act upon. All service areas except those described in paragraph (p)(8) of this section shall have the services described in their local service plans in operation within sixty days of the completion date for the service plan as established above.

(B) The State agency shall complete the second "set" of service plans either by July 1, 1983 or July 1, 1984, whichever year results in the synchronization of the service planning cycle with the State's legislative cycle.

(C) The State agency shall complete the third "set" of service plans by July 1st of the fourth year following the second "set". Subsequent service plans shall be completed by July 1st of every fourth year.

(7) *State Agency Approval.* State-level offices shall approve local-level service plans after reviewing them for compliance with these rules. State-level offices are responsible for approving and denying all requests for exceptions that they are authorized to act upon. They are also responsible for forwarding to FNS those requests for exceptions, along with necessary justification, that FNS is authorized to act upon and all corrective action plans that are required by these regulations. State-level offices shall retain the results of needs assessments, service plans, justification for exceptions, public comment summaries and corrective action plans for review purposes.

(8) *Corrective Action.* (i) If a service area is out of compliance with the requirements of this section, the State agency shall prepare and implement corrective action. The corrective action that is to be undertaken shall be included in the corrective action plan required by Part 275 of these regulations.

(ii) The State agency shall prepare and submit corrective action plans in accordance with the following timetable. The corrective action plans shall be prepared for those service areas that will not be in compliance with the minimum service standards precribed in this subsection on the effective date of the service plans established in paragraph (p)(6)(ii) of this section.

(A) For service areas which have requests for exceptions denied by FNS, the corrective action plans shall be submitted within 30 days of the State agency's receipt of FNS' denial of the request for exception.

(B) For other service areas, the corrective action plans shall be submitted within 120 days of the publication of the regulations.

(iii) Corrective action plans that are prepared and submitted in accordance with the provisions of paragraph (p)(8)(ii) on this section shall contain the information required in Part 275 and indicate when corrective action will be completed. The completion date for corrective action shall be within six months of the effective date of the local service plan. FNS may grant an extention only if the State agency demonstrates that compliance with one or more standards cannot be lawfully achieved until action is taken by an adjourned State legislature; a change is made in a union contract; or a change is made in the service area's physical building, and that the legislative action or changes cannot be accomplished within the above mentioned six month period. FNS may grant such an extension only if the State agency demonstrates, in each individual case, that there are no other means of achieving compliance other than that proposed in the corrective action plan.

(9) *Monitoring.* Compliance with the requirements of this subsection shall be monitored through the Performance Reporting System in accordance with the provisions of § 275.8(h).

* * * * *

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

§ 273.7 [Amended]

In § 273.7, Work registration requirements, the last sentence of (b)(8) is amended by adding the phrase "as determined by averaging such activity over the certification period" after the word "weekly" and before the word "shall."

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps)

Dated: October 29, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-34388 Filed 11-3-80; 8:45 am]

BILLING CODE 3410-30-M

Commodity Credit Corporation

7 CFR Part 1430

1980–81 Price Support Program for Milk

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Act of 1949, as amended, requires that the support price for milk be established at a level between 80 and 90 percent of its parity price. For the marketing year beginning October 1, 1980, the support level has been established at 80 percent of parity, the minimum level required by law. Accordingly, the support price has been increased from $12.07 to $12.80 per hundredweight, effective October 1, 1980. This price is for milk containing 3.5 percent milkfat and is equivalent to $13.10 per hundredweight for milk containing 3.67 percent milkfat, the national average.

EFFECTIVE DATE: October 1, 1980.

ADDRESS: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service (ASCS), U.S.D.A., Room 5741 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Donald E. Friedly, Agricultural Economist, Dairy Branch, Procurement and Sales Division, ASCS–USDA, 5741 South Building, P.O. Box 2415, Washington, D.C. 20013, (202–447–3571). The Final Impact Statement describing the options considered in this final rule and the impact of implementing each option is also available on request from Mr. Friedly.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "significant."

In compliance with Secretary's Memorandum No. 1955 and "Improving Government Regulations" (43 FR 50988), it is determined after review of these and related regulations contained in 7 CFR 1430.282 for need, accuracy, clarity, and effectiveness, that no additional changes be made at this time. A semiannual review will take into consideration problems, issues, etc., which are experienced in program administration during the next six months.

The title and number of the federal assistance program that this Final Rule applies to is: Title—Commodity Loans and Purchases, Number 10.051 from the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95, was not used to assure that units of local government are informed of this action.

Section 201(c) of the Agricultural Act of 1949, as amended, requires that the price of milk be supported at such level not less than 80 percent nor more than 90 percent of the parity price as the Secretary determines necessary to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs.

Section 201(d) of the 1949 Act, as amended, requires that effective through September 30, 1981, the support price for milk be adjusted semiannually to reflect any estimated change in the parity index during the first six months of the marketing year.

On July 23, 1980, a notice was published in the **Federal Register** (45 FR 49085) inviting comments by August 18, 1980, concerning the 1980–81 price support program for milk. Similar notices were contained in USDA information releases.

Discussion of Comments

The Department received 187 written comments from 54 dairy farmers, 36 consumers, and 44 individuals who were not identifiable as either farmers or consumers. The remaining responses were from 16 dairy cooperatives and producer associations, 8 general farm organizations, 5 other (non-dairy) farmers, 6 private dairy firms, 5 trade associations, 2 State Departments of Agriculture, 1 consumer organization, and 10 other interested persons and organizations. Ninety respondents recommended an increase in the support price. Of these, 44 respondents recommended a level of support at 80 percent of parity; 3 favored a range of 80–90 percent of parity; 7 favored 90 percent of parity; 1 favored support at 100 percent of parity, and 34 respondents recommended an increase without specifying the amount. Thirty-four were against a support price increase, and 2 recommended that support be set at 75 percent of parity.

The recommendations of the 16 dairy cooperatives and their associations who responded are summarized as follows: Ten favored a level of support at 80 percent of parity and 1 favored 90 percent of parity; 11 were for increasing the manufacturing margins used in calculating CCC's purchase prices; 10 suggested that CCC increase the markup on the sales prices of dairy products (none recommended continuation of the existing 5 percent markup); 8 recommended that CCC's purchase prices be increased by equal amounts per hundredweight of milk for the butter-nonfat dry milk (NDM) combination and cheese; 8 recommended allocating half of the support price increase for milk to the purchase prices for butter and half to NDM; 5 suggested that CCC increase the maximum acceptable moisture content of NDM; 6 asked that CCC continue the zero value for whey in calculating the purchase price for cheese, and 2 recommended using a whey value (1 positive and 1 negative) in calculating the purchase price.

Of the 36 consumers responding, 21 opposed an increase in support while 4 felt such an increase is merited. Nine recommended that the milk price support program be terminated; 1 that it be continued under current legislation, and 1 that more flexibility is needed in the program.

Level of Support

After considering the comments received and reviewing the supply-demand situation, it has been determined that the support price for manufacturing milk be established at 80 percent of the parity equivalent price for manufacturing milk as reported in the September 30, 1980, issue of USDA's "Agricultural Prices."

The decision to establish the support price at this level results from a review of the dairy situation up to and including September 19, 1980. It has been determined that support at 80 percent of parity will assure an adequate supply of milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. The latest available statistics of the Federal Government were used in making determinations under this rule. The price support program for the 1980–81 marketing year was described in USDA press releases issued September 19 and 30.

During each month of the 1979–80 marketing year, milk production was above year-earlier levels. The latest monthly figures show that milk production was 3.3 percent above year-earlier levels. Market prices for all three dairy products have been below or near CCC's purchase prices except for February, March and September, the months prior to the April 1 and October 1, 1980, support price increases. Recent market price increases were sufficient to reduce the rate of CCC purchases of all dairy products. Relatively small quantities of butter and cheese have been sold back to the industry for unrestricted use. CCC's net price support purchases during marketing year 1979–80 were 233 million pounds of butter, 592 million pounds of NDM, and 336 million pounds of cheese. During the 1980–81 marketing year, it is expected that commercial supplies of butter and cheese will again exceed consumer demand, and sales of these products to CCC under the price support program will continue.

The support price will be adjusted April 1, 1981, to reflect any estimated change in the parity index during the first half of the marketing year.

Relative Increases in the CCC Purchase Prices For Butter and NDM

The support increase on October 1, 1980, was divided equally between butter and NDM. Since the two products are made from the same whole milk,

manufacturers must receive enough revenue from the sale of both products to pay a given price for milk to producers. In the past several years, the price support increases have been divided equally per hundredweight of milk between butter and NDM, based on the yield of each product from 100 pounds of whole milk.

The action to divide the increase equally between butter and NDM is not expected to encourage abrupt changes in consumption, production, or CCC removal patterns for these products which could result in serious disposal and inventory problems for CCC. Since quantities of dairy products purchased by CCC in 1980–81 are expected to exceed the rate of dispositions, CCC will likely increase its inventories of dairy products during the coming marketing year.

Allocation of a greater share of the price support increase to the butter purchase price would result in substantial wholesale and retail price increases for butter and other high butterfat items such as ice cream. Thus, increased CCC price support purchases would result. CCC outlets for butter are limited. Butter purchased in excess of foreseeable sales and domestic donation requirements may eventually have to be converted at considerable expense into butteroil before it could be donated abroad under the Pub. L. 480 program. A more than proportionate increase in the NDM purchase price would be undesirable because increased CCC purchases of NDM would result. CCC's purchases and inventories are already extremely large.

Manufacturing Margins

The manufacturing margins used in calculating the CCC purchase prices for dairy products were last increased 10 cents per hundredweight on October 1, 1979. The margins used in the calculations are designed to reflect annual average costs for manufacturing cheese and butter/NDM. The level of the purchase prices should be such that manufacturers as a group will be able to pay producers the announced support price for milk. If average manufacturing costs exceed the manufacturing margins, dairy plants would not realize enough revenue over costs to pay the support price to farmers when market prices of dairy products are at or near CCC's purchase price levels.

The same margins announced on October 1, 1979, are continued for October 1980–March 1981 because, given the current supply-demand situation, there was no assurance that an increase in margins would increase producer prices. Prices received by producers since last April have been below support levels primarily because of the very heavy supplies of milk. Increasing the manufacturing margins would have an inflationary impact on consumer prices with no assurance that prices received by producers would reflect the increase as long as very heavy milk supplies persisted.

Sales Prices

Products acquired through support purchases will be offered for sale, when available, for unrestricted use at prices of 105 percent of CCC's purchase prices in effect at time of sale (allowing for rounding), but not less than market prices. Although market prices are projected generally to be below 105 percent of current purchase prices, continuation of the 105 percent sales price policy offers the greatest assurance against potential inflationary increases in market prices of all dairy products.

Whey Solids-Not-Fat (S.N.F.) Value

The whey s.n.f. value used in calculating CCC's purchase prices for cheese is an estimate of the returns above costs realized by cheese manufacturers for processing whey products. Processing costs have nearly always exceeded returns. The primary incentive for processors to continue processing whey in recent years has been to avoid environmental pollution problems associated with other means of disposal. Only for the 1974–75 and 1978–79 marketing years have estimates indicated a return above processing costs.

Although whey product prices were rising in August and September, the average price for the period October 1980 through March 1981 was projected to rise by about the same rate as costs to manufacturers. Therefore, it was estimated that for 1980–81, cheese manufacturers would not realize a return over costs on whey s.n.f. when CCC is purchasing cheese under the dairy price support program.

Increase the Maximum Acceptable Moisture Content of NDM Purchased by CCC

CCC limits the moisture content of U.S. Extra Grade NDM purchased under the price support program to 3.5 percent, although the U.S. Extra Grade Standard permits 4.0 percent moisture. It is not advisable for CCC to raise its moisture limit because the NDM absorbs moisture in storage, and excessive moisture causes a decline in quality. NDM sold in commercial channels is normally used immediately, while that purchased by CCC could possibly be stored for as much as three years. Increasing the acceptable moisture level would increase the risk of CCC losses since deterioration in storage would occur sooner.

Terminating the Program

The Secretary is required by Section 201(c) of the Agricultural Act of 1949, as amended (Title 7 of the United States Code, Section 1446), to support the price of milk and to adjust the support price semiannually to reflect changes in the parity index. The Secretary has no authority to terminate the milk price support program. Comments that the program be terminated were not considered for that reason.

Final Rule

Based on the $12.80 support price for milk containing 3.5 percent milkfat, the regulations at 7 CFR § 1430.282 are revised to read as follows:

§ 1430.282 Price support program for milk.

(a) (1) The general level of prices to producers for milk will be supported from October 1, 1980, through September 30, 1981, at $12.80 per hundredweight for manufacturing milk containing 3.5 percent milkfat. This is equivalent to $13.10 per hundredweight for milk with the U.S. annual average milkfat content of 3.67 percent.

(2) Price support for milk will be made available through purchases by Commodity Credit Corporation of butter, nonfat dry milk, and Cheddar cheese, offered subject to the terms and conditions of purchase announcements issued by the Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(3) Commodity Credit Corporation may, by special announcement, offer to purchase other dairy products to support the price of milk.

(4) Purchase announcements setting forth terms and conditions of purchase may be obtained upon request from the United States Department of Agriculture, Agricultural Stabilization and Conservation Service, Procurement and Sales Division, P.O. Box 2415, Washington, D.C. 20013, or the United States Department of Agriculture, Agricultural Stabilization and Conservation Service, Kansas City ASCS Commodity Office, P.O. Box 8377, Shawnee Mission, Kansas 66208.

(b) (1) Commodity Credit Corporation will accept offers of butter, Cheddar cheese, and nonfat dry milk in bulk containers meeting specifications in the announcements at the following prices:

[Dollars per pound]

Commodity and location	Produced	
	Before Oct. 1, 1980	On or after Oct. 1, 1980
Cheddar cheese: Standard moisture, 37.8–39.% :[1]		
40-pound blocks, U.S. Grade A or higher	1.325	1.395
500 pounds in fiber barrels, U.S. Extra Grade[2]	1.295	1.365
Nonfat dry milk: Spray process, U.S. Extra Grade:[3]		
Nonfortified	0.895	0.94
Fortified (Vitamins A and D)[4]	.9075	.9525
Butter: U.S. Grade A or Higher New York, N.Y., and Jersey City, Newark and Secaucus, N.J.	1.4325	1.52

[1] The price for cheese which contains less than 37.8 percent moisture shall be as specified in Form ASCS–150. Copies are available in offices listed in subsection (a)(4).
[2] Also includes granular cheese.
[3] If upon inspection bags do not fully comply with specifications, the price paid will be subject to a discount of .50 cent (½ cent) per pound of nonfat dry milk.
[4] Nonfat dry milk manufactured and fortified with vitamins A and D on or after Jan. 1, 1981 is not eligible for offering to CCC.

(2) The price for butter at any location not specifically provided for in this section is the price set forth in this section for New York City, less 80 percent of the lowest published domestic railroad through freight rate for frozen butter in effect at the beginning of the 1980–81 marketing year (October 1), from such other point to New York City. The appropriate freight rate will be calculated on a per pound gross weight basis for a 60,000-pound carlot. However, the price at any location shall be not less than the purchase price at New York City minus 3.0 cents per pound. For any location in Wisconsin or Kentucky, the price shall not exceed the purchase price at Chicago, Illinois, which for butter produced on or after October 1, 1980, is $1.49 per pound. In the area consisting of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, CCC will purchase bulk butter produced only in that area. Butter produced in other areas is ineligible for offering to CCC in those States.

(c) (1) The block cheese shall be U.S. Grade A or higher, except that the moisture content shall not exceed 38.5 percent; the barrel cheese shall be U.S. Extra Grade, except that the moisture content shall not exceed 36.5 percent.

(2) The nonfat dry milk shall be U.S. Extra Grade, except that the moisture content shall not exceed 3.5 percent.

(3) The butter shall be U.S. Grade A or higher.

(d) The products shall be manufactured in the United States from milk produced in the United States and shall not have been previously owned by CCC.

(e) Purchases will be made in carlot weights specified in the announcements. Grade and weights shall be evidenced by inspection certificates issued by the U.S. Department of Agriculture.

(Secs. 301, 401, Pub. L. 439, 81st Cong., 63 Stat. 1052, 1054, as amended (7 U.S.C. 1446, 1421); Secs. 4 and 5, Pub. L. 806, 80th Cong., 62 Stat. 1070, 1072, as amended (15 U.S.C. 714b and c))

Signed at Washington, D.C. on: October 27, 1980.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-34400 Filed 11-3-80; 8:45 am]

BILLING CODE 3410-05-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 70 and 75

Safeguards on Nuclear Material; Implementation of US/IAEA Agreement

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations to make it clear that licensees required to submit inventory change reports pursuant to the US/IAEA Agreement are not additionally required to submit nuclear material transfer reports under NRC domestic safeguards regulations.

EFFECTIVE DATE: Upon the US/IAEA Safeguards Agreement's entry into force and publication of notice thereof in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Mr. L. C. Solem, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (301–443–5903).

SUPPLEMENTARY INFORMATION: On July 31, 1980 the Nuclear Regulatory Commission published in the **Federal Register** (45 FR 50705) a new Part 75 to Title 10 of the Code of Federal Regulations and amendments to 10 CFR Parts 40, 50, 70, 150 and 170 to implement the Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America.

The Commission is amending 10 CFR Parts 70 and 75 to specify that licensees subject to 10 CFR 75.34, "Inventory change reports," are not required to provide the same information under 10 CFR 70.54, "Nuclear material transfer reports." The amendments are for purposes of clarification, as it was not intended that duplicate reports should be submitted.

Inasmuch as the amendments set forth below are of a minor and nonsubstantive nature, good cause exists for omitting notice of proposed rulemaking and public procedure thereon as unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Parts 70 and 75 of Title 10, Chapter I, Code of Federal Regulations, are published as a document subject to codification.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

1. Section 70.54 is revised to read as follows:

§ 70.54 Nuclear material transfer reports.

(a) Each licensee who transfers and each licensee who receives special nuclear material shall complete and distribute a Nuclear Material Transaction Report on DOE/NRC Form–741, in accordance with printed instructions for completing the form, whenever he transfers or receives a quantity of special nuclear material of 1 gram or more of contained uranium-235, uranium-233, or plutonium. Each licensee who receives such material from a foreign source shall complete both the supplier's and receiver's portion of DOE/NRC Form–741; perform independent tests to assure the accurate identification and measurement of the material received, including its weight and enrichment; and indicate the results of these tests on the receivers portion of the form.

(b) Any licensee who is required to submit inventory change reports on DOE/NRC Form–741 pursuant to § 75.34 (pertaining to implementation of the US/IAEA Safeguards Agreement) shall prepare and submit such reports only as provided in that section (instead of as provided in paragraph (a) of this section).

PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT

2. Section 75.34 is amended by revising paragraph (a) to read as follows:

§ 75.34 Inventory change reports.

(a) Inventory change reports, to be submitted on DOE/NRC Form–741, Nuclear Material Transaction Report, and prepared in accordance with

printed instructions for completing the form, shall specify identification and batch data for each batch of nuclear material, the date of the inventory change, and, as appropriate, (1) the originating IAEA material balance area or the shipper and (2) the receiving IAEA material balance area or the recipient. Each licensee who receives special nuclear material from a foreign source shall complete both the supplier's and receiver's portion of DOE/NRC Form–741; perform independent tests to assure the accurate identification and measurement of the material received including its weight and enrichment; and indicate the results of these tests on the receiver's portion of the form.

* * * * *

Authority: Secs. 161b. and o., Pub. L. 83–703, as amended, 68 Stat. 948; (42 U.S.C. 2201(b) and (o)); Sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841).

Dated at Bethesda, Md., this 22nd day of October 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 80-34376 Filed 11-3-80; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket R-0331; Reg. D]

Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule and technical amendments.

SUMMARY: The Board of Governors has amended Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) to: (1) extend the special rule regarding quarterly reporting to apply to all depository institutions that have total deposits of less than $15 million (As originally adopted, quarterly reporting was limited to depository institutions with total deposits of less than $5 million); (2) defer until May 1981 the reporting and reserve maintenance requirements for nonmember depository institutions with less than $2 million in total deposits; and (3) simplify the method of calculation of reserve requirements where member and nonmember institutions are involved in mergers so that reserves of the surviving institutions are calculated by allocating its deposits according to the relative deposit size and structure of the institutions involved in the merger on a proportional basis without regard to whether the surviving institution is a member or a nonmember.

In addition, a technical amendment has been adopted to clarify that the definition of "Eurocurrency liabilities" (1) includes sales of assets by depository institutions in the United States to their overseas offices that occurred only after October 6, 1979, and (2) with respect to a U.S. branch or agency of a foreign bank, does not include assets sold by its affiliated Edge or Agreement Corporations to its foreign bank (including offices thereof located outside the United States) or its parent holding company, but does include assets sold by the U.S. branch or agency to the non-U.S. offices of an affiliated Edge or Agreement Corporation.

EFFECTIVE DATE: November 13, 1980.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452–3625), Paul S. Pilecki, Attorney (202/452–3281) or Paige Winebarger, Attorney (202/452–3265), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 (Title I of Pub. L. 96–221) ("Act") authorizes the Federal Reserve to impose reserve requirements solely for the purpose of conducting monetary policy on all depository institutions that maintain transaction accounts or nonpersonal time deposits. Depository institutions subject to reserve requirements include any Federally-insured commercial or savings bank, or any such bank that is eligible to become insured by the Federal Deposit Insurance Corporation; any mutual or stock savings bank; any savings and loan association that is a member of a Federal Home Loan Bank, insured by, or eligible to apply for insurance with, the Federal Savings and Loan Insurance Corporation; and any credit union that is insured by, or eligible to apply for insurance with, the National Credit Union Administration Board. The reserve requirements of the Act also will apply to United States branches of foreign banks, to United States agencies of foreign banks with total worldwide consolidated bank assets in excess of $1 billion, and to Edge and Agreement Corporations.

On August 15, 1980, the Board announced a revised Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204; 45 FR 56009), to become effective on November 13, 1980, implementing the reserve requirement provisions of the Act. In order to facilitate the implementation of reserve requirements, the Board has amended the regulation in the areas of quarterly reporting by smaller depository institutions and reserve requirement treatment of depository institutions involved in mergers. In addition, the Board has announced a technical amendment clarifying the definition of "Eurocurrency liabilities" concerning sales of assets by depository institutions located in the United States to their overseas offices.

Quarterly Reporting for Certain Depository Institutions

In an effort to reduce the reporting and reserve management burden of very small depository institutions and to reduce the reserve requirement processing burden of the Reserve Banks, the Board established in August a procedure of quarterly reporting for depository institutions with total deposits of less than $5 million. In addition, the Board deferred reserve requirements of insitutions that have less than $1 million in total deposits as of December 31, 1979, until May 1981.

Since that time, the Federal Reserve, through numerous contacts with depository institutions and from analysis of more recent data, has determined that simplified reporting procedures could be adopted for a larger number of institutions without substantial effect on the System's ability to conduct monetary policy. Accordingly, the Board has expanded the quarterly reporting procedure to apply to all depository institutions with less than $15 million in total deposits and to defer all reserve maintenance and reporting requirements for nonmember depository institutions with less than $2 million in total deposits as of December 31, 1979. Nonmember institutions with less than $2 million in deposits will be exempt from quarterly reporting and reserve maintenance until May 1981, at which time the Board will determine whether a further delay is warranted.

Under the procedure of quarterly reporting, depository institutions with total deposits of less than $15 million as of December 31, 1979, will complete and file the Report of Transaction Accounts, Other Deposits and Vault Cash (FR 2900) with the Federal Reserve for a 7-day computation period only once during each calendar quarter and maintain reserves over a subsequent three-month period based on the report filed. Quarterly reporting will be staggered so that each month one-third of all quarterly reporters will report data for one week. Reserves will be maintained during a period beginning

two weeks after the start of the computation period and ending one week after the end of the institution's next computation period. Balances to be held at the Federal Reserve over the three-month maintenance period, either directly or indirectly on a pass-through basis, will equal required reserves based on the deposit report for one week less vault cash held during the seven-day reporting period. An institution will remain eligible for quarterly reporting until its total deposits are $15 million or more for two consecutive quarterly reports. Depository institutions eligible for quarterly reporting and reserve maintenance would retain the option of reporting and maintaining required reserves on a weekly rather than a quarterly basis.

The quarterly reporting system will commence in January 1981. Member banks with total deposits under $15 million will continue to report deposits and maintain reserves on a weekly basis until that time. Eligible nonmember institutions will not be required to report or maintain reserves until the quarterly procedure begins. It should be noted that Edge and Agreement Corporations and U.S. branches and agencies of foreign banks will not be eligible for quarterly reporting and reserve maintenance. Rather, all such institutions will—regardless of size—be required to report and to maintain reserves on a weekly basis.

Reserve Requirement Treatment of Institutions Involved in Mergers

Under section 19(b)(8)(D) of the Federal Reserve Act (12 U.S.C. § 461(b)(8)(D)), as amended by the Monetary Control Act of 1980 (Title I of Pub. L. 96–221), any bank that was a member bank on or after July 1, 1979, but which subsequently withdraws from membership in the Federal Reserve System shall maintain reserves in the same manner as a member bank. On April 23, 1980, the Board announced an interpretation of the reserve requirement treatment of former member banks (12 CFR 204.120; 45 FR 28305) that included a policy concerning mergers involving former member banks. Under that interpretation, where a bank that withdraws from membership due to merger or consolidation with a nonmember bank on or after July 1, 1979, and the surviving bank is a nonmember bank, the surviving bank is required to maintain Federal reserves in the same manner as a member bank on the fixed proportion of its deposits attributable to the absorbed member bank. This fixed proportion is the ratio that daily average deposits of the absorbed member bank were to the daily average deposits of the combined banks during the reserve computation period immediately preceding the date of the merger. The proportion of deposits attributable to the nonmember survivor is entitled to an eight-year phase-in of reserve requirements. The Board also adopted a policy of allocating deposits between a member bank and a nonmember bank in cases where a member bank is the surviving bank of a merger or consolidation that takes place between a member and a nonmember bank on or after March 31, 1980. However, only the *amount* of deposits of the nonmember bank outstanding on a daily average basis during the computation period immediately preceding the date of the merger is eligible for an eight-year phase-in of reserves. These policies were incorporated into revised Regulation D that was announced by the Board on August 15, 1980 (45 FR 56009) and were applied to all depository institutions involved in mergers.

After further consideration of how reserve requirements should apply to mergers, the Board has determined to adopt a simplified procedure of computing reserve requirements in the event of mergers between institutions. The Board has amended Regulation D so that mergers and consolidations involving member and nonmember banks are treated on the same basis for reserve requirement purposes without regard to the membership status of the surviving bank. Accordingly, where (1) a nonmember bank merges or consolidates with a member bank on or after July 1, 1979, and the surviving bank is a nonmember bank, or (2) a member bank merges or consolidates on or after March 31, 1980, with a nonmember bank that was engaged in business on July 1, 1979, and the surviving bank is a member bank, the bank is required to maintain Federal reserves in the same manner as a member bank on the proportion of deposits attributable to the member bank party to the merger or consolidation. This proportion will be the ratio that daily average required reserves of the absorbed member bank were to the sum of daily average required reserves of the banks during the reserve computation period immediately preceding the date of the merger. The proportion of deposits attributable to a nonmember bank that was engaged in business on July 1, 1979, will be entitled to an eight-year phase-in of reserve requirements. In computing the proportion of required reserves for purposes of allocating deposits, calculations will be made before application of the phase-in provisions of Regulation D. For mergers that occur prior to November 6, 1980, the reserve requirement ratios that were in effect on August 31, 1980 (section 204.8(b)) will be used to compute the proportional allocation. For mergers occurring on or after November 6, 1980, the reserve ratios in effect under the Act (section 204.8(a)) will be used.

The rules concerning proportional allocation of deposits shall also apply to any merger occurring on or after September 1, 1980, that involves depository institutions that are subject to different reserve requirement phase-in provisions under Regulation D (section 204.4(a) through (f)). Where a merger involves institutions that are subject to the same phase-in provision, the surviving institution will continue to have its reserves calculated under such applicable rule. For all mergers, the surviving institution is entitled to a two-year transitional period to phase in its increase in reserve requirements that occurs due to the loss of low reserve tranches of an absorbed institution as a result of the merger or consolidation.

Definition of "Eurocurrency Liabilities"

Technical amendments have been made to the definition of "Eurocurrency liabilities" in Regulation D to clarify the definition with regard to sales of assets by a depository institution in the United States to its overseas offices or by a United States branch or agency of a foreign bank to its related offices abroad. In the case of a depository institution or an Edge or Agreement Corporation organized under the laws of the United States, "Eurocurrency liabilities" include assets held by its non-United States offices or by non-United States offices of an affliated Edge or Agreement Corporation that were acquired from its United States offices only after October 6, 1979. For United States branches and agencies of a foreign bank, such term includes assets held by its foreign bank, by its parent holding company, or by non-United States offices of an affliated Edge or Agreement Corporation that were acquired from the U.S. branch or agency only after October 6, 1979. However, "Eurocurrrency liabilities" of a U.S. branch or agency of a foreign bank does *not* include assets sold by its affiliated Edge or Agreement Corporation to the branch's or agency's foreign bank or its parent holding company.

The Board believes that these modifications will be more equitable to depository institutions and also will alleviate to some extent the burden associated with maintaining required reserves consistent with the needs of monetary policy. Consequently, the

Board, for good cause finds that the notice, public procedure, and defferal of effective date provisions of 5 U.S.C. § 553(b) with regard to this action are impracticable and contrary to the public interest.

Effective November 13, 1980, pursuant to the Board's authority under sections 19, 25 and 25(a) of the Federal Reserve Act (12 U.S.C. 461 *et seq.*, 601 *et seq.*, 611 *et seq.*) and section 7 of the International Banking Act of 1978 (12 U.S.C. 3105), Regulation D (12 CFR Part 204) is amended as follows:

1. In § 204.2, paragraph (h) is amended by revising paragraphs (h)(1), (i)(B) and (h)(1)(ii)(B) to read as follows:

§ 204.2 Definitions.

* * * * *

(h) *"Eurocurrency liabilities"* means the sum of the following:

(1) *Transactions with related offices outside the United States.*

(i) * * *

(B) Assets (including participations) held by its non-United States offices or by non-United States offices of an affiliated Edge or Agreement Corporation that were acquired after October 6, 1979, from its United States offices.

(ii) * * *

(B) Assets (including participations) held by its foreign bank (including offices thereof located outside the United States), by its parent holding company, or by non-United States offices of an affiliated Edge or Agreement Corporation that were acquired after October 6, 1979, from the United States branch or agency (other than assets required to be sold by Federal or State supervisory authorities).

* * * * *

2. In § 204.3, paragraphs (d) (1) and (3) are revised to read as follows:

§ 204.3 Computation and maintenance.

* * * * *

(d) *Special rule for depository institutions that have total deposits of less than $15 million.* (1) A depository institution with total deposits of less than $15 million shall file a report of deposits once each calendar quarter for a seven-day computation period that begins on the third Thursday of a given month during the calendar qyarter. Each Reserve Bank shall divide the depository institutions in its District that qualify under this paragraph into three substantially equal groups and assign each group a different month to report during each calendar quarter.

* * * * *

(3) A depository institution that has less than $15 million in total deposits as of December 31, 1979, shall qualify under this paragraph until it reports total deposits of $15 million or more for two consecutive calendar quarters.

* * * * *

3. In § 204.4, paragraph (g) is revised to read as follows:

§ 204.4 Transitional adjustments.

* * * * *

(g) *Mergers and consolidations.* The following rules concerning transitional adjustments apply to mergers and consolidations of depository institutions.

(1) Where all depository institutions involved in a merger or consolidation are subject to the same paragraph of the transitional adjustment rules contained in paragraphs (a) through (f) of this section during the reserve computation period immediately preceding the merger, the surviving institution shall continue to compute its transitional adjustment of required reserves under such applicable paragraph, except that the amount of reserves which shall be maintained shall be reduced by an amount determined by multiplying the amount by which the required reserves during the computation period immediately preceding the date of the merger (computed as if the depository institutions had merged) exceeds the sum of the actual required reserves of each depository institution during the same computation period, times the appropriate percentage as specified in the following schedule:

Maintenance [1]	Percentage [2]
1	87.5
2	75.0
3	62.0
4	50.0
5	37.5
6	25.0
7	12.5
8 and succeeding	0

[1] Periods occurring during quarterly periods following merger.

[2] Applied to difference to compute amount to be subtracted.

(2)(i) Where the depository institutions involved in a merger or consolidation are not subject to the same paragraph of the transitional adjustment rules contained in paragraphs (a) through (f) of this section and such merger or consolidation occurs:

(A) On or after July 1, 1979, between a nonmember bank and a bank that was a member bank on or after July 1, 1979, and the survivor is a nonmember bank;

(B) On or after March 31, 1980, between a member bank and a nonmember bank and the survivor is a member bank; or

(C) On or after September 1, 1980, between any other depository institutions.

the required reserves of the surviving institution shall be computed by allocating its deposits, Eurocurrency liabilities, other reservable claims, balances due from other depository institutions and cash items in process of collection to each depository institution involved in the merger transaction and applying to such amounts the transitional adjustment rule of paragraphs (a) through (f) of this section to which each such depository institution was subject during the reserve computation period immediately prior to the merger or consolidation.

(ii) The deposits of the surviving institution shall be allocated according to the ratio that daily average total required reserves of each depository institution involved in the merger were to the sum of daily average total required reserves of all institutions involved in the merger or consolidation during the reserve computation period immediately preceding the date of the merger.

(A) If the merger occurs before November 6, 1980, such ratio of daily average total required reserves shall be computed using the reserve requirement ratios in section 204.8(b).

(B) If the merger occurs on or after November 6, 1980, such ratio of daily average total required reserves shall be computed using the reserve requirement ratios in section 204.8(a) without regard to the transitional adjustments of this section.

(iii) The low reserve tranche on transaction accounts (section 204.8(a)) shall be allocated to each institution involved in the merger or consolidation using the ratio computed in paragraph (g)(2)(ii) and the reserve requirement tranches on demand deposits (section 204.8(b)) shall be allocated to member bank deposits using such ratio of daily average total required reserves.

(iv) The vault cash of the surviving depository institution also will be allocated to each institution involved in the merger or consolidation according to the ratio that daily average vault cash of each depository institution involved in the merger was to the sum of daily average vault cash of all institutions involved in the merger or consolidation during the reserve computation period immediately preceding the date of the merger.

(v) The amount of reserves which shall be maintained shall be reduced by an amount determined by multiplying the amount by which the required reserves during the computation period immediately preceding the date of the

merger (computed as if the depository institutions had merged) exceeds the sum of the actual required reserves of each depository institution during the same computation period, times the appropriate percentage as specified in the following schedule:

Maintenance [1]	Percentage [2]
1	87.5
2	75.0
3	62.0
4	50.0
5	37.5
6	25.0
7	12.5
8 and succeeding	0

[1] Periods occurring during quarterly periods following merger.
[2] Applied to difference to compute amount to be subtracted.

By order of the Board of Governors, October 29, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-34344 Filed 11-3-80; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Part 217

[Reg. Q; Docket R-0306]

Interest on Deposit; Definitions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Technical amendment.

SUMMARY: The Board has adopted technical amendments to certain provisions of its Regulation Q—Interest on Deposits (12 CFR Part 217) to permit member banks to pay interest on time deposits with maturities or required notice periods of 14 days or more beginning October 30, 1980. These amendments implement actions taken by the Board announced on August 15, 1980 (45 FR 56009), reducing the minimum maturity of time deposits to 14 days and by the Depository Institutions Deregulation Committee on September 9, 1980, which adopted a final rule (12 CFR 1204.112), effective October 30, 1980, establishing a ceiling rate of interest payable of 5¼ per cent by member banks on time deposits of under $100,000 with original maturities or required notice periods of 14 to 90 days. This action will enable member banks to offer time deposits with original maturities (or required notice periods) of 14 days or more.

EFFECTIVE DATE: October 30, 1980.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452-3625), or John Harry Jorgenson, Attorney (202/452-3778), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On August 15, 1980, the Board announced a revised Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204), implementing the reserve requirement provisions of the Monetary Control Act of 1980 (Title I of Pub. L. 96-221) (45 FR 56009). At that time the Board also shortened the minimum maturity of time deposits from 30 to 14 days for purposes of Regulations D and Q. (As a part of this action the Board also reduced the minimum notice period that may be required for the withdrawal of savings deposits from 30 to 14 days.) The Board believes that a shorter minimum maturity for time deposits would improve the competitive position of domestic depository institutions vis-a-vis open market instruments and foreign banking offices. Prior to this action the Board's Regulation Q (12 CFR Part 217) required at least a 30-day maturity or required notice period for a deposit to qualify as a time deposit. (12 CFR 217.1(c) and (d)). In addition, the definition of a savings deposit under Regulation Q required that the deposit contract provide that the bank may require the depositor to give not less than 30 days notice before a withdrawal is made (12 CFR 217.1(e)). The following technical amendment of Regulation Q conforms it to the Board's action of August 15, 1980.

On September 9, 1980, the Depository Institutions Deregulation Committee ("DIDC") adopted a final rule (12 CFR 1204.112 (45 FR 68640)) establishing a ceiling rate of interest of 5¼ per cent payable by member banks on time deposits of under $100,000 with original maturities (or required notice periods) of 14 to 90 days. There will be no ceiling rate for time deposits of $100,000 or more with minimum maturities or notice periods of 14 days or more. Accordingly, the Board's amendment of Regulation Q also conforms it to the action adopted by the DIDC in establishing an interest rate ceiling on such deposits (12 CFR 1204.112).

These amendments have been adopted to implement the Board's action of August 15, 1980 to permit member banks to offer time deposits with maturities of 14 days or more. Public comment was solicited on this proposal on June 4, 1980 (45 FR 38388). The Board finds that the deferral of effective date provisions of 5 U.S.C. 553(b) to this action are unnecessary because this action relieves a regulatory restriction. Effective October 30, 1980, pursuant to the Board's authority under section 19 of the Federal Reserve Act (12 U.S.C. 461 *et seq.*), to define the term deposit Regulation Q (12 CFR Part 217) is amended as follows:

1. Sections 217.1(c)(1), (2) and (3), (d) and (e)(2); 217.5(c)(2); 217.7(b) and (h) of Regulation Q and footnotes 1, 2 and 3 (12 CFR 217.1(c)(1), (2) and (3), (d), (e)(2); 217.5(c)(2); 217.7(b) and (h)) are amended by striking "30" and inserting "14".

By order of the Board of Governors of the Federal Reserve System, October 29, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-34343 Filed 11-3-80; 8:45 am]

BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 742

Liquidity Reserves

AGENCY: National Credit Union Administration.

SUMMARY: The purpose of this rule is to amend § 742.2, Definitions, of the Liquidity Reserve Regulation to bring it into conformance with Section 19(c)(2) of the Federal Reserve Act (as amended by Section 104(a) of the Monetary Control Act of 1980, Title I of Public Law 96-221).

EFFECTIVE DATE: November 3, 1980.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Thomas A. Straslicka, Chief, Examination Section, Office of Examination and Insurance or Robert M. Fenner, Assistant General Counsel at the above address. Telephone: (202-357-1065) Mr. Straslicka, (202-357-1030) Mr. Fenner.

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 mandates that any reserve balances maintained pursuant to that Act in a Federal Reserve District Bank may be used to satisfy any Federal or State liquidity requirements. The National Credit Union Administration is amending its liquidity reserve regulation accordingly.

The National Credit Union Administration Board (the Board) finds that notice and public comment procedure under 5 U.S.C. Section 553(b) are unnecessary, inasmuch as this amendment to the National Credit Union Administration Rules and Regulations is mandated by statute. Section 104(c)(2) of the Monetary Control Act states that

"The balances maintained to meet the reserve requirements of [the Act] by a depository institution in a Federal Reserve bank or passed through a Federal Home Loan Bank or the National Credit Union Administration Central Liquidity Facility or another depository institution to a Federal Reserve bank may be used to satisfy liquidity requirements which may be imposed under other provisions of Federal or State Law."

Also, the Board has decided to make the rule effective immediately, suspending the 30-day notice period specified in 5 U.S.C. 553(d) for the reasons stated above. Similarly, the procedures set forth in the National Credit Union Administration's Final Report on Implementation of Executive Order 12044 were not followed. The official responsible for that determination is Robert M. Fenner, Assistant General Counsel.

Accordingly, the Board amends Part 742 of the NCUA Rules and Regulations (12 CFR Part 742) as set forth below.

Rosemary Brady,

Secretary of the Board.

October 28, 1980.

(Sec. 116 (12 U.S.C. 1762), Section 120 (12 U.S.C. 1766) and Section 209 (12 U.S.C. 1789))

Section 742.2(a) is amended by adding the following paragraph (7):

§ 742.2 [Amended]

(a) * * *

(7) Balances maintained by Federally insured credit unions in a Federal Reserve bank, or in a pass-through account to a Federal Reserve bank, pursuant to the requirements of Section 19(b) of the Federal Reserve Act (2 U.S.C. 461(b)).

* * * * *

[FR Doc. 80-34363 Filed 11-3-80; 8:45 am]

BILLING CODE 7535-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107]

[Amendment 21]

Small Business Investment Companies: Definition of "Associate of a Licensee" and Limited Partnership SBICs

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule adopts and combines, with certain changes, two proposed rules that had been separately published on March 7, 1980 (45 FR 14868) and July 22, 1980 (45 FR 48916). This final rule excludes from the definition of "Associate of a Licensee" persons serving a Licensee in the capacity of attorneys at law unless they are on retainer. It also excludes from the definition of "Associate of a Licensee" persons whose only relationship to another Associate is that of a limited partner. Individuals will be permitted to serve as general partners of Unincorporated Licensees in addition to, or instead of, corporations. Paragraph (h) of the definition of "Associate of a Licensee" is amended to reflect the fact that Pub. L. 95-507 makes possible the licensing of Unincorporated Section 301(d) Licensees. Paragraph (c) of § 107.813 is amended to eliminate an apparent but legally ineffective inconsistency with Pub. L. 95-507. Finally, §§ 107.103 and 107.1103 are amended to reflect the fact that Unincorporated Licensees may have individual general partners.

EFFECTIVE DATE: November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Peter F. McNeish, Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, (202) 653-6848.

SUPPLEMENTARY INFORMATION: Paragraph (a) of the definition of "Associate of a Licensee" now expressly includes an employee of a Licensee. This does not represent a substantive change in the status of employees of a Licensee since they had previously been considered persons controlled by a Licensee within the meaning of paragraph (d) of the definition.

Paragraph (a) of the definition of "Associate of a Licensee" is amended to include explicitly any Control Person (which term is hereafter defined and explained) of an Unincorporated (Limited Partnership) Licensee; and any Person serving as Investment Adviser or Manager of, or with respect to, a Licensee under contract with a Control Person of the Licensee. In this latter case, although an Investment Adviser or Manager may have no direct contractual relationship with the Licensee, yet there is a direct practical relationship and, accordingly, such a Person is considered the Investment Adviser/Manager of the Licensee and an Associate thereof.

Paragraph (a) is further amended to include only a person regularly serving the Licensee on retainer in the capacity of attorney at law. Even though an attorney at law may regularly provide legal advice and other services to the Licensee, it is more appropriate to view such an attorney as an outside contractor rather than as an "insider" of the Licensee unless the attorney is under retainer to provide legal services to the Licensee.

Paragraph (c) of the definition of "Associate of a Licensee" is amended to eliminate from the definition certain persons who generally have no direct relationship with the Licensee, but who have a relationship with other Associates. The persons affected are those whose only relationship with an Associate is that of a limited partner. For example, if A is the president of the Licensee and a partner in the partnership of A and B, B would have been considered an Associate of the Licensee solely by reason of his or her relationship with A. As a result of this amendment, B will no longer be considered an Associate if his or her relationship with A is only that of a limited partner or fellow limited partner. If A and B are both general partners, B remains an Associate of the Licensee.

It is important to note that B remains an "Associate of the Licensee" by reason of paragraph (b) of the definition if he or she owns as much as 10 percent of the Licensee's partnership capital, even though his or her relationship to the Licensee is ostensibly only that of a limited partner. Experience has shown that a person who controls a significant percentage of a partnership's capital can influence the operations of the partnership, even though he or she may be technically only a limited partner. This broad definition is necessary to prevent dereliction of duty by persons who control the business of a Limited Partnership Licensee as a matter of fact, although they are not technically general partners.

A new definition, that of "Control Person" is added to § 107.3. Generally speaking, a "Control Person" is one who controls a Limited Partnership SBIC, whether as a general partner, or by virtue of being an officer, director, or stockholder of a corporate general partner, even though such person may not be a general partner under local law. A "Control Person" is an "Associate of a Licensee," as is any Investment Adviser/Manager who contracts with a Control Person of a Licensee to serve as Investment Adviser/Manager of, or with respect to, the Licensee.

The regulation specifically covering Limited Partnership SBIC's, § 107.4, has been amended to permit individual general partners. Only a limited partnership or the legal equivalent under the law of any Territory or possession of the United States can be an Unincorporated Licensee. SBA has determined that a partnership *in commendam* is a limited partnership for the purposes of the Small Business Investment Act.

Two comments received by SBA requested that partnerships be permitted to serve as general partners of a Licensee. SBA agrees that it would be in the furtherance of the objectives underlying the change in the regulations to permit the general partners of a Licensee to enter into a general partnership agreement among themselves; but it should be understood that the general partners of a partnership that serves as a general partner of a Limited Partnership SBIC will, for all purposes, be considered by SBA to be general partners of the Licensee. Indeed, they are so defined in clause (1) of the definition of "Control Person" as set forth in § 107.4.

SBA will ignore any separate partnership relationship inter sese between or among the general partners of the Licensee and treat the general partners of the separate partnership as general partners of the Licensee. Consequently, since a corporate general partner of a Licensee must be one formed solely to serve as general partner of a Licensee, a separate partnership serving as a Licensee's general partner, that includes a corporation as a general partner, is effectively prevented from engaging in any business other than the management of the Licensee. No such restriction binds individual general partners of a Licensee.

Moreover, by ignoring separate partnership relationships between or among the general partners of a Licensee, the objective of administrative convenience is served insofar as it becomes unnecessary for SBA to draft regulations dealing separately with matters such as the Associate status of a general partner of a Limited Partnership SBIC.

As amended, § 107.4(b)(1) allows a Limited Partnership SBIC to have individual general partners in addition to, or instead of, the sole corporate general partner already permitted. If a Licensee does not have a corporate general partner, it must have at least two individual general partners at all times. Since the number of individual general partners may be reduced by such events as death or disability, the proposed regulation allows a Licensee a 60-day grace period during which it may function with only one individual general partner pending the appointment of new general partners and SBA's approval thereof. The requirement of at least two individual general partners is imposed to insure the continuity of the partnership's operation if one partner should become unable to manage the business and to insure that the partnership's property will be safeguarded by a "dual signature" restriction on the writing of checks and the withdrawal of securities, as contemplated by § 107.1103.

Applicants should be aware that there has been no change in the attitude of the Internal Revenue Service with respect to the partnership status (for tax purposes) of limited partnerships that have only a corporate general partner.

As amended, § 107.4(b)(2) applies only to corporate general partners. This amendment makes no change in the restrictions and obligations heretofore imposed on corporate general partners. It should be understood that a corporate general partner is for many purposes considered to be the Licensee, particularly with respect to any changes in its officers, directors, and stockholders; any change of control over a corporate general partner is, in effect, a change of control over the Licensee.

As amended, § 107.4(b)(3) is almost self explanatory. The requirement that the partnership have a duration of not less than 30 years is mandated by the language of Section 301(a) of the Act. The requirement that no general partner be subject to removal or replacement by the limited partners without SBA's prior written consent is intended to insure, first, that the general partners are not mere figureheads and, second, that any transfer of control over a Limited Partnership Licensee shall be subject to the same restrictions that SBA presently imposes on corporate Licenses.

Although § 107.4(c) is captioned "Obligations of a Control Person," the text of the regulation draws distinctions between those restrictions and obligations applicable to all Control Persons, and those applicable only to general partners. Restrictions and obligations applicable only to corporate general partners are set forth in paragraph (b)(2) for ease of reference, but any reference in § 107.4(c) to "all Control Persons" or "general partners" covers corporate general partners as well. All Control Persons are subject to the disciplinary provisions of sections 313 and 314 of the Act and are, by definition, "Associates of a Licensee" for all purposes, particularly including self-dealing under § 107.1004; and any Control Person commits an act of default on the Licensee's behalf by violating § 107.203(b)(4). All general partners are responsible for their Licensee's compliance with SBA regulations and the insolvency of any general partner constitutes an act of default on the Licensee's part. Only corporate general partners are required to keep records in the form prescribed by SBA and to make them available for routine examination.

As amended, § 107.103 is self-explanatory. The regulation extends to the Control Persons of a Limited Partnership SBIC the same disclosure requirements that presently apply to the officers, directors, and persons owning or controlling, directly or indirectly, 10 percent or more of the stock of a corporate SBIC.

As amended, § 107.1103 clarifies the "dual control" requirement as it applies to Limited Partnership SBICs.

The amendment of § 107.813(c) is of a technical, editorial nature. Pub. L. 95–507 raised the statutory minimum capitalization for a Licensee from $150,000 to $500,000 effective October 1, 1979.

Accordingly, pursuant to the authority of section 308 of the Small Business Investment Act of 1958, as amended, 15 U.S.C. 687, Part 107 of Chapter I, Title 13 of the Code of Federal Regulations is amended to read as follows:

1. Paragraphs (a), (b), (c) and (h) of the definition of "Associate of a Licensee," as set forth in § 107.3 are amended to read as follows:

§ 107.3 Definition of terms.

* * * * *

Associate of a Licensee. "Associate of a Licensee" means:

(a)(1) An officer, director, employee or agent of a corporate Licensee; (2) a Control Person, employee or agent of an Unincorporated Licensee; (3) a manager or Investment Adviser of any Licensee, which terms (manager or Investment Adviser) include any Person contracting with a Control Person of an Unincorporated Licensee to serve as manager or Investment Adviser to such Licensee, or (4) any person regularly serving a Licensee on retainer in the capacity of attorney at law; or

(b) Any Person owning or controlling, directly or indirectly, ten percent or more of any class of stock of a corporate Licensee or of the partnership capital of an Unincorporated Licensee;

(c) Any officer, director, partner, manager, or employee of any associate described in paragraphs (a) or (b): *Provided, however,* that subject to (b) above, a Person with no other relationship to any Associate described in paragraphs (a) or (b) but that of a limited partner shall not be considered an Associate of such Associate.

* * * * *

(h) A section 301(d) Licensee and a participant Licensee owning stock thereof, or securities evidencing a contribution to the partnership capital thereof, pursuant to § 107.813 as well as Associates of such section 301(d)

Licensee and such participant Licensee shall be deemed Associates of each other.

2. Section 107.3 is amended to add the following definition at the alphabetically appropriate place:

§ 107.3 Definition of terms.

* * * * *

Control Person. "Control Person" means (1) a general partner of an Unincorporated Licensee, including all general partners of a partnership serving as general partner of an Unincorporated Licensee; (2) any officer, director, agent or employee of a corporate general partner of an Unincorporated Licensee, including any corporation that is a general partner in a partnership serving as general partner of an Unincorporated Licensee; and (3) any Person owning 10 percent or more of the stock of a corporate general partner of an Unincorporated Licensee.

3. Sections 107.4 (b) and (c) are amended to read as follows:

§ 107.4 Limited Partnership SBICs.

* * * * *

(b) *Application.* The following requirements shall apply to an application submitted by or on behalf of a limited partnership:

(1) *Number of General Partners.* Unless the applicant has a corporate general partner, it shall not have fewer than two individual general partners initially and thereafter for not more than sixty days at any one time. Some or all of the general partners may be members of a separate partnership that serve as a general partner of such Licensee; but all general partners of such separate partnership shall be considered for all purposes to be general partners of the Unincorporated Licensee. A limited partnership may not serve as a general partner of an Unicorporated Licensee.

(2) *Corporate General Partner.* A corporate general partner shall be organized under State law solely for service as such and its Articles (which shall accompany the License Application) shall specify that no person shall serve as an officer or director without SBA's approval. No corporate general partner may serve as such for any other Licensee. The corporate capital of such general partner which is not invested in the Unincorporated Licensee shall be invested only as permitted by the last sentence of section 308(b) of the Act, pursuant to § 107.808, or in accordance with § 107.1004(c), or any of them. A corporate general partner is subject to the same examination and reporting requirements as a Licensee under section 310(b). The restrictions and obligations imposed upon a Licensee by §§ 107.203(b)(2) and (3)(iii) and by §§ 107.701, 107.703, 107.801, 107.802, 107.803, 107.806, 107.809, 107.901, 107.902, 107.903, 107.1101, 107.1102 and 107.1105 apply also to a corporate general partner of a Licensee.

(3) Articles of Partnership. The Articles shal be transmitted to SBA with the application and shall provide that (i) the partnership shall have a duration of not less than thirty years unless sooner dissolved by the partners; (ii) no general partner may be removed or replaced by the limited partners without prior written approval of SBA; and (iii) any transferee of, or successor in interest to, a general partner shall have only the rights and liabilities of a limited partner pending SBA's written approval of such transfer of succession.

(c) *Obligations of a Control Person.* All control persons are bound by the disciplinary provision of sections 313 and 314 of the Act and by the conflict-of-interest rules under section 312 of the Act. The term "Licensee," as used in §§ 107.702, 107.801, and 107.1105 includes a Control Person of a Licensee. The term "Licensee" as used in § 107.1203 includes only a general partner. The events of default specified in §§ 107.203(b)(1)(ii), (iii) and (iv) and in § 107.203(b)(2) shall apply to all general partners; the events of default specified in § 107.203(b)(4) shall apply to all Control Persons. The events of default enumerated in the preceding sentence shall be deemed to have been agreed to by the Unincorporated Licensee.

§ 107.4 [Amended]

4. Section 107.4 is further amended by the deletion of paragraph (d) thereof and the redesignation of present paragraphs (e) and (f) as (d) and (e), respectively of the amended regulation.

5. Section 107.103 is amended to read as follows:

§ 107.103 Public notice.

SBA shall publish notice of the license application in the **Federal Register**. It shall include such appropriate information as the name and location of the proposed Corporate Licensee, its areas of operation, the names and addresses of its officers, directors, and owners of or persons controlling 10 or more percent of its voting stock; and in the case of an Unincorporated Licensee, its name, location, and areas of operations, and the names and addresses of its Control Persons. If any Control Person is a corporation, the notice shall set forth the names and addresses of any officers, directors, and owners of, or persons controlling 10 percent or more of the stock of such corporate general partner. In the case of an Unincorporated Licensee, the notice shall also include the name and address of each owner of 10 percent or more of the Licensee's Private Capital. The public shall be afforded reasonable opportunity for the submission of written comments. The proposed Licensee shall publish a similar notice in a newspaper of general circulation in the city or proposed area of operation, and shall furnish a certified copy to SBA within 10 days of the date of publication.

6. Section 107.1103(b) is amended to read as follows:

§ 107.1103 Internal control.

* * * * *

(b) *Dual control.* Licensees shall maintain dual control over disbursements of funds and withdrawal of securities. Disbursements shall be made only by checks requiring two or more signatures. In the case of a Corporate Licensee, the signature of two or more officers shall be required. In the case of an Unincorporated Licensee, checks shall require the signature of two or more general partners, or two or more officers of a corporate general partner. Notwithstanding the foregoing requirement, checks in the amount of $1,000 or less may be signed by one officer of a Corporate Licensee by one general partner of a Licensee. Two or more officers of a corporate Licensee, or one officer and one employee shall be required to open safe deposit boxes or withdraw securities from safekeeping. Two or more General Partners, or two or more officers, or one officer and one employee of a Corporate General Partner shall be required to open safe deposit boxes or withdraw securities from safekeeping: *Provided, however,* That an employee of the Licensee may be substituted for any of the persons described in this sentence. Licensees shall furnish to each depository bank and custodian a certified copy of its resolution or other formal act implementing the foregoing control procedures.

§ 107.813 [Amended]

7. Section 107.813(c) is amended by deleting "$150,000" in the phrase "the statutory minimum capital of $150,000" and substituting "$500,000."

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: October 27, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-34404 Filed 11-3-80; 8:45 am]

BILLING CODE 8025-01-M

13 CFR Part 108

[Amendment 11]

Loans to State and Local Development Companies; Interest Rates for State Development Companies

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The regulation, as revised, removes the interest rate ceiling of 8 percent on Section 501 loans to state development companies and establishes a rate structure that is consistent with SBA's other loan programs, and realistically reflects the cost of money as established by the U.S. Treasury. SBA's proposed rule was published May 13, 1980, and provided for a 60 day comment period. This final rule takes into consideration the responses to the proposed rule.

EFFECTIVE DATE: November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Alan B. Abraham, Financial Analyst, Neighborhood Business Revitalization, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, (202) 653–6470.

SUPPLEMENTARY INFORMATION: SBA received only two (2) written comments to its proposed rule. One comment supported the change, the other opposed it due to the added cost to state development companies. These comments have been taken into consideration. However, we fell this change is appropriate in that it realistically reflects the changed economic conditions since the 8 percent ceiling for Section 501 loans was originally established in 1969, and provides for flexibility in the future.

Pursuant to authority contained in Section 308(c) of the Small Business Investment Act of 1958 (SBI ACT), 15 U.S.C. 687, it is proposed to amend Part 108 of Title 13, CFR, as follows (108.501–1 (f)).

§ 108.501–1 [Amended]

Paragraph (f) is amended to read as follows:

* * * * *

(f) Interest Rate. The rate of interest of Section 501 loans to state development corporations shall be a rate determined annually by the Administrator consistent with the rate set for business loans, 15 USC s 636(a).

(Catalog of Domestic Assistance Programs No. 59.013 State and Local Development Company Loans)

Dated: October 29, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80–34403 Filed 11–03–80; 8:45 am]

BILLING CODE 8025–01–M

CIVIL AERONAUTICS BOARD

14 CFR Part 204

[Reg. ER–1202; Amdt. No. 2 to Part 204]

Data To Support Fitness Determinations

AGENCY: Civil Aeronautics Board.

ACTION: Interpretative amendment.

SUMMARY: The CAB is amending its fitness data requirements (Part 204) for commuters to exclude Alaskan mail carriers that are not engaged in scheduled passenger service or designated as essential air service carriers. This rulemaking is at the Board's own initiative.

DATES: Adopted: October 29, 1980. Effective: October 29, 1980.

FOR FURTHER INFORMATION CONTACT: Patricia Szrom, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–5088.

SUPPLEMENTARY INFORMATION: The CAB, by ER–1180, 45 FR 42593, June 25, 1980, imposed on passenger air carriers new data submission requirements for fitness determinations (14 CFR Part 204). In addition to other carriers, Part 204 applies to all commuter air carriers (1) engaged in scheduled passenger service at an eligible point on either an essential and non-essential air service basis, and (2) engaged in the transportation of mail in Alaska. Our intent in including Alaska mail carriers in the fitness rule was to make it clear that all air taxis and commuters operating in Alaska had to be found fit if they were providing scheduled passenger service, or if they were designated by the Board as an "essential air service carrier" under section 419 of the Federal Aviation Act carrying either passengers or mail. Alaska is the only State in which essential air service includes mail as well as passenger operations.

Several Alaskan carriers carry mail exclusively but have not been designated essential air service carriers under section 419 of the Act. As it is now written, § 204.2(d)(2) would be construed to include these carriers. We did not intend that the fitness rule should apply to carriers not engaged in scheduled passenger service or essential air service for mail or passengers. We are therefore eliminating Alaskan mail carriers from the definition of "commuter air carrier".

Since this amendment is interpretative in nature and removes a restriction, we find that notice and comment are unnecessary, and that good cause exists for an immediate effective date.

Accordingly, the Board amends 14 CFR Part 204, *Data to Support Fitness Determinations,* as follows:

Authority citation [Amended]

1. The authority citation for Part 204 is:

Authority: Secs. 204, 401, 407, 419 of Pub. L. 85–726, as amended, 72 Stat. 743, 754, 766; 92 Stat. 1732; (49 USC 1324, 1371, 1377 and 1389).

2. In § 204.2 paragraph (d) is revised to read:

§ 204.2 Definitions.

* * * * *

(d) "Commuter air carrier" means an air taxi operator which engages in the transportation of passengers and which performs at least five round trips per week between two or more points and publishes flight schedules which specify the times, days of the week and places between which the flights are performed.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–34372 Filed 11–3–80; 8:45 am]

BILLING CODE 6320–01–M

14 CFR Part 323

[Procedural Regs. Amdt. No. 3 to Part 323 Docket: 38197; Reg. PR–225]

Terminations, Suspensions, and Reductions of Service

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB makes technical changes to its rule governing the notice airlines must file if they want to terminate, suspend, or reduce service at a point. This action is taken in response to a petition from Delta Air Lines.

DATES: Adopted: October 29, 1980. Effective: November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202–673–5408.

SUPPLEMENTARY INFORMATION: 14 CFR Part 323 requires airlines to notify the Board and the community involved prior to terminating, suspending, or reducing service. Delta Air Lines filed a petition

for rulemaking seeking several changes in the way the Board handles notices under that part. Answers in support of the petition were submitted by Ozark Air Lines, Braniff Airways, Eastern Air Lines, Republic Airlines, United Airlines, and USAir. These airlines sought to limit the circumstances when termination notices must be filed and to reduce the contents of those notices and the number of people who must be served with them. The focus of their concern was the burden of the 60-day notices required by section 401(j)(2) of the Act, which a carrier must file whenever it wants to terminate the last nonstop or single-plane service in a market.

The petitioner's primary request was that airlines terminating single-plane service be exempted from the 60-day notice filing requirement when the flight being terminated stopped at a "connecting hub" and the service from the two points affected to that hub would not be "changed substantially." It defined a connecting hub as an FAA-designated medium or large hub that is used by the carrier "as a connecting complex for flights from a number of cities by scheduling those flights to arrive at the connecting hub within a short span of time, permitting passengers to make connections and depart again within a short span of time." The petitioner did not define what qualified as a "short span of time" nor did it elaborate on how the Board was to judge whether service from the two points to the connecting hub would be "changed substantially." Delta portrayed such an exemption as a way to reduce carrier costs and the Board's administrative burden and a benefit to carriers that operate hub-and-spoke systems. It also pointed out that an exemption here would eliminate needless civic concern over schedule changes of little overall impact to the community. It considered the impact to be small because single-plane service stopping at a medium or large hub does not, in its view, affect a substantial number of passengers, and because it considered connecting service at these hubs to be more useful than the single-plane service being terminated.

In their answers, USAir and Ozark added that carriers should also not be required to file 60-day notices when they are suspending single-plane service that has two or more stops or suspending non-stop or single-plane service that is not essential air service.

The Board has decided not to amend Part 323 to further limit the circumstances when 60-day notices must be filed. We have already exempted carriers from the filing requirements of that part when the service to be discontinued is operated less than 4 days per week or with three or more stops (§ 323.8). To go further would risk undermining the statutory scheme. Section 401(j)(2) does not contemplate connecting service as an equivalent for non-stop or single-plane service. Neither is it meant to apply only when essential air service is affected, as Ozark suggested. Terminations that affect essential air service are governed by section 401(j)(1).

We do not consider Delta's suggestion to be a step toward easing the problems of compliance with Part 323. It would require subjective judgments about the degree to which service has changed and the quality of the connecting opportunities available. This would generate disputes between the parties as to when notices must be filed.

Delta and Braniff argued for the elimination of several items that now must be included in termination and suspension notices. These were: the list of other carriers serving the point (§ 323.4(a)(3)), the addresses of all parties served with the notice (§ 323.3(a)(7)), the statement in the 60-day notice whether the filing carrier is a certificated carrier (§ 323.4(a)(2) and (b)), and the statement in the 60-day notice whether there will be any nonstop or single-plane service left in the market (§ 323.4(a)(4)(iii) and (b)). They viewed these requirements as serving only to add unnecessary detail to the notices.

Several airlines also asked that the service requirements for these notices be reduced. Delta and Braniff stated that termination notices should not have to be served on all carriers at all points where service is to be suspended. In Delta's view, only carriers serving the smaller of the two communities need be served. United suggested that only carriers serving small hubs or non-hubs affected by a notice need be served with it. USAir disagreed and favored the current rule, because it found this service requirement to be a simple means of learning about discontinued flights of other carriers and available market opportunities.

In addition, Braniff suggested that termination notices need not be filed on the U.S. Postal Service or the field offices of the Board's Office of Community and Congressional Relations (OCCR). Ozark stated that carriers should be required to serve these notices on commuters only where the suspension will affect essential air service at a point. Delta asked that the requirement that the notice be served on the civic parties by registered or certified mail be eliminated. It considered this requirement to be unnecessary and expensive.

We are mindful of the effect of the requirements of Part 323 on carrier operations. We have therefore reviewed the requirements questioned by the petitioner and its supporters and modified or eliminated those that do not appear to be necessary. Nevertheless, we consider the remainder to be important in ensuring that the parties affected by service cutbacks are aware of the situation and have the information needed to respond. The parties affected include not only the communities concerned but also other carriers and government agencies involved. For that reason, we reaffirm the requirement that suspension notices be served on the Postal Service and the OCCR field office. We will also continue to require service on other carriers, both certificated and commuter carriers, but will adopt United's suggestion that this requirement be limited to those serving a small hub or non-hub that is affected by the notice. Designation of non-hubs and small hubs is based on FAA statistics on average annual enplanements. In most cases, this will also have the effect of eliminating the need for an air carrier that is suspending service to a foreign point to serve any other carrier. Service on the community and the U.S. Secretary of State would, however, still be required.

We are also retaining the provision that service on civic parties be by registered or certified mail. Since failure to object in time may cost a community its opportunity to stop the proposed service reduction, there must be absolute certainty that notices have reached *all* interested parties.

We are amending § 323.4 to make two technical changes that were suggested. The requirement that a carrier state in a 60-day notice whether it is certificated is being eliminated, since 60-day notices are filed only by certificated carriers. We are also dropping the requirement in § 323.4(a)(7) that carriers list the addresses of other carriers served with the notice. The addresses of the civic parties would, however, still have to be included by the carrier on its service list. Although the airport manager and local governmental units at a community will typically be aware of each others' addresses, they may not know where to contact their counterparts at the other point affected by the notice. The carrier serving both these points is in the best position to know, and it may be helpful to the civic parties for it to supply that information.

We are not granting the request to eliminate from the notice the list of other

carriers serving the point. This list aids the communities in securing replacement service by informing them which carriers are most readily available to fill the service gap. We will also continue to require carriers to state in their 60-day notice whether the route will be left without nonstop or single-plane service. There are some cases where the last nonstop service is being suspended while single-plane services remain. We view the continuation of this statement as helpful to some parties.

All of the petitioner's requests that were not specifically granted here are denied. Most of the changes it and its supporters sought involved the 60-day notices. These will be eliminated at the end of 1981, little more than a year from now. Until that time, we find that the information these notices provide to us and the communities should be retained.

Since this rule is procedural in nature and relieves restrictions, the Board finds that notice and public procedure thereon are unnecessary and that it may take effect immediately.

Accordingly, the Board amends 14 CFR Part 323, *Terminations, Suspensions, and Reductions of Service,* as follows:

PART 323—TERMINATIONS, SUSPENSIONS, AND REDUCTIONS OF SERVICE

Authority Citation [Amended]

1. The authority citation for Part 323 reads as follows:

Authority: Secs. 204, 401, 416, 419 of Pub. L. 85–726, as amended, 72 Stat. 743, 92 Stat. 1710, 1731, 1732, (49 U.S.C. 1324, 1371, 1386, 1389).

2. In § 323.4, paragraph (a)(7) and (b) are revised to read:

§ 323.4 Contents of notice.

(a) * * *

(7) Proof of service upon all persons specified in § 323.7(a). The proof of service shall include the names of all carriers served and the names and addresses of all other persons served.

(b) The notice required under § 323.3(b) shall contain, for each of the directly affected points, the information specified in paragraph (a) of this section except that the statement whether the filing carrier is a certificated or an uncertificated carrier need not be submitted.

* * * * *

3. In § 323.7, paragraphs (a)(6) and (b)(5) are revised to read:

§ 323.7 Service of notices.

(a) * * *

(6) Each air carrier providing scheduled service to a non-hub or FAA-designated small hub that is directly affected by the notice.

* * * * *

(b) * * *

(5) Each air carrier providing scheduled air transportation at any non-hub or FAA-designated small hub that is directly affected by the notice.

* * * * *

4. Section 323.9(b)(7) is revised to read:

§ 323.9 Objections to notices.

* * * * *

(b) * * *

(7) Proof of service on the carrier filing the notice objected to, on all airport managers and State and local governments on whom the notice was filed, and any other person designated by the Board. The proof of service shall include the names of all carriers served and the names and addresses of all other persons served.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–34373 Filed 11–3–80; 8:45 am]

BILLING CODE 6320–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1214

Space Transportation System; Use of Small Self-Contained Payloads

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This rule establishes conditions of use, reimbursement procedures, and flight scheduling mechanisms for small self-contained payloads (SSCP) flown on NASA's Space Transportation System (STS). The rule is needed to ensure equitable allocation of space in the SSCP program to three groups of users—educational, commercial and governmental.

EFFECTIVE DATE: November 4, 1980.

ADDRESS: Office of Space Transportation Operations, National Aeronautics and Space Administration, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Donna Miller, Telephone 202–755–2427.

SUPPLEMENTARY INFORMATION: On December 21, 1979, a document was published in the **Federal Register** (44 FR 75656–75659) proposing rules concerning the use of small self-contained payloads (SSCP's). Interested persons were given until February 19, 1980, to submit written comments, suggestions, or objections. In addition, two presentations were given by NASA to prospective users, from which further comments were noted.

Full and careful consideration was given to all comments received. In view of these comments, a number of substantive and editorial changes have been made in the proposed rules. A second comment period is not provided and this rule is the final rule.

The greatest number of comments concerned the price for standard services. The initial policy governing the SSCP program (Subpart 1214.1) established a maximum price for standard services of $10,000 in 1975 dollars. The price cited in the proposed rule, while consistent with the original statement, reflected a significant increase in real-year dollar amount. Furthermore, an additional price increment was proposed for flights of 7 or more days' duration. NASA agrees with the commenters that the proposed pricing rule could have a significant adverse impact on small experimenters. Accordingly, § 1214.904(b)(2) has been modified so that the maximum price for standard services in the first three full fiscal years of STS operation is now fixed at $10,000 in real-year dollars and the additional premium for longer duration flights has been deleted.

The availability of certain optional services concerned several commenters. Since the proposed rule was silent on specific services, the availability of deployment from the Shuttle, openable lids and/or windows on the container, or last-minute access to the experiment were identified as crucial for some users. While NASA recognizes that these are legitimate needs for some types of experiments, it must also consider the nature of the SSCP program and its relation to the safe and efficient operation of the Space Transportation System. Responding in part to comments, NASA has added § 1214.912 under which NASA is to develop and make available, at some future date, openable lids and optical windows for SSCP's. It is possible, at some later date, that NASA may provide last-minute access and a deployment capability. Such activities will not, however, be undertaken before substantial flight operating experience is obtained, and potential users should not plan experiments requiring these services until futher notice. Potential users of the openable lid or the optical windows are advised that the use of these optional services may involve substantial efforts

on the part of NASA at a price which may range up to many times the price for standard services. Further, use of these services may place much more severe restrictions on package design (e.g., safety, electromagnetic radiation, outgassing of materials) and on the availability of flights compatible with the user's need.

The proposed rule identified three classes of users (educational, commercial, and U.S. Government) and included a rotation sequence among these classes for scheduling purposes. Some commenters objected to the rotation sequence on the basis of conflict with the first-come, first-served implication in earlier discussions. NASA does not concur with this objection since the rotation sequence will assure access by diverse groups of users and is consistent with the intent of the SSCP program. The class designations and rotation sequence are retained (§ 1214.905(h)).

To prevent any particular user from reserving a substantial block of consecutive flight assignments to the detriment of others within a given class, the proposed rule contained a provision restricting such flight scheduling to one assignment in eleven (all classes combined) (§ 1214.905(i)(3)). Commenters suggested that this restriction could impose additional travel costs for some users and suggested the deletion of this provision. In NASA's opinion, the rationale of the one-in-eleven rule is valid; however, to lessen the impact on travel expenses for users, the rule has been modified (§ 1214.905(j)(2)) to permit two flight assignments for a given user in a given class in each block of 20 assignments. Although each payload must still satisfy the class rotation sequence for its tentative flight assignment, the rule now permits the user to specify that two payloads be flown on the same flight as a dual payload (§ 1214.905(d)(3)). If the user so specifies, NASA will fly the two payloads together, although this additional requirement may result in scheduling delays. No interconnection between the two payloads is permitted and NASA does not guarantee that they will be located close to each other in the Shuttle cargo bay. If the dual requirement is not specified, but two of a user's payloads are adjacent in the flight assignment queue, the payloads may still be assigned to a single flight but NASA has no obligation to assure that this happens.

Some commenters objected to the inclusion of U.S. Government users in the class rotation sequence of § 1214.905(h), pointing out that these users enjoy an unfair advantage over others who submitted earnest money payments at an earlier date. NASA disagrees, since U.S. Government users were not included in earlier proposals concerning the SSCP program and were therefore precluded from submitting letters of intent at that time. The rule is therefore not modified.

Several commenters were of the opinion that the proposed reimbursement schedule of § 1214.904(b) in the proposed rule required too much money at the signing of the launch services agreement. NASA concedes that the proposed schedule could be a hardship for the users whose payloads will not be ready for flight for several years. Consequently, the payment schedule has been revised substantially. Similarly, comments were received which pointed out the difficulty of providing certain payload information at the time of signing of the launch services agreement as required by § 1214.905(e). To alleviate this problem, NASA will require only a minimum of pertinent payload data at the time of signing. If the user so desires, the submission of the remaining information can now be deferred to 18 months before the user's earliest acceptable launch date. However, to assure prompt and reasonable action on the part of the user, a schedule for defining payload information has been established in § 1214.905(d), and failure to meet this schedule has been defined to be a postponement in § 1214.904(c)(1). Similarly, to protect NASA from protracted and unproductive negotiations in regard to the deferred information, § 1214.905(e) has been added. NASA may terminate further negotiation if, in NASA's opinion and after reasonable negotiation, the deferred payload information is still unacceptable and is likely to remain so. Such an event will be treated at a cancellation by the user and the cancellation fee of § 1214.904(d) shall be levied.

With regard to the reflight guarantee contained in § 1214.907 of the proposed rule, two objections were expressed by several commenters. The first objection took issue with the attainment of mission orbit as the sole criterion of a successful flight, while the second objection was voiced over the implication of only one reflight regardless of cause. With respect to the first of these objections, the rule remains unchanged to be consistent with the attached-payload provisions of § 1214.103(a)(2). On the other point, NASA agrees that the single reflight provision similar to that of § 1214.103(a) may be inappropriate for SSCP users because there is no provision for the user to purchase reflight insurance. Thus, in the unlikely event of consecutive unsuccessful launch attempts, the user would be completely removed from the flight assignment queue and would be forced to reenter the program at a very substantial time penalty in addition to monetary loss. Accordingly, the number of reflight attempts is not limited in the final rule.

A number of commenters desired expansion of this program in one form or another, e.g., lifting certain restrictions on use, or providing expanded standard and/or optional services, or providing more user control of scheduling. NASA rejects these suggestions on the grounds of incompatibility with the essence of the program, which is to provide low-cost access to space for scientific endeavors.

Changes were made in § 1214.905(b)(2) and § 1214.910, respectively, to clarify scheduling procedures and to provide for users who submitted letters of intent rather than paid earnest money.

Responding to commenter's concerns, NASA has modified § 1214.904(c)(1)(i) and § 1214.905(b)(4) to protect the user against undue administrative delay on the part of NASA in the contracting process, but these provisions are not intended to protect the user from delays caused by the parties' inability to agree to contract terms and conditions.

PART 1214—SPACE TRANSPORTATION SYSTEM

1. 14 CFR Part 1214 is amended by adding a new Subpart 1214.9 reading as follows:

Subpart 1214.9—Use of Small Self-Contained Payloads

Sec.

1214.900 Scope.
1214.901 Relation to Subparts 1214.1 and 1214.2.
1214.902 Definitions.
1214.903 Conditions of use.
1214.904 Reimbursement policy.
1214.905 Flight scheduling.
1214.906 Transfer of ownership, apportionment and assignment of services.
1214.907 Reflight guarantee.
1214.908 Patent and data rights.
1214.909 Damage to payloads.
1214.910 Special provisions for users who made earnest money deposits or submitted letters of intent prior to publication of this subpart.
1214.911 Small self-contained payload standard services.
1214.912 Small self-contained payload optional services.

Authority: Sec. 203, Pub. L. 85–568, 72 Stat. 429, as amended (42 U.S.C 2473).

Subpart 1214.9—Use of Small Self-Contained Payloads

§ 1214.900 Scope.

This Subpart sets forth the policy on Space Transportation System (STS) services which are provided by NASA to users of small self-contained payloads (SSCP's).

§ 1214.901 Relation to Subparts 1214.1 and 1214.2.

This Subpart governs the provision of STS services for SSCP's and Subparts 1214.1 and 1214.2 are not applicable.

§ 1214.902 Definitions.

(a) U.S. Government users are defined as all agencies of the U.S. Government, including NASA.

(b) SSCP's are small (200 pounds or less and 5 cubic feet or less) scientific research and development payloads flown on a space-available basis in a NASA-supplied standard container under the provisions of this Subpart. Such payloads may be composed of one or more experiments in the same container.

(c) Classes of SSCP's are defined as follows:

(1) Class I payloads are payloads flown for scientific educational purposes by a recognized educational institution or in support of a recognized broad-participation scientific educational process (e.g., science fairs). Users with Class I payloads are encouraged to publish results of their work in the open literature.

(2) Class II payloads are payloads that do not come under the Class I definition and are flown by users other than U.S. Government users. A multiclass payload containing a Class II experiment will be considered a Class II payload.

(3) Class III payloads are payloads flown by U.S. Government users that do not come under the Class I definition. A multiclass payload containing Class I and III experiments only will be considered a Class III payload.

(d) A small self-contained payload user is an individual or entity that has either signed a launch services agreement with NASA or is eligible to enter into negotiations to do so on the basis of payment (by the user or others) of earnest money to NASA (or, in the case of a U.S. Government user, has submitted a letter of intent). If more than one individual or entity enters into a joint venture or other arrangement to fly their experiments in one NASA container, one individual or entity shall be designated by them as their agent. This agent shall be the sole "user" for that payload, with full authority to represent every individual or entity which has an interest in that container.

(e) Standard services provided to all SSCP users are listed in § 1214.911.

(f) Optional services are additional services provided to individual users at the request of the user and at the discretion of NASA.

(g) Dual payloads are two SSCP's belonging to the same user for which the user has specified, in the launch services agreements, a requirement that they be flown on the same flight. Each of the payloads shall be completely autonomous and no interconnection of dual payloads shall be permitted.

(h) Undue administrative delay on the part of NASA is defined as a delay caused by NASA's failure to perform its administrative functions in the contracting process in a reasonable time, as determined by NASA. Delays caused by the parties' inability to agree to contract terms and conditions are specifically excluded from this definition.

§ 1214.903 Conditions of use.

(a) Users' payloads must be flown in a NASA-supplied standard container.

(b) SSCP's shall be used only to conduct experiments of a scientific research and development nature.

(c) All users shall be required to furnish NASA with sufficient information to ensure Shuttle safety. NASA shall reserve the right to inspect and/or test any and all materials, components, and elements of the payload at any time.

(d) All users shall be required to furnish NASA with sufficient information to verify peaceful purposes and NASA's and the U.S. Government's continued compliance with law and the Government's obligations.

(e) NASA shall reserve the right to reject any payload which, in the opinion of the NASA Administrator, would be contrary to the spirit of this program or NASA's mission.

(f) To assure humane treatment, all experiments using live animals must have the approval of the Life Sciences Division, Office of Space Science, NASA Headquarters.

§ 1214.904 Reimbursement policy.

(a) *Earnest money.* (1) Earnest money shall be paid to NASA by users (except U.S. Government users) with Class I or Class II payloads prior to launch services contract negotiations. The earnest money, which will be $500 per payload, shall be applied to the user's price or retained by NASA.

(2) U.S. Government users shall submit a letter of intent, signed by an authorized party, to initiate the process of contracting for an SSCP flight.

(b) *Reimbursement by non-NASA users.* (1) All users shall be charged on a fixed-price basis.

(2) The price shall remain fixed for all payloads covered by launch services agreements signed through the third full fiscal year of STS operations. During this period, the price for standard services shall be as designated below.

Maximum Payload for Standard Services

Weight, pounds	Volume, cubic feet	Price
200	5.0	$10,000
100	2.5	5,000
60	2.5	3,000

(3) Subsequent to the first three full fiscal years, NASA may annually adjust the prices for the flight of SSCP's. Such adjustments shall not affect launch services agreements already in force.

(4) NASA shall be reimbursed an amount which is the sum of the price for standard services and the price for optional services.

(5) A separate launch services agreement shall be signed for each payload. At the time a launch services agreement is signed, the user shall reimburse NASA 10% of the price for standard services. This reimbursement shall be in addition to any earnest money already paid.

(6) The user shall reimburse NASA an additional 40% of the price for standard services at the later of:

(i) The time of signing of the launch services agreement, or

(ii) Eighteen months before the earliest acceptable launch date for the payload.

(7) The balance of the reimbursement for standard services, less earnest money payments, shall be made on the date designated for delivery of the payload to the launch site.

(8) Payment for any optional services shall be due on receipt of NASA's billing and shall be made prior to NASA's provision of the service.

(c) *Postponement.* (1) A postponement by the user shall be defined to occur if the user:

(i) With no undue administrative delay on the part of NASA, fails to execute the addendum to the launch services agreement described in § 1214.905(d) either at the time of signing of the launch services agreement or by 18 months before the earliest acceptable launch date, whichever is later; or

(ii) Refuses to accept a tentative flight assignment which, in NASA's judgment, meets the user's stated needs; or

(iii) Fails to deliver the payload to the launch site by the designated time; or

(iv) Declines or is unable to fly the payload on a given flight after having accepted a tentative flight assignment; or

(v) Requests a delay in the earliest acceptable launch date for payload. (Only changes to later dates shall be permitted.)

(2) *Postponement fees for non-NASA users.* (i) Users who postpone the flight of a payload shall reimburse NASA a postponement fee which is the sum of the estimated cost of optional services to be repeated and a fee for standard services.

(ii) A user may postpone the flight of a payload once without incurring a fee for standard services.

(iii) If the second and subsequent SSCP user-initiated postponements occur before the date designated for payload delivery to the launch site, the fee for standard services shall be 5% of the price for standard services. If the second and subsequent user-initiated postponements occur on or after the date designated for payload delivery to the launch site, the fee for standard services shall be 20% of the price for standard services.

(iv) Postponement fees shall be payable on receipt of NASA's billing.

(3) *Rescheduling after a postponement by the user.* Rescheduling of a payload after a user postponement shall be accomplished by establishing a new earliest acceptable launch date. A rescheduled payload shall retain its original position in the flight assignment queue awaiting tentative flight assignment.

(4) A user may not postpone after the container is installed in the Shuttle.

(d) *Cancellation fees for non-NASA users.* (1) Users who cancel the flight of a payload shall reimburse NASA a cancellation fee which is the sum of the estimated cost of optional services performed by NASA prior to the notification of cancellation, including any cancellation costs, and a fee for standard services. In addition, NASA shall retain the earnest money paid for the payload.

(i) If a user cancels after signing a launch services agreement but before the date designated for payload delivery to the launch site, the fee for standard services shall be 10% of the user's standard services price.

(ii) If a user cancels on or after the date designated for payload delivery to the launch site, the fee for standard services shall be 50% of the user's standard services price.

(2) A user may not cancel after the container is installed in the Shuttle.

(3) If flight of a payload which has been previously postponed is cancelled, the cancellation fee shall be the larger of the cancellation fee which would have been applicable at the time of any prior postponement or the cancellation fee calculated at the time of cancellation.

(4) Cancellation fees shall be payable on receipt of NASA's billing.

§ 1214.905 Flight scheduling.

(a) NASA receipt of the user's earnest money or letter of intent for one or more payloads shall be the basis for defining the payload(s) position in a temporary queue designated as the earnest money queue.

(b) Signing of a launch services agreement shall enter the payload covered by the agreement into a flight assignment queue. The payload's position in this queue is determined as follows:

(1) If a launch services agreement is signed within 18 months after NASA receipt of earnest money or letter of intent, the payload shall remain ahead of all payloads that entered the earnest money queue later than it did.

(2) If the launch services agreement is not signed within 18 months after NASA receipt of earnest money or letter of intent, the earnest money date shall be redefined to be 18 months before the date of the launch services agreement signing.

(3) If the user changes a payload's user class designation after signing a launch services agreement, the earnest money payment date shall be redefined to be the date of the user class change.

(4) The 18-month periods defined in § 1214.905(b)(1) and § 1214.905(b)(2), shall be extended to the extent that the user's failure to sign the launch services agreement is a result of undue administrative delay on the part of NASA.

(c) At the time of signing, the launch services agreement shall designate:

(1) The user class of the payload.

(2) The general nature of the payload.

(3) The size and weight of the payload.

(4) The price for standard services to be provided.

(5) The earliest acceptable launch date as selected unilaterally by the user.

(d) Not less than 18 months before the user's earliest acceptable launch date or at the signing of the launch services agreement, whichever is later, an addendum to the launch services agreement shall be signed by NASA and the user. The addendum shall designate:

(1) Any apportionment or assignment of the payload.

(2) A description of the payload.

(3) Any restrictions on the type of Shuttle flight appropriate for flying the payload, including any firm requirement to fly on a single flight as a dual payload with one other of the user's payloads.

(4) The optional services to be provided by NASA and the price of those services.

(5) The means of compliance with the provisions of § 1214.908 regarding significant impact on public health, safety or welfare.

(e) If, after attempting to negotiate with the user, it is NASA's opinion that the parties will be unable to agree on the terms of the addendum, NASA may terminate further negotiations. This event will be considered a cancellation by the user and the provisions of § 1214.904(d) shall apply.

(f) NASA shall not be obligated to perform any standard or optional services, including flight scheduling, prior to the signing of the addendum to the launch services agreement.

(g) Approximately 1 year before a planned Shuttle launch, NASA shall estimate the number of spaces available for SSCP's, make tentative flight assignments, and establish dates for payload delivery to the launch site.

(h) Payload tentative flight assignment shall be made on a rotation basis by user class. The continuing rotation sequence by class shall be II, I, II, III. If no payloads of a given class are available at the time of tentative flight assignment, a payload of the next class in the rotation shall be assigned to the available space.

(i) When making tentative flight assignments, NASA shall consider only those payloads whose earliest acceptable launch dates are on or before the Shuttle "firm launch data" as defined in § 1214.102(c)(2). (Shuttle flights normally occur on the "firm launch date" or within 60 days thereafter.)

(j) Users' payloads shall be assigned on the basis of their positions in the flight assignment queue within each class with the following exceptions:

(1) If the available flight does not meet the user's requirements defined pursuant to § 1214.905(d)(3), the payload shall not be assigned to the flight but shall retain its position in the flight assignment queue until a sutiable flight becomes available.

(2) A single user may receive tentative flight assignments for no more than two payloads in the same class out of any group of 20 payloads assigned (all classes combined) if there are other payloads available for assignment. However, all the provisions of this Subpart shall apply individually to each payload.

(3) Dual payloads shall become eligible for tentative flight asssignment when the latter of the two payloads becomes eligible for tentative flight assignment in the class rotation sequence. If only one space is available on the flight under consideration, a payload of the next available class in the rotation sequence shall be assigned and the dual payloads shall both be assigned to the next compatible flight, provided that the requirements of § 1214.905(j)(2) and § 1214.905(m) are maintained.

(k) Once an SSCP has been given a tentative flight assignment, it shall not be bumped from a flight as a result of another SSCP user's subsequent signing of a launch services agreement or another SSCP user's postponement.

(1) An SSCP tentatively assigned to a flight may be bumped by NASA as a result of other Shuttle operational considerations. Should this be necessary, bumping shall be done on a last-on, first-bumped basis. If either of a pair of duel payloads is bumped, the remaining payload of the pair shall also be bumped.

(m) Payloads being reflown pursuant to § 1214.907 and payloads bumped by NASA after tentative flight assignment shall have flight assignment priority, in that order, on subsequent flights over all other SSCP's including those already assigned to other flights.

(n) The date for payload delivery to the launch site shall normally be 2 months before the Shuttle "firm launch date." However, NASA may designate a later date.

(o) Users shall not use third-party or joint venture arrangements to attempt to circumvent the intent of this paragraph.

§ 1214.906 Transfer of ownership, apportionment and assignment of services.

(a) Prior to the signing of a launch services agreement, users shall be permitted to transfer, to a third party, ownership of the eligibility to enter into negotiations with NASA for the flight of a small self-contained payload, subject to NASA approval of the transfer.

(b) Transfer of ownership shall not result in a change in position in the earnest money queue.

(c) Subject to NASA approval, SSCP users shall be permitted to apportion and assign services to others.

(d) U.S. Government users shall not transfer to others the eligibility to negotiate a launch services agreement.

(e) NASA shall negotiate with only one responsible person or entity for the use of each NASA container. At the time the launch services agreement is negotiated, the user shall identify a single payload manager for the entire payload to be flown in the container. At the time the addendum to the launch services agreement is signed, the user shall identify any apportionment or assignment of services. After the addendum to the launch services agreement is executed, no additional apportionment, assignment, or transfer of ownership shall be permitted without the written approval of NASA.

§ 1214.907 Reflight guarantee.

NASA guarantees a reflight of the user's payload at no additional charge for SSCP standard services if, through no fault of the user, the mission orbit is not attained and if the payload returns safely to Earth or a second essentially identical payload is provided by the user. Users entitled to a reflight shall be entitled, at no additional charge, to any planned but unused and undamaged optional SSCP services from the flight for which the reflight is provided.

§ 1214.908 Patent and data rights.

NASA will not acquire rights to inventions, patents, or proprietary data privately funded by a user, or arising out of activities for which a user has reimbursed NASA under the policies set forth herein. However, in certain instances in which the NASA Administrator has determined that activities may have a significant impact on the public health, safety, or welfare, NASA may obtain assurances from the user that the results will be made available to the public on terms and conditions reasonable under the circumstances.

§ 1214.909 Damage to payloads.

The user's price does not include a contingency or premium for damage that may be caused to a payload through the fault of the U.S. Government, its contractors, or other STS users. The U.S. Government, therefore, shall assume no risk for damage or loss to the user's payload. The user shall assume that risk or obtain insurance protection against that risk.

§ 1214.910 Special provisions for users who made earnest money deposits or submitted letters of intent prior to publication of this subpart.

(a) Within 30 days after final publication NASA shall supply a copy of this Subpart to all users who have made earnest money deposits or submitted letters of intent.

(b) Users may request in writing a refund of their earnest money provided the request is received by NASA within 90 days after final publication of this Subpart. There shall be no subsequent refund of earnest money.

(c) Payloads covered by a launch services agreement signed within 18 months after final publication of this Subpart shall retain the appropriate queue position established by payment of earnest money or submission of letter of intent.

(d) Payloads not covered by a launch services agreement signed within 18 months after final publication of this Subpart shall be governed by the provisions of § 1214.905(b)(2).

§ 1214.911 Small self-contained payload standard services.

The following are standard services provided for small self-contained payloads:

(a) Flight in a NASA flight-qualified standard container.

(b) Use of a NASA shipping container.

(c) One "on" and one "off" signal provided on each of three NASA-provided inputs to the container.

(d) Choice of one standard NASA container atmosphere (vacuum, breathing air, inert gas, inert gas vented in space).

(e) Limited consultation on space systems provided by NASA at designated NASA centers.

(f) NASA payload safety reviews at a designated NASA center. (Safety shall not be compromised. Unusually complex safety reviews or testing/analysis require additional funding.)

(g) Pre-integration storage of the payload at KSC.

(h) Limited access to the payload prior to integration.

(i) Installation of the payload in the container and removal of the payload from the container after flight.

(j) Installation of the container in the Shuttle and removal of the container from the Shuttle after flight.

(k) KSC launch.

(l) On-orbit payload operational time consistent with the primary STS mission.

(m) Brief postflight documentation of the STS mission profile and payload operational times.

(n) Return of payload to the user at the launch site.

§ 1214.912 Small self-contained payload optional services.

(a) The following optional services, under development at the time of publication of this rule, shall be made available using NASA-supplied hardware:

(1) Openable lid.

(2) Optical window in the lid.

(b) NASA shall develop and publish technical and price estimating information relative to the use of the above services.

(c) NASA may, at its discretion, provide other optional services to users. The price for such services shall be negotiated.

Robert A. Frosch,

Administrator.

[FR Doc. 80-84355 Filed 11-3-80; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 270, 271

[Docket No. RM80-53]

Order of the Director, OPPR of Publication of Maximum Lawful Prices Under Title I of the NGPA

October 27, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: Pursuant to the authority delegated by 18 CFR 375.307(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the NGPA. Section 101(b)(6) of the NGPA requires that the Commission compute and publish maximum lawful prices under Title I at the beginning of each month for which such figures apply.

EFFECTIVE DATE: October 27, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, (202)-357-8500.

Section 101(b)(6) of the NGPA requires that the Commission compute and make available maximum lawful prices prescribed in Title I and inflation adjustments before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of November and December, 1980 and January 1981, are issued by the publication of price tables for the applicable quarter. Pricing tables may be found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to sections 102, 103, 106(b)(1)(B), 107(c)(1), 107(c)(5), 108 and 109 of the NGPA. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a); Table III of § 271.102(a) sets forth the inflation adjustment.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

§ 271.101 [Amended]

1. Section 271.101(a) is amended in paragraph (a) by inserting the maximum lawful prices for November and December, 1980, and January, 1981, in Tables I and II.

2. Section 271.101(a) is further amended in paragraph (a) by striking "(c) (1)-(4)" and "High-Cost Gas (produced from tight formations)" and inserting "(c)(1)" and "High-Cost Gas (deep gas)" and the insertion of the applicable prices on the same line as Subpart "G".

3. Section 271.101(a) is further amended in paragraph (a) by amending footnote number [2] in Table I on the line beginning Subpart "G", after "High-Cost Gas (deep gas)" to read as follows:

[2] "Commencing November 1, 1979, the price of natural gas finally determined to be eligible as deep high-cost gas under section 107(c)(1) of the NGPA is deregulated." (*See*, Part 272 of the Commission's Regulations.) Prior to that date, the maximum lawful price applicable to deep high-cost gas was the price specified in Subpart B of Part 271.

4. Section 271.101(a) is further amended in paragraph (a) by the insertion of subsection 107(c)(5), "Gas Produced from Tight Formations" on the line below the line beginning "G".

5. Section 271.101(a) is further amended in paragraph (a) by inserting the published prices of Table I, Subpart "G" on the line beginning "Gas Produced from Tight Formations."

6. Section 271.101(a) is further amended in paragraph (a) by the insertion of footnote [3] in Table I after "Gas Produced from Tight Formations". Footnote [3] reads as follows:

[3] The maximum lawful price for tight formation gas is the lesser of the negotiated contract price of 200% of the price specified in Subpart C of Part 271. The maximum lawful price for tight formations applies on or after July 16, 1979. (*See*, §§ 271.703 and 273.704).

§ 271.102 [Amended]

7. Section 271.102 is amended in paragraph (c) by the insertion of the inflation adjustment for the months of November and December, 1980, and January, 1981, in Table III.

Table III.—*Inflation Adjustment*

Month of delivery	Factor by which price in preceding month is multiplied
1977	
May	1.00636
June	1.00636
July	1.00431
August	1.00431
September	1.00431
October	1.00463
November	1.00463
December	1.00463
1978	
January	1.00597
February	1.00597
March	1.00597
April	1.00889
May	1.00889
June	1.00889
July	1.00581
August	1.00581
September	1.00581
October	1.00581
November	1.00581
December	1.00581
1979	
January	1.00581
February	1.00667
March	1.00667
April	1.00667
May	1.00713
June	1.00713
July	1.00713
August	1.00805
September	1.00805
October	1.00805
November	1.00690
December	1.00690
1980	
January	1.00690
February	1.00713
March	1.00713
April	1.00713
May	1.00774
June	1.00774
July	1.00774
August	1.00843
September	1.00843
October	1.00843
November	1.00744
December	1.00744
1981	
January	1.00744

BILLING CODE 6450-85-M

Table I - Natural Gas Ceiling Prices

(other than NGPA §§ 104 and 106(a))
Maximum lawful price per MMBtu for deliveries in:

Subpart of Part 271	NGPA Section	Category of Gas	Dec. 1978	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979	June 1979	July 1979	Aug. 1979	Sept. 1979
B	102	New, Natural Gas, Certain OCS Gas	$2.078	$2.096	$2.116	$2.136	$2.156	$2.177	$2.198	$2.220	$2.244	$2.268
C	103	New, Onshore Production Wells	1.969	1.980	1.993	2.006	2.019	2.033	2.047	2.062	2.079	2.096
F	106(b)(1)(B)	Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas 1/	1.121	1.128	1.136	1.144	1.152	1.160	1.168	1.176	1.185	1.195
G	107(c)(1)	High-Cost Gas (deep gas) 2/	2.078	2.096	2.116	2.136	2.156	2.177	2.198	2.220	2.244	2.268
	107(c)(5)	Gas Produced from Tight Formations 3/	...	...	...	...	...	...	...	4.124	4.158	4.192
H	108	Stripper Gas	2.224	2.243	2.264	2.285	2.306	2.329	2.352	2.375	2.400	2.426
I	109	Not Otherwise Covered	1.630	1.639	1.650	1.661	1.672	1.684	1.696	1.708	1.722	1.736

1/ Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I.

2/ Commencing November 1, 1979, the price of natural gas finally determined to be eligible as deep high-cost gas under section 107(c)(1) of the NGPA is deregulated. (See, Part 272 of the Commission's Regulations.) Prior to that date, the maximum lawful price applicable to deep high-cost gas was the price specified in Subpart B of Part 271.

3/ The maximum lawful price for tight formation gas is the lesser of the negotiated contract price or 200% of the price specified in Subpart C of Part 271. The maximum lawful price for tight formation gas applies on or after July 16, 1979. (See, § 271.703 and § 273.204.)

Table I - Natural Gas Ceiling Prices
(continued)

(other than NGPA §§ 104 and 106(a))
Maximum lawful price per MMBtu for deliveries in:

Subpart of Part 271	NGPA Section	Category of Gas	Oct. 1979	Nov. 1979	Dec. 1979	Jan. 1980	Feb. 1980	March 1980	Apr. 1980	May 1980	June 1980	July 1980
B	102	New, Natural Gas, Certain OCS Gas	$2.292	$2.314	$2.336	$2.358	$2.381	$2.404	$2.428	$2.453	$2.478	$2.504
C	103	New, Onshore Production Wells	2.113	2.128	2.143	2.158	2.173	2.188	2.204	2.221	2.238	2.255
F	106(b)(1)(B)	Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas 1/	1.205	1.213	1.221	1.229	1.238	1.247	1.256	1.266	1.276	1.286
G	107(c)(1)	High-Cost Gas (deep gas) 2/	2.292	...	...	...	...	...	...	...	...	...
	107(c)(5)	Gas Produced from Tight Formations 3/	4.226	4.256	4.286	4.316	4.346	4.376	4.408	4.442	4.476	4.510
H	108	Stripper Gas	2.452	2.478	2.499	2.523	2.548	2.573	2.598	2.625	2.652	2.680
I	109	Not Otherwise Covered	1.750	1.762	1.774	1.786	1.799	1.812	1.825	1.839	1.853	1.867

Table I - Natural Gas Ceiling Prices
(continued)

Subpart of Part 271	NGPA Section	Category of Gas	(other than NGPA §§ 104 and 106(a)) Maximum lawful price per MMBtu for deliveries in: Aug. 1980	Sept. 1980	Oct. 1980	Nov. 1980	Dec. 1980	Jan. 1981
B	102	New, Natural Gas, Certain OCS Gas	$2.532	$2.560	$2.588	$2.614	$2.640	$2.667
C	103	New, Onshore Production Wells	2.274	2.293	2.312	2.329	2.346	2.363
F	106(b)(1)(B)	Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas 1/	1.297	1.308	1.319	1.329	1.339	1.349
G	107(c)(5)	Gas Produced from Tight Formations 3/	4.548	4.586	4.624	4.658	4.692	4.726
H	108	Stripper Gas	2.710	2.740	2.770	2.798	2.826	2.855
I	109	Not Otherwise Covered	1.883	1.899	1.915	1.929	1.943	1.957

Table II - Natural Gas Ceiling Prices: NGPA §§ 104 and 106(a)(Subpart D, Part 271)

Category of Natural Gas	Type of Sale or Contract	Maximum lawful price per MMBtu for deliveries made in:												
		Dec. 1978	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979	June 1979	July 1979	Aug. 1979	Sep. 1979	Oct. 1979	Nov. 1979	Dec. 1979
Post-1974 gas	All producers	$1.630	$1.639	$1.650	$1.661	$1.672	$1.684	$1.696	$1.708	$1.722	$1.736	$1.750	$1.762	$1.774
1973-1974 Biennium gas	Small producer	1.379	1.387	1.396	1.405	1.414	1.424	1.434	1.444	1.456	1.468	1.480	1.490	1.500
	Large producer	1.058	1.064	1.071	1.078	1.085	1.093	1.101	1.109	1.118	1.127	1.136	1.144	1.152
Interstate Rollover gas 1/	Small producer	.702	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715
	Large producer	.603	.607	.611	.615	.619	.623	.627	.631	.636	.641	.646	.650	.654
Replacement contract gas or recompletion gas	Small producer	.771	.775	.780	.785	.790	.796	.802	.808	.815	.822	.829	.835	.841
	Large producer	.593	.596	.600	.604	.608	.612	.616	.620	.625	.630	.635	.639	.643
Flowing gas	Small producer	.393	.395	.398	.401	.404	.407	.410	.413	.416	.419	.422	.425	.428
	Large producer	.332	.334	.336	.338	.340	.342	.344	.346	.349	.352	.355	.357	.359
Certain Permian Basin gas	Small producer	.462	.465	.468	.471	.474	.477	.480	.486	.487	.491	.495	.498	.501
	Large producer	.405	.407	.410	.413	.416	.419	.422	.425	.428	.431	.434	.437	.440
Certain Rocky Mountain gas	Small producer	.462	.465	.468	.471	.474	.477	.480	.483	.487	.491	.495	.498	.501
	Large producer	.393	.395	.398	.401	.404	.407	.410	.413	.416	.419	.422	.425	.428
Certain Appalachian Basin gas	North subarea contracts dated after 10-7-69	.368	.370	.372	.374	.376	.379	.382	.385	.388	.391	.394	.397	.400
	Other Contracts	.344	.346	.348	.350	.352	.355	.358	.361	.364	.367	.370	.373	.376
Minimum Rate Gas 2/	All Producers	.203	.204	.205	.206	.207	.208	.209	.210	.212	.214	.216	.217	.218

1/ The price for interstate rollover gas is the higher of the price listed in this table or the just and reasonable price under the expired contract as adjusted for inflation. (See § 271.402(c)(3)).

2/ Prices for minimum rate gas are expressed in terms of dollars per MCF, rather than MMBtu.

Table II - (continued)

Category of Natural Gas	Type of Sale or Contract	Maximum lawful price per MMBtu for deliveries made in:												
		Jan. 1980	Feb. 1980	Mar. 1980	Apr. 1980	May 1980	June 1980	July 1980	Aug. 1980	Sept. 1980	Oct. 1980	Nov. 1980	Dec. 1980	Jan. 1981
Post-1974 gas	All producers	$1.786	$1.799	$1.812	$1.825	$1.839	$1.853	$1.867	1.883	1.899	1.915	$1.929	$1.943	$1.957
1973-1974 Biennium gas	Small producer	1.510	1.521	1.532	1.543	1.555	1.567	1.579	1.592	1.605	1.619	1.631	1.643	1.655
	Large producer	1.160	1.168	1.176	1.184	1.193	1.202	1.211	1.221	1.231	1.241	1.250	1.259	1.268
Interstate Rollover gas 1/	Small producer	.728	.728	.728	.728	.728	.728	.728	.728	.728	.728	.728	.728	.741
	Large producer	.659	.664	.669	.674	.679	.684	.689	.695	.701	.707	.712	.717	.722
Replacement contract gas or recompletion gas	Small producer	.847	.853	.859	.865	.872	.879	.886	.893	.901	.909	.916	.923	.930
	Large producer	.647	.652	.657	.662	.667	.672	.677	.683	.689	.695	.700	.705	.710
Flowing gas	Small producer	.431	.434	.437	.440	.443	.446	.449	.453	.457	.461	.464	.467	.470
	Large producer	.361	.364	.367	.370	.373	.376	.379	.382	.385	.388	.391	.394	.397
Certain Permian Basin gas	Small producer	.504	.508	.512	.516	.520	.524	.528	.532	.536	.541	.545	.549	.553
	Large producer	.443	.446	.449	.452	.455	.459	.463	.467	.471	.475	.479	.483	.487
Certain Rocky Mountain gas	Small producer	.504	.508	.512	.516	.520	.524	.528	.532	.536	.541	.545	.549	.553
	Large producer	.431	.434	.437	.440	.443	.446	.449	.453	.457	.461	.464	.467	.470
Certain Appalachian Basin gas	North subarea contracts dated after 10-7-69	.403	.406	.409	.412	.415	.418	.421	.425	.429	.433	.436	.439	.442
	Other Contracts	.379	.382	.385	.388	.391	.394	.397	.400	.403	.406	.409	.412	.415
Minimum Rate Gas 2/	All Producers	.220	.222	.224	.226	.228	.230	.232	.234	.236	.238	.240	.242	.244

[FR Doc. 80-34284 Filed 11-3-80; 8:45 am]

BILLING CODE 6450-85-C

18 CFR Part 282

[Docket No. RM79-14]

Order of the Director, OPPR of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

October 29, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: November 1, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, (202) 357-8500.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold price for the month of November 1980, is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Table I.—*Incremental Pricing Acquisition Cost Threshold Prices*

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
Incremental Pricing Threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863
NGPA Section 102 Threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929
130% of No. 2 Fuel Oil in New York City Threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450

[FR Doc. 80-34285 Filed 11-3-80; 8:45 am]

BILLING CODE 6450-85-M

WATER RESOURCES COUNCIL

18 CFR Part 711

Principles and Standards for Water and Related Land Resources Planning—Level C; Final Rule; Correction

AGENCY: U.S. Water Resources Council.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on principles and standards for water and related land resources planning that appeared at page 64366 in the **Federal Register** of Monday, September 29, 1980 (45 FR 64366). The action is necessary to correct both typographical errors and minor errors in the text submitted for publication.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, U.S. Water Resources Council, 2120 L Street NW., Washington, D.C. 20037 (202-254-6453).

The following corrections are made in the principles and standards that appeared on page 64366 in the issue of September 29, 1980.

1. On page 64372, column three, the response to comment number 48 is corrected by inserting "not" between "were" and "based."

2. On page 64373, column three, the response to comment number 54, second sentence, is corrected by inserting "to pay" between "users" and "for."

3. On page 64378, column two, comment number 122 is corrected by deleting the "or" following "commitments" and inserting "of" in its place.

4. On page 64381, column three, the response to comment number 164 is corrected to read "Some of the detail in § 711.61 of the proposed rule has been eliminated, while § 711.62 has been made much more specific."

5. On page 64385, column one, the response to comment number 204 is corrected by replacing the first two sentences with "The earlier step has not been added because Level C studies are initiated in response to locally identified problems and opportunities. The initial step is to specify these local problems and opportunities in terms of the two National objectives."

6. On page 64386, column three, first paragraph under *Risk and Uncertainty—Sensitivity Analysis,* the third line is corrected by replacing "date" with "data".

7. On page 64387, column two, first paragraph under *Required Alternative Plans,* the last sentence is corrected by replacing "if" with "in."

8. On page 64391, column one, § 711.20(b) is corrected by inserting "be" between "to" and "given."

9. On page 64393, column three, § 711.61(a) is corrected by replacing "is" with "describes."

10. On page 64394, column two, the fourth line of § 711.61(b)(3) is corrected by replacing "of" with "if."

11. On page 64395, column one, § 711.62(a)(1) is corrected by replacing "is" with "describes."

12. On page 64395, column three, the third line is corrected by replacing "and" with "or". (This correction is in § 711.62(b)(3)(i).)

13. On page 64397, column one, the first line in § 711.64(a)(1) is corrected by replacing "is" with "describes."

Issued on: October 29, 1980.

Gerald D. Seinwill,

Acting Director.

[FR Doc. 80-34302 Filed 11-3-80; 8:45 am]

BILLING CODE 6410-01-M

18 CFR Parts 713 and 716

Procedures for Evaluation of National Economic Development (NED) Benefits and Costs and Other Social Effects (OSE) in Water Resources Planning (Level C); Correction

AGENCY: U.S. Water Resources Council.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on procedures for evaluation of national economic development benefits and costs and other social effects that appeared at page 64448 in the **Federal Register** of Monday, September 29, 1980 (45 FR 64448). The action is necessary to correct both

typographical errors and minor errors in the text submitted for publication.

FOR FURTHER INFORMATION CONTACT:
Frank H. Thomas, U.S. Water Resources Council, 2120 L Street N.W., Washington, D.C. 20037 (202–254–6453).

The following corrections are made in the procedures for evaluation of national economic development benefits and costs and other social effects that appeared on page 64448 in the issue of September 29, 1980.

1. On page 64450, column one, the third response is corrected by inserting "(1)" between "(i)" and "(iii)." The corrected citation reads "713.807(i)(1)(iii)".

2. Page 64458 is corrected by replacing Table 713.811–2 with the following Table 713.811–2.

Table 713.811–2—*Typical Vessel Dimension of Vessel Fleet by Type and Deadweight Tonnage*

Type	Vessel characteristics			
	DWT	Length	Beam	Draft, loaded

3. On page 64463, column one, in § 713.1011 the citation in paragraph (b) is corrected to read "§ 713.1005(a)(2)" and the citation in paragraph (c) is corrected to read "§ 713.1005(a)(4)."

4. On page 64463, column two, the last sentence in § 713.1017(a) is corrected by inserting "be" between "may appear to" and "a positive effect."

5. On page 64465, column one, the first sentence in § 716.303(e) is corrected by deleting the comma after "regardless of height."

6. On page 64465, column three, the section number for "Report and display procedures" is corrected to read "§ 716.309."

Issued on October 29, 1980.

Gerald D. Seinwill,
Acting Director.

[FR Doc. 80-34303 Filed 11-3-80; 8:45 am]
BILLING CODE 8410-01-M

18 CFR Part 714

Environmental Quality Evaluation Procedures for Level C Water Resources Planning; Correction

AGENCY: U.S. Water Resources Council.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on environmental quality evaluation procedures that appeared at page 64402 in the **Federal Register** of Monday, September 29, 1980 (45 FR 64402). The action is necessary to correct both typographical errors and minor errors in the text submitted for publication.

FOR FURTHER INFORMATION CONTACT:
Frank H. Thomas, U.S. Water Resources Council, 2120 L Street, NW., Washington, D.C. 20037 (202–254–6453).

The following corrections are made in the environmental quality evaluation procedures that appeared on page 64402 in the issue of September 29, 1980.

1. On page 64405, column three, the second comment is corrected by inserting "and" between "account" and "effects."

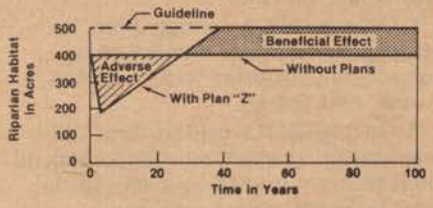
2. On page 64412, column three, the second response is corrected by replacing "(b)" with "(6)."

3. On page 64416, column one, § 714.200, the definition of EQ account is corrected by replacing "is" with "describes."

4. On page 64424, column one, § 714.411(c)(1)(iv) is corrected to read "Charters, bylaws, and formal policy statements of private groups. Examples are the National Audubon Society Blue List of Species, properties of the National Trust for Historic Preservation, and properties of the Nature Conservancy." A related correction is made in column two by deleting the three lines immediately following Table 714.411.

5. Page 64432 is corrected by replacing Figure 714.441–3 with the following Figure 714.441.3.

Figure 714.441-3
Example of Beneficial & Adverse Effects



6. On page 64433, column three, Appendix A, (a)(1)(vi) is corrected by replacing "Describe" with "Identify."

Issued on: October 29, 1980.

Gerald D. Seinwill,
Acting Director.

[FR Doc. 80-34304 Filed 11-3-80; 8:45 am]
BILLING CODE 8410-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 444

[Docket No. 80N-0187; DESI 8674]

Oligosaccharide Antibiotic Drugs; Antibiotic Otic Preparations; Confirmation of Effective Date and Amendment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) confirms the effective date of October 29, 1974 of a final rule which revoked provisions for certification of a neomycin sulfate-sodium propionate-prednisolone acetate otic solution and updates the affected antibiotic monograph to reflect the revocation.

EFFECTIVE DATES: October 29, 1974 for the revocation and November 4, 1980, for this amendment.

FOR FURTHER INFORMATION CONTACT:
Suzanne O'Shea, Bureau of Drugs (HFD–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 8674, Docket No. FDC–D–677; now Docket No. 80N–0187) published in the **Federal Register** of September 19, 1974 (39 FR 33665), FDA published an order to revoke 21 CFR 444.442a which provided for certification of neomycin sulfate-sodium propionate otic solution and neomycin sulfate-sodium propionate-prednisolone acetate otic solution. The revocation was to take effect on October 29, 1974, unless a hearing was requested on the revocation. The notice stated that if a hearing were requested, the effective date would be extended as necessary. Two products were certifiable under the regulation:

(1) NDA 50–364; Otobiotic Otic Solution; containing neomycin sulfate and sodium propionate; Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033, and

(2) NDA 50–363; Otobione Otic Drops; containing neomycin sulfate, sodium propionate, and prednisolone acetate; Schering Corp.

Schering Corp. requested a hearing on Otobiotic Otic Solution, but it did not

request a hearing on Otobione Otic Drops. In a notice published in the **Federal Register** of March 14, 1975 (40 FR 11870), FDA stayed the revocation of § 444.442a pending completion of a review of the information Schering Corp. submitted to support its hearing request. That information is under review, and Otobiotic Otic Solution is not affected by this notice.

The March 14, 1975 notice inadvertently stayed the revocation of § 444.442a in its entirety. No hearing was requested for the neomycin sulfate-sodium propionate-prednisolone acetate product. A manufacturer's failure to request a hearing constitutes a waiver of its opportunity for a hearing. Therefore, the March 14, 1975 **Federal Register** notice should have stayed the effective date of only that portion of 21 CFR 444.442a which refers to neomycin sulfate-sodium propionate otic solution and updated the section to make it applicable only to products of that composition. Notice is given that no hearing was requested for any product certifiable under the portion of 21 CFR 444.442a which refers to neomycin sulfate-sodium propionate-prednisolone acetate otic solution. The effective date of that portion of the regulation is not extended, and the October 29, 1974 effective date is hereby confirmed.

FDA has approved Schering Corp.'s Form 6 for a reformulated Otobione Otic Suspension (NDA 61–816) containing neomycin sulfate, polymyxin B sulfate, and hydrocortisone which is certifiable under 21 CFR 444.442g. The reformulated product is not affected by this notice.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–1051 as amended, 59 Stat. 463 as amended (21 U.S.C. 352, 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Drugs (21 CFR 5.78), Part 444 is amended by updating § 444.442a to read as follows:

§ 444.442a Neomycin sulfate-sodium propionate otic solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-sodium propionate otic solution is a solution containing, in each milliliter, 3.5 milligrams of neomycin and 50 milligrams of sodium propionate, in a suitable and harmless vehicle. It may also contain suitable and harmless dispersants, buffers, perfumes, and preservatives. It is sterile. Its pH is not less than 5.5 and not more than 7.0. The neomycin sulfate used conforms to the standards prescribed by § 444.442(a)(1) (i), (vi), and (vii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, pH, and identity.

(*b*) The batch for potency, sterility and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: a minimum of five immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of asssay*— (1) *Potency.* Proceed as directed in § 444.442a (b)(1), except dilute an accurately measured representative portion in sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration. Further dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration. Its content of neomycin is satisfactory if it contains not less than 90 percent and not more than 126 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

Effective dates. The revocation of that portion of 21 CFR § 444.442a providing for certification of neomycin sulfate-sodium proprionate-prednisolone acetate became effective October 29, 1974, and this amendment is effective November 4, 1980 .

(Secs. 502, 507, 52 Stat. 1050–1051 as amended, 59 Stat. 463 as amended (21 U.S.C. 352, 357))

Dated: October 24, 1980.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 80–34057 Filed 11–03–80; 8:45 am]

BILLING CODE 4110–03–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Procedural Regulations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: These regulations concern the Commission's dismissal and determinations of reasonable cause and the issuances of right to sue notices in dismissal of governmental respondents. These regulations are published without change from the interim revisions published at 45 FR 48614, July 21, 1980.

DATES: The regulations are effective November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Anthony De Marco, Legal Counsel Division, EEOC, 2401 E Street, N.W., Washington, D.C. 20506, 202–634–6595.

SUPPLEMENTARY INFORMATION: On July 21, 1980, the Equal Employment Opportunity Commission published revisions to its procedural regulations appearing at 29 CFR 1601.21 (b) and (d) and 1601.28(d). 45 FR 48614 (July 21, 1980). The revisions were effective immediately, but on an interim basis pending receipt of comments by the public.

Sections 1601.21 (b) and (d) set forth the procedures by which the Commission or its designated officer may reconsider a previously issued determination. The Commission amended its procedural regulations to provide for notice of the Commission's intent to reconsider previously issued determinations of reasonable cause or of dismissals of charges. The Commission amended § 1601.28(d) to reflect the interpretation of § 706(f)(1) of Title VII of the Civil Rights Act of 1964, as amended, adopted in *Shea* v. *City of St. Paul,* 601 F. 2d 345 (8th Cir., 1979), and *DeMatteis* v. *Eastman Kodak Company,* 511 F. 2d 306, modified 520 F. 2d 409 (2d Cir., 1975), which hold that notice of the dismissal of charge constitutes notice of final administrative action and of the right to sue. Henceforth, in all cases of a dismissal pursuant to § 1601.19, including cases where the respondent is a government, governmental agency, or a political subdivision, the notice of dismissal issued by the Commission will include the notice of right to sue.

The Commission received comments from a corporation, a university, and a Hospital and Welfare Board. The main objection to the regulations was that they did not set forth a time limit in which the Commission could reconsider its determination. Their main concern

was that the regulations did not specify when an EEOC determination is final. It was suggested that the Commission should not be able to reconsider its determination once a charging party has filed suit.

The Commission's decision is final when the letter of determination is issued. However, the Commission has the ability to reconsider its determination at any time in order to be able to correct any procedural or substantive errors in its determination. Administrative agencies have an inherent authority to reconsider their own decisions, since the power to decide in the first instance carries with it the power to reconsider. *Albertson* v. *Federal Communications Commission*, 182 F. 2d 397 (D.C. Cir. 1950). The Commission has the right to reconsider its decision in order to carry out the Title VII policy that disputes should be resolved by the Commission without litigation whenever possible. *See Trujillo* v. *General Electric Co.*, —— F.2d ——, 22 FEP Cases 1575 (10th Cir. 1980).

The revisions to the procedural regulations do not prejudice the rights of a charging party or respondent. Regardless of when the Commission reconsiders its determination or its determination upon reconsideration, the charging party has a statutory right to file suit and receive a *de novo* right of review in Federal District Court.

One individual questioned whether the Commission has the authority to reconsider its determinations and, if it has, whether there are circumstances which would make reconsideration appropriate or advisable. It is clear from recent case law that the Commission, or its designated officer, has the authority to reconsider its own determination. *Gonzalez* v. *Firestone Tire and Rubber Co.* 610 F. 2d 141 (5th Cir. 1980); *Trujillo* v. *General Electric Co.*, —— F. 2d ——, 22 FEP Cases 1575 (10th Cir. 1980). It is also clear that reconsideration of a determination would be appropriate in any instance in which it is necessary for the Commission to correct a procedural or substantive error in its determination.

No comments were received regarding issuance of notices of right to sue by EEOC in dismissals against governmental entities.

After considering these comments, the Commission has determined not to make any revisions to the interim regulations which were previously published in the **Federal Register** at 45 FR 48614 (July 21, 1980). The only change to the interim regulations is the correction of a typographical error appearing in § 1601.21(d)(1). The reference in that section to § 1601.28(b) (1) or (2) has been corrected to read § 1601.28(a) (1) or (2). The revisions of 29 CFR § 1601.21 (b) and (d) and § 1601.28(d) appear below.

Signed at Washington, D.C. this 28th day of October 1980.

For the Commission.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

1. Sections 1601.21(b) and (d) are revised to read as follows:

§ 1601.21 Reasonable cause determination.

Procedure and authority.

* * * * *

(b) The Commission shall provide prompt notification of its determination under paragraph (a) of this section to the person claiming to be aggrieved, the person making the charge on behalf of such person, if any, and the respondent, or in the case of a Commissioner charge, the person named in the charge or identified by the Commission in the third party certificate, if any, and the respondent. The Commission may, however, on its own initiative reconsider its decision or the determination of any of its designated officers who have authority to issue Letters of Determination, *EXCEPT that the Commission will not reconsider determinations of reasonable cause previously issued against a government, governmental entity or political subdivision after a failure of conciliation as set forth in § 1601.25.*

(1) In cases where the Commission decides to reconsider a dismissal or a determination finding reasonable cause to believe a charge is true, a notice of intent to reconsider will promptly issue. If such notice of intent to reconsider is issued within 90 days from receipt of a notice of right to sue and the charging party has not filed suit and did not receive a notice of right to sue pursuant to § 1601.28(a)(1) or (2), the notice of intent to reconsider will vacate the dismissal or letter of determination and revoke the notice of right to sue. If the 90 day period has expired, the charging party has filed suit, or the charging party had requested a notice of right to sue pursuant to § 1601.28(a)(1) or (2), the notice of intent to reconsider will vacate the dismissal or letter of determination, but will not revoke the notice of right to sue. After reconsideration the Commission will issue a determination anew. In those circumstances where the notice of right to sue has been revoked, the Commision will, in accordance with § 1601.28, issue a notice of right to sue anew which will provide the charging party with 90 days within which to bring suit.

(2) The Commission shall provide prompt notification of its intent to reconsider, which is effective upon issuance, and its final decision after reconsideration to the person claiming to be aggrieved, the person making the charge on behalf of such person, if any, and the respondent, or in the case of a Commissioner charge, the person named in the charge or identified by the Commissioner in the third-party certificate, if any, and the respondent.

* * * * *

(d) The Commission hereby delegates to District Directors, the Director of the Office of Field Services and the Director of the Office of Systemic Programs the authority, in those cases in which previously issued Commission Decisions serve as precedent for the determination and in those cases in which the Commission's Guidelines provide a statement of policy which serves as authority for the determination, upon completion of an investigation, to dismiss a charge, make a determination, issue a Letter of Determination and serve a copy thereof upon the parties. Such determination is final when the Letter of Determination is issued. However, the Director of the Office of Field Services, the Director of the Office of Systemic Programs and each District Director, for determinations issued by his or her office, may on his or her own initiative reconsider determinations, *EXCEPT that such directors may not reconsider determinations of reasonable cause previously issued against a government, governmental entity or political subdivision after a failure of conciliation as set forth in § 1601.25.*

(1) In cases where the issuing Director decides to reconsider a dismissal or a determination finding reasonable cause to believe a charge is true, a notice of intent to reconsider will promptly issue. If such notice of intent to reconsider is issued within 90 days from receipt of a notice of right to sue and the charging party has not filed suit and did not request a notice of right to sue pursuant to § 1601.28(a)(1) or (2), the notice of intent to reconsider will vacate the dismissal or letter of determination and revoke the notice of right to sue. If the 90 day period has expired, the charging party has filed suit, or the charging party had received a notice of right to sue pursuant to § 1601.28(a)(1) or (2), the notice of intent to reconsider will vacate the dismissal or letter of determination, but will not revoke the notice of right to sue. After reconsideration the issuing Director will issue a determination anew. In those circumstances where the notice of right to sue has been revoked, the issuing Director will, in accordance

with § 1601.28, issue a notice of right to sue anew which will provide the charging party with 90 days within which to bring suit.

(2) When the issuing Director does reconsider, he or she shall provide prompt notification of his or her intent to reconsider, which is effective upon issuance, and final decision after reconsideration to the person claiming to be aggrieved, the person making the charge on behalf of such person, if any, and the respondent, or in the charge or identified by the Commissioner in the third party certificate, if any, and the respondent.

2. Section 1601.28(d) is revised to read as follows:

§ 1601.28 Notice of right to sue: Procedure and authority.

* * * * *

(d) Notices of right-of-sue for charges against Governmental respondents. In all cases where the respondent is a government, governmental agency, or a political subivision, the Commission will issue the notice of right to sue when there has been a dismissal of a charge. The notice of right to sue will be issued in accordance with § 1601.28(e). In all other cases where the respondent is a government, governmental agency, or political subdivision, the Attorney General will issue the notice of right to sue, including the following cases: (1) when there has been a finding of reasonable cause by the Commission, there has been a failure of conciliation, and the Attorney General has decided not to file a civil action; and (2) where a charging party has requested a notice of right to sue pursuant to § 1601.28(a)(1) or (2). In cases where a charge of discrimination results in a finding of cause in part and no cause in part, the case will be treated as a "cause" determination and will be referred to the Attorney General.

[FR Doc. 80-34399 Filed 11-3-80; 8:45 am]
BILLING CODE 6570-06-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 552

[Army Reg. 210-7]

Commercial Solicitation on Army Installations

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: This regulation implements DOD Directive 1344.1 and DOD Directive 1344.7. It establishes policies and procedures for controlling commercial solicitation on Army installations to safeguard the interests of military personnel, especially the young and inexperienced soliders, as consumers.

EFFECTIVE DATE: November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Thomas L. Verrier, Chief, Installation and Personnel Support Division, Community Support Directorate, Office of The Adjutant General, Headquarters, Department of the Army, Washington, DC 20310 (202-325-9591).

By authority of the Secretary of the Army.

Dated: October 6, 1980.

G. R. Iverson,

Colonel, GS, Director, Community Support.

Accordingly, 32 CFR Part 552 is amended by adding new §§ 552.50-552.83 and deleting § 552.18(j).

PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

§ 552.18 [Amended]

* * * * *

Solicitation on Military Reservations

Sec.

552.50 Purpose.
552.51 Applicability.
552.52 Explanation of terms.
552.53 Regulatory requirements.
552.54 Solicitation.
552.55 Restrictions.
552.56 Licensing requirements.
552.57 Authorization to solicit.
552.58 Other transactions.
552.59 Granting solicitation privileges.
552.60 Supervision of on-post commercial activities.
552.61 Products and services offered in solicitation.
552.62 Advertising rules and educational programs.
552.63 "Cooling off" period for door-to-door sales.
552.64 Sound insurance underwriting and programing.
552.65 Command supervision.
552.66 Actions required by agents.
552.67 Life insurance policy content.
552.68 Minimum requirements for agents.
552.69 Application by companies to solicit on military installations in the United States, its territories, or the Commonwealth of Puerto Rico.
552.70 Application by companies to solicit on installations in foreign countries.
552.71 Associations—general.
552.72 Use of the allotment of pay system.
552.73 Minimum requirements for automobile insurance policies.
552.74 Grounds for suspension.
552.75 Factors in suspending solicitation privileges.
552.76 Preliminary investigation.
552.77 Suspension approval.
552.78 "Show cause" hearing.
552.79 Suspension action.
552.80 Suspension period.
552.81 Agents or companies with suspended solicitation privileges.
552.82 Exercise of "off limits" authority.
552.83 Standards of fairness.

Authority: 15 U.S.C. 1601.

Solicitation on Military Reservations

§ 552.50 Purpose.

This regulation—

(a) Prescribes general policy on the solicitation and sale of all goods, services, and commodities, including all types of insurance, on military installations. These are sold or solicited by dealers, tradesmen, and their agents.

(b) Prescribes procedures for suspension of solicitation privileges.

(c) Prescribes policies and procedures for investigative and enforcement actions.

(d) Permits representatives of credit unions, banks, and approved non-profit associations to conduct national educational programs on—

(1) Insurance, estate planning, savings, and budgeting, and

(2) The protection and remedies afforded consumers under the Truth-in-Lending Act.

§ 552.51 Applicability.

(a) This regulation applies to—

(1) All Department of the Army military and civilian personnel, including Army National Guard and Army Reserve personnel on active duty or annual training.

(2) Individuals seeking to conduct commercial solicitation on military installations, including controlled housing areas. They will also be governed by regulations and controls of the local commander and, in overseas areas, by regulations of the unified or specified commander. They must also observe applicable laws, regulations, and agreements of the host country.

(b) The provisions of this regulation do not apply to—

(1) Commercial companies that furnish services to military installations (such as deliveries of milk, bread, and laundry) when they are authorized by the installation commander.

(2) An individual who sells his own personal property or privately owned dwelling.

§ 552.52 Explanation of terms.

(a) *Agent.* Anyone who solicits the ordering or purchasing of goods, services, or commodities in exchange for money. "Agent" includes an individual who receives remuneration as a salesman for an insurer or whose remuneration is dependent on volume of sales or the making of sales.

(b) *Solicitation.* The conduct of any private business, including the offering and sale of insurance on a military installation, whether initiated by the seller or the buyer. (Solicitation on installations is a privilege as distinguished from a right, and its control is a responsibility vested in the installation commander, subject to compliance with applicable regulations.)

(c) *Door-to-door solicitation.* A sales method whereby an agent proceeds randomly or selectively from household to household without specific prior appointments or invitations. Door-to-door solicitation is not permitted on Army installations.

(d) *Specific appointment.* A prearranged appointment that has been agreed upon by both parties and is definite as to place and time.

(e) *Insurer.* Any company or association engaged in the business of selling insurance policies to Department of Defense (DOD) personnel.

(f) *Insurance carrier.* An insurance company issuing insurance through an association or reinsuring or coinsuring such insurance.

(g) *Insurance policy.* A policy or certificate of insurance issued by an insurer or evidence of insurance coverage issued by a self-insured association.

(h) *DOD personnel.* Unless stated otherwise, such personnel means all active duty officer and enlisted members, and civilian employees of the Armed Forces. This includes Government employees of all the offices, agencies, and departments carrying on functions on a Defense installation, including non-appropriated fund instrumentalities.

§ 552.53 Regulatory requirements.

Commanders may issue regulations governing solicitation within their commands and on their installations. These regulations will avoid discriminatory requirements which could eliminate or restrict competition. When there is a clear need to prescribe more restrictive requirements for solicitation than those in this regulation or the regulations of the major commander, these additional requirements or restrictions must first be reviewed and confirmed by The Adjutant General Center (DAAG–PSI), or by the overseas commander.

§ 552.54 Solicitation.

The installation commanders may permit solicitation and transaction of commercial business on military installations. These solicitations and transactions must conform to installation regulations (CONUS and overseas) and must not interfere with military activities. No person may enter an installation and transact commercial business as a matter of right.

§ 552.55 Restrictions.

To maintain discipline; protect property; and safeguard the health, morale, and welfare of his personnel, the installation commander may impose reasonable restrictions on the character and conduct of commercial activities. Members of the Armed Forces must not be subjected to fraudulent, usurious, or unethical business practices. Reasonable and consistent standards must be applied to each company and its agents in their conduct of commercial transactions on the installation.

§ 552.56 Licensing requirements.

To transact personal commercial business on military installations in the United States, its territories, and the Commonwealth of Puerto Rico, individuals must present, on demand, to the installation commander, or his designee, documentary evidence that the company and its agents meet the licensing requirements of the State in which the installation is located. They must also meet any other applicable regulatory requirements imposed by civil authorities (Federal, State, county, or municipality). For ease of administration, the installation commander will issue a temporary permit to agents who meet these requirements.

§ 552.57 Authorization to solicit.

(*a*) Solicitation must be authorized by the installation commander. A specific appointment must be made with the individual and must be conducted in family quarters or in other areas designated by the installation commander. Before issuing a permit to solicit, the commander will require and review a statement of past employment. The commander will also determine, if practicable, whether the agent is employed by a reputable firm.

(*b*) Certain companies seeking solicitation privileges on military installations may arrange personal demonstrations of their products at social gatherings and advise potential customers on their use. If these added services are provided, even though the merchandise sold by these companies is similar to that stocked by the post exchange, the installation commander may authorize solicitation privileges. Requests for this type of solicitation privilege will be coordinated with the local Army and Air Force Exchange Service representative. See paragraph 3–2, Army Regulation 60–10.

§ 552.58 Other transactions.

Commercial transactions with other than individuals (such as nonappropriated fund activities) are restricted to the office of the custodian of the specific fund activity. Business will be conducted during normal duty hours.

§ 552.59 Granting solicitation privileges.

(*a*) Authorizations (permits) to solicit on Army installations will be in writing and will be valid for periods of 1 year or less.

(*b*) Particular caution must be taken when granting solicitation permission. The impression that permission is official indorsement or that the Department of the Army favors, sponsors, or recommends the companies, agents, or the policies offered for sale must not be conveyed. As continuing policy, the Department of the Army does not indorse any seller or product.

§ 552.60 Supervision of on-post commercial activities.

(a) *General.* (1) Installation commanders will ensure that all agents are given equal opportunity for interviews, by appointment, at the designated areas.

(2) DOD personnel will not act in any official or business capacity, either directly or indirectly, as liaison with agents to arrange appointments.

(3) Home address of members of the command or unit will not be given to commercial enterprises or individuals engaged in commercial solicitation, except when required by Army Regulation 340–17 and Army Regulation 340–21. The written consent of the individual must be obtained first.

(b) *Hours and location for solicitation.* (1) Military personnel and their dependents will be solicited individually, by specific appointment, and at hours designated by the installation commander or his designee. Appointments will not interfere with any military duty. Door-to-door solicitation without a prior appointment, including solicitation by personnel whose ultimate purpose is to obtain sales (e.g., soliciting future appointments), is prohibited. Solicitors may contact prospective clients initially by methods such as advertising, direct mail, and telephone.

(2) Commanders will provide one or more appropriate locations on the installation where agents may interview prospective purchasers. If space and other factors dictate limiting the number of agents who may use designated interviewing areas, the installation

commander may publish policy covering this matter.

(c) *Regulations to be read by solicitors.* A conspicuous notice of installation regulations will be posted in a form and a place easily accessible to all those conducting on-post commercial activities. Each agent authorized to solicit must read this notice and appropriate installation regulations. Copies will be made available on installations. When practicable, as determined by the installation commander, persons conducting on-base commercial activities will be furnished a copy of the applicable regulations. Each agent seeking a permit must acknowledge, in writing, that he has read the regulations, understands them, and further understands that any violation or noncompliance may result in suspension of the solicitation privilege for himself, his employer, or both.

(d) *Forbidden solicitation practices.* Installation commanders will prohibit the following:

(1) Solicitation during enlistment or induction processing or during basic combat training, and within the first half of the one station unit training cycle.

(2) Solicitation of "mass," group, or "captive" audiences.

(3) Making appointments with or soliciting of military personnel who are in an "on-duty" status.

(4) Soliciting without an appointment in areas used for housing or processing transient personnel, or soliciting in barracks areas used as quarters.

(5) Use of official identification cards by retired or Reserve members of the Armed Forces to gain access to military installations to solicit.

(6) Offering of false, unfair, improper, or deceptive inducements to purchase or trade.

(7) Offering rebates to promote transaction or to eliminate competition. (Credit union interest refunds to borrowers are not considered a prohibited rebate.)

(8) Use of any manipulative, deceptive, or fraudulent device, scheme, or artifice, including misleading advertising and sales literature.

(9) Any oral or written representations which suggest or appear that the Department of the Army sponsors or endorses the company or its agents, or the goods, services, and commodities offered for sale.

(10) Commercial solicitation by an active duty member of the Armed Forces of another member who is junior in rank or grade, at any time, on or off the military installation (Army Regulation 600–50).

(11) Entry into any unauthorized or restricted area.

(12) Assignment of desk space for interviews, except for specific prearranged appointments. During appointments, the agent must not display desk or other signs announcing the name of the company or product affiliation.

(13) Use of the "Daily Bulletin" or any other notice, official, or unofficial, announcing the presence of an agent and his availability.

(14) Distribution of literature other than to the person being interviewed.

(15) Wearing of name tags that include the name of the company or product that the agent represents.

(16) Offering of financial benefit or other valuable or desirable favors to military or civilian personnel to help or encourage sales transactions. This does not include advertising material for prospective purchasers (such as pens, pencils, wallets, and notebooks, normally with a value of $1 or less).

(17) Use of any portion of installation facilities, to include quarters, as a showroom or store for the sale of goods or services, except as specifically authorized by regulations governing the operations of exchanges, commissaries, non-appropriated fund instrumentalities, and private organizations. This is not intended to preclude normal home enterprises, providing State and local laws are complied with.

(18) Advertisements citing addresses or telephone numbers of commercial sales activities conducted on the installation.

(e) *Business reply system.* Agents who desire to use a business reply card system will include the information on the card which a military member can complete to indicate where and when the member can meet the agent to discuss the subject. The meeting place should be that established in accordance with § 552.60(*b*)(2), above, if the meeting is to be on the installation. This procedure should assist in removing any impression that the agent or his company are approved by the Department of the Army. It should further prevent an undesirable situation (e.g., military personnel paged on a public address system or called by a unit runner to report to the orderly room).

§ 552.61 Products and services offered in solicitation.

Products and services, including life insurance, offered and sold on Army installations must comply with the laws of the States (and other civil jurisdictions) in which the installations are located. If a dispute or complaint arises, the applicable State will make the determination (§ 552.56).

§ 552.62 Advertising rules and educational programs.

(*a*) The Department of the Army expects that commercial enterprises soliciting military personnel through advertisements appearing in unofficial military publications will voluntarily observe the highest business ethics in describing both the goods, services, and commodities and the terms of the sale (such as guarantees and warranties). If not, the publisher of the military publication will request the advertiser to observe them. The advertising of credit will conform to the provisions of the Truth-in-Lending Act, as implemented by Regulation Z, published by the Federal Reserve Board (12 Code of Federal Regulations 226).

(*b*) Commanders will provide appropriate information and educational programs to provide members of the Army with information pertaining to the conduct of their personal commercial affairs (e.g., the protections and remedies offered consumers under the Truth-in-Lending Act, insurance, Government benefits, savings, estate planning, and budgeting). The services or representatives of credit unions, banks, and nonprofit military associations approved by HQDA may be used for this purpose provided their programs are entirely educational. Under no circumstances will the services of commercial agents, including loan or finance companies and their associations, be used for this purpose. Educational materials prepared or used by outside organizations or experts in this field may be adapted or used with applicable permission, provided the material is entirely educational and does not contain applications or contract forms.

§ 552.63 "Cooling off" period for door-to-door sales.

The Federal Trade Commission Rule, 16 CFR Part 429, p. 233, effective 7 June 1974, pertains to a cooling off period for door-to-door sales. The rule applies to any sale, lease, or rental of consumer goods or services with a purchase price of $25 or more, whether under single or multiple contracts, in which the seller or business representative personally solicits the sale, including those in response to or following an invitation by the buyer, and the buyer's agreement or offer to purchase is made at a place other than the place of business of the seller. The purpose of the law is to allow the consumer the right to cancel a transaction at any time prior to midnight of the third business day after the date

of the transaction. When any door-to-door sale or transaction takes place anywhere on or off the installation (other than the seller's place of business) the consumer must be provided with a full and complete receipt or copy of a contract pertaining to the sale at the time of its execution which shall include the "cancellation statements" as required by the FTC rule.

§ 552.64 Sound insurance underwriting and programing.

The Department of the Army encourages the acquisition of a sound insurance program that is suitably underwritten to meet the varying needs of the individual and is within his financial means. Accordingly, insurance agents may conduct personal business on an installation, when feasible, with disinterested third-party counseling provided, interviewing hours set aside, and facilities supplied. However, the privilege of insurance solicitation on installations is conditioned on full compliance with this regulation and on the clear understanding that permission is not indorsement of the company or the policies offered for sale.

§ 552.65 Command supervision.

(*a*) All insurance business conducted on Army installation will be by appointment. When setting up the appointment, insurance agents must identify themselves to the prospective purchaser as an agent for a specific insurance company.

(*b*) Department of Defense personnel are expressly prohibited from representing any insurance company or dealing either directly or indirectly with any insurance company or any recognized representative of an insurance company as an agent or in any official or business capacity for the solicitation of insurance to personnel on a military installation with or without compensation.

(*c*) In addition to the forbidden practices, installation commanders will prohibit the following:

(1) The use of a commercial insurance agent as a participant in any military-sponsored education or orientation program.

(2) The designation or announcement of any agent as "Battalion Insurance Advisor," "Unit Insurance Counselor," "SGLI Conversion Consultant," or similar quasi-official titles.

§ 552.66 Actions required by agents.

(*a*) The agent must know that—

(1) Soldiers to be solicited are in grades E–1, E–2, or E–3, and

(2) The solicitation of these members is restricted to specified times and locations designated by the installation commander.

(*b*) Agents must leave information on the policy applied for with each member in grades E–1, E–2, and E–3 who applies for insurance and the unit insurance officer or counselor. Agents must complete DA Form 2056 (Commercial Insurance Solicitation Record). Blank DA Forms 2056 (not allotment forms) will be available to insurance agents on request. In the "Remarks" section of DA Form 2056, agents will include all pertinent information and a clear statement that dividends are not guaranteed if the presentation refers to dividends.

§ 552.67 Life insurance policy content.

Insurance policies offered and sold on Army installations must—

(*a*) Comply with the insurance laws of the States or country in which the installations are located. The applicable State insurance commissioner will determine such compliance if there is a dispute or complaint.

(*b*) Contain no restrictions because of military service or military occupational specialty of the insured, unless restrictions are clearly indicated on the face of the policy.

(*c*) Plainly indicate any extra premium charges imposed because of military service or military occupational specialty.

(*d*) Not vary in the amount of death benefit or premium based on the length of time the policy has been in force, unless it is clearly described therein.

(*e*) For purposes of paragraphs (*b*) through (*d*) of this section, be stamped with an appropriate reference on the face of the policy to focus attention on any extra premium charges imposed and on any variations in the amount of death benefit or premium based on the length of time the policy has been in force.

(*f*) Variable life insurance policies may be offered provided they meet the criteria of the appropriate insurance regulatory agency and the Securities and Exchange Commission.

(*g*) Show only the actual premiums payable for life insurance coverage.

§ 552.68 Minimum requirements for agents.

(*a*) In the United States, its territories, and the Commonwealth of Puerto Rico, agents may be authorized to solicit on an installation provided—

(1) Both the company and its agents are licensed in the State in which the installation is located. "State" as it pertains to political jurisdictions includes the 50 States, territories, and the Commonwealth of Puerto Rico.

(2) The application to solicit is made by an accredited company (§ 552.69).

(*b*) On Army military installation in foreign areas.

(1) An agent may solicit business on U.S. military installations in foreign areas if—

(i) The company he represents has been accredited by DOD;

(ii) His name is on the official list of accredited agents maintained by the applicable major command;

(iii) His employer, the company, has obtained clearance for him from the appropriate overseas commanders; and

(iv) The commanding officer of the military installation on which he desires to solicit has granted him permission.

(2) To be employed for overseas solicitation and designated as an accredited agent, agents must have at least 1 year of successful life insurance underwriting in the United States or its territories. Generally, this is within the 5 years preceding the date of application.

(3) General agents and agents will represent only one accredited commercial insurance company. The overseas commander may waive this requirement if multiple representation can be proven to be in the best interest of DOD personnel.

(4) An agent must possess a current State license. The overseas commander may waive this requirement on behalf of an accredited agent who has been continuously residing and successfully selling life insurance in foreign areas and forfeits his eligibility for a State license, through no fault of his own, due to the operation of State law or regulation governing domicile requirements, or requiring that the agent's company be licensed to do business in that State. The request for a waiver will contain the name of the State and jurisdiction, which would not renew the agent's license.

(5) An agent, once accredited in an overseas area, may not change his affiliation from the staff of one general agent to another, unless the losing company certifies, in writing, that the release is without justifiable prejudice. Unified commanders will have final authority to determine justifiable prejudice.

(6) Where the accredited insurer's policy permits, an overseas accredited life insurance agent, if duly qualified to engage in security activities either as a registered representative of a member of the National Association of Securities Dealers or an associated person of a broker/dealer registered with the Securities and Exchange Commission only, may offer life insurance and securities for sale simultaneously. In cases of commingled sales, the allotment

of pay for the purchase of securities cannot be made to the insurer.

(7) Overseas commanders will exercise further agent control procedures as necessary.

§ 552.69 Application by companies to solicit on military installations in the United States, its territories, or the Commonwealth of Puerto Rico.

Before a company may be accredited to solicit on a military installation, the commander must receive a letter of application, signed by the company's president or vice president. It must be understood that a knowing and willful false statement is punishable by fine or imprisonment (18 USC 1001). The letter of application will—

(*a*) Report the States in which the company is qualified and licensed to sell insurance.

(*b*) Give the name, complete address, and telephone number of each agent who will solicit on the installation if approval is granted; the State in which licensed; the date of licensing and the expiration date; and a statement of agreement to report all future additions and separations of agents employed for solicitation on the installation.

(*c*) List all policies and their form numbers that are to be offered for purchase on the installation. Application will be offered for purchase and that these policies meet the requirements of § 552.67(*d*).

Attest that—

(1) The privilege of soliciting the purchase of life insurance is not currently suspended or withdrawn from the company by any of the military departments.

(2) The privilege of soliciting the purchase of life insurance is not currently suspended or withdrawn by any Armed Forces installations from any of the agents named.

(3) The company and the agent named have proper and currently validated licenses as required by § 552.68.

(4) The company assumes full responsibility for its agents complying with this regulation and with any regulations published by the installation commander.

§ 552.70 Applications by companies to solicit on installations in foreign countries.

(*a*) Each May and June only, DOD accepts applications from commercial life insurance companies for accreditation to solicit the purchase of commercial life insurance on installations in foreign countries for the fiscal year beginning the following October.

(*b*) Information about permission to solicit on installations outside the United States (exclusive of its territories and the Commonwealth of Puerto Rico) is contained in instructions issued by DOD. Applications and any correspondence relating thereto should be addressed to Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), ATTN: Directorate, Personnel Services, ODASD(MPP), WASH DC 20301.

(*c*) Advice of action taken by DOD is announced annually by letters sent to overseas commanders as soon as practicable after 15 September. The list of companies and agents may vary from year to year.

§ 552.71 Associations—general.

The recent growth of quasi-military associations offering various insurance plans to military personnel is recognized. Some associations are not organized within the supervision of insurance laws of either the Federal or State Government. While some are organized for profit, others function as nonprofit associations under Internal Revenue Service regulations. Regardless of how insurance plans are offered to members, the management of the association is responsible for assuring that all aspects of its insurance programs comply fully with the instructions of this regulation.

§ 552.72 Use of the allotment of pay system.

(*a*) Allotments of military pay will be made in accordance with Army Regulation 37–104–3. Allotments will not be made to an insurer for the purchase of a commingled sale (e.g., retirement plans, securities).

(*b*) Under no circumstances will agents have allotment forms in their possession or attempt to assist or coordinate the administrative processing of such forms.

(*c*) For personnel in grades E–1, E–2, and E–3, at least 7 days should elapse between the signing of a life insurance application or contract and the certification of an allotment. The purchaser's commanding officer may grant a waiver of this requirement for good cause, such as the purchaser's imminent permanent change of station.

§ 552.73 Minimum requirements for automobile insurance policies.

Policies sold on installations by both accepted and accredited insurers will meet all statutory and regulatory requirements of the State or host nation in which the installation is located. Policies will not be issued in amounts lower than the minimum limits prescribed by these authorities. In addition, policies will—

(*a*) Clearly identify the name of the insurer and the full address.

(1) Applications without the name and address of the insurer underwriting the insurance may be used; the names of sales or underwriting agents alone is not sufficient.

(2) Post office box addresses are not an acceptable address.

(*b*) Provide bodily injury and property damage liability coverage for all drivers authorized by the named insured to operate the vehicle. Military indorsements, excluding persons other than the named insured, whether in the military or not, are not acceptable.

(*c*) Not contain unusual limitations or restrictions, including, but not limited to, the following:

(1) Limitations specifying that coverage is afforded only when the insured vehicle is operated in the designated geographic areas in the United States (e.g., coverage applicable only on a military reservation). If the installation is located within the United States, the standard provision limiting coverage to the United States and Canada is acceptable.

(2) Coverage limited to exclude liability for bodily injury to passengers and guests if such a liability exists as a matter of law.

§ 552.74 Grounds for suspension.

The installation commander will deny or revoke permission of a company and its agents to conduct commercial activities on the installation if it is in the best interests of the command. The grounds for taking this action will include, but will not be limited to, the following:

(*a*) Failure of company to meet the licensing and other regulatory requirements prescribed in § 552.56.

(*b*) An agent or representative engaged in any of the solicitation practices prohibited by this regulation.

(*c*) Substantiated adverse complaints or reports about the quality of the goods, services, or commodities and the manner in which they are offered for sale.

(*d*) Personal misconduct by agents or representatives while on the military installation.

(*e*) The possession of or any attempt to obtain allotment forms, or to assist or coordinate the administrative processing of such forms.

(*f*) Knowing and willful violation of the Truth-in-Lending Act or Federal Regulation Z.

(*g*) Failure to incorporate and abide by the Standards of Fairness policies. (See § 552.83.)

§ 552.75 Factors in suspending solicitation privileges.

In suspending privileges for cause, the installation commander will determine whether to limit suspension to the agent alone or to extent it to the company he represents. This decision will be based on the circumstances of the particular case. Included are—

(*a*) The nature of the violations and their frequencies;

(*b*) The extent to which other agents of the company have engaged in these practices;

(*c*) Previous warnings or suspensions; and

(*d*) Other matters that show the company's guilt or failure to take reasonable corrective or remedial action.

§ 552.76 Preliminary investigation.

When unauthorized solicitation practices have apparently occurred, an investigating officer will be appointed (Army Regulation 15–6). The investigating officer will gather sworn statements from all interested parties who have any knowledge of the alleged violations.

§ 552.77 Suspension approval.

The installation commander will personally approve all cases in which solicitation privileges have been denied or suspended for cause. This includes agents, companies, or other commercial enterprises. Authority to temporarily suspend solicitation privileges for 30 days or less while an investigation is conducted may be delegated by the commander to the installation solicitation officer or other designee. Exception to this time frame must be approved by The Adjutant General (DAAG–PSI) or by the overseas commander. The commander will make the final determination.

§ 552.78 "Show cause" hearing.

Before suspending the solicitation privilege, the company and the agent will have a chance to show cause why the action should not be taken. "Show cause" is an opportunity for the company, the agent, or both to present facts informally on their behalf. The company and agent will be notified, by letter, far in advance of the pending hearing. If unable to notify the agent directly or indirectly of the hearing, then the hearing may proceed.

§ 552.79 Suspension action.

(a) When suspended for cause, immediately notify the company and the agent, in writing, of the reason. When the installation commander determines that suspension should be extended throughout the Department of the Army (whether for the agent or his company), send the case to HQDA (DAAGPSI) WASH DC 20314. Provide all factors on which the commander based his decision concerning the agent or company (exempt report, para 7–2*o*, Army Regulation 335–15). This notification should include—

(1) Copies of the "show cause" hearing record or summary,

(2) The installation regulations or extract,

(3) The investigation report with sworn statements by all personnel affected by or having knowledge of the violations,

(4) The statement signed by the agent as required in § 552.60(c)

(5) Notification letters sent to the company and the agent advising of suspension of installation solicitation privileges, and

(6) If the agent failed to respond to notification of the hearing, a copy of the letters sent to him and the company offering them the opportunity to be heard.

(*b*) If the grounds for suspension bear significantly on the eligibility of the agent or company to hold a State license or to meet other regulatory requirements, notify the appropriate State or local civil authorities.

§ 552.80 Suspension period.

All solicitation privileges suspended by installation commanders will be for a specific time. Normally, it will not exceed 2 years. When the suspension period expires, the agent may reapply for permission to solicit at the installation authorizing the denial or suspension. Requests for suspension periods in excess of 2 years will be sent with the complete case to HQDA (DAAG–PSI) WASH DC 20314, for approval. Lesser suspension may be imposed pending decision.

§ 552.81 Agent or companies with suspended solicitation privileges.

Quarterly, HQDA will publish the names of agents and companies whose solicitation privileges have been suspended throughout the Department of the Army. If no change has occurred in the latest quarter, no list will be published.

§ 552.82 Exercise of "off limits" authority.

(*a*) In appropriate cases, installation commanders may have the Armed Forces Disciplinary Control Board investigate reports that cash or consumer credit transactions offered military personnel by a business establishment off post are usurious, fraudulent, misleading, or deceptive. If it is found that the commercial establishment engages in such practices; that it has not taken corrective action on being duly notified; and that the health, morale, and welfare of military personnel would be served, the Armed Forces Disciplinary Control Board may recommend that the offending business establishment be declared "off limits" to all military personnel. The procedures for making these determinations are in Army Regulation 190.24.

(*b*) On finding that a company transacting cash or consumer credit with members of the Armed Forces, nationwide or internationally, is engaged in widespread usurious, fraudulent, or deceptive practices, the Secretary of the Army may direct Armed Forces Disciplinary Control Boards in all geographical areas where this occurred to investigate the charges and take appropriate action.

§ 552.83 Standards of fairness.

(a) No finance charge contracted for, made, or received under any contract shall be in excess of the charge which could be made for such contract under the law of the place in which the contract is signed in the United States by the serviceman. In the event a contract is signed with a United States company in a foreign country, the lowest interest rate of the state or states in which the company is chartered or does business shall apply.

(b) No contract or loan agreement shall provide for an attorney's fee in the event of default unless suit is filed in which event the fee provided in the contract shall not exceed 20 percent of the obligation found due. No attorney's fees shall be authorized if he is a salaried employee of the holder.

(c) In loan transactions, defenses which the debtor may have against the original lender or its agent shall be good against any subsequent holder of the obligation. In credit transactions, defenses against the seller or its agent shall be good against any subsequent holder of the obligation provided that the holder had actual knowledge of the defense or under condition where reasonable inquiry would have apprised him of this fact.

(d) The debtor shall have the right to remove any security for the obligation beyond State or national boundaries if he or his family moves beyond such boundaries under military orders and notifies the creditor, in advance of the removal, of the new address where the security will be located. Removal of the security shall not accelerate payment of the obligation.

5. No late charge shall be made in excess of 5 percent of the late payment,

or $5 whichever is the lesser amount. Only one late charge may be made for any tardy installment. Late charges will not be levied where an allotment has been timely filed, but payment of the allotment has been delayed.

(e) The obligation may be paid in full at any time or through accelerated payments of any amount. There shall be no penalty for prepayment and in the event of prepayment, that portion of the finance charges which have insured to the benefit of the seller or creditor shall be prorated on the basis of the charges which would have been ratably payable had finance charges been calculated and payable as equal periodic payments over the term of the contract, and only the prorated amount to the date of prepayment shall be due. As an alternative, the "Rule of 78" may be applied, in which case its operation shall be explained in the contract.

(f) No charge shall be made for an insurance premium or for finance charges for such premium unless satisfactory evidence of a policy, or insurance certificate where State insurance laws or regulations permit such certificates to be issued in lieu of a policy, reflecting such coverage has been delivered to the debtor within 30 days after the specified date of delivery of the item purchased or the signing of a cash loan agreement.

(g) If the loan or contract agreement provides for payments in installments, each payment, other than the down payment, shall be in equal or substantially equal amounts, and installments shall be successive and of equal or substantially equal duration.

(h) If the security for the debt is repossessed and sold in order to satisfy or reduce the debt, the repossession and resale will meet the following conditions:

(1) The defaulting purchaser will be given advance written notice of the intention to repossess;

(2) Following repossession, the defaulting purchaser will be served a complete statement of his obligations and adequate advance notice of the sale;

(3) He will be permitted to redeem the item by payment of the amount due before the sale, or in lieu thereof submit a bid at the sale;

(4) There will be a solicitation for a minimum of three sealed bids unless sold at auction;

(5) The party holding the security, and all agents thereof are ineligible to bid;

(6) The defaulting purchaser will be charged only those charges which are reasonably necessary for storage, reconditioning, and resale; and

(7) He shall be provided a written detailed statement of his obligations, if any, following the resale and promptly refunded any credit balance due him, if any.

(i) A contract for personal goods and services may be terminated at any time before delivery of the goods or services without charge to the purchaser. However, if goods made to the special order of the purchaser result in preproduction costs, or require preparation for delivery, such additional costs will be listed in the order form or contract. No termination charge will be made in excess of this amount. Contracts for delivery at future intervals may be terminated as to the undelivered portion, and the purchaser shall be chargeable only for that proportion of the total cost which the goods or services delivered bear to the total goods called for by the contract. (This is in addition to the right to rescind certain credit transactions involving a security interest in real estate provided by section 125 of the Truth-in-Lending Act, Pub. L. 90–321 (15 U.S.C. 1601) and § 226.9 of Regulation Z (12 CFR Part 226).

[FR Doc. 80-34283 Filed 11-3-80; 8:45 am]
BILLING CODE 3710-08-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1648-5]

Ohio; Approval and Promulgation of Implementation Plans

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action revises the federally promulgated Ohio State Implementation Plan for sulfur dioxide for the United States Steel Corporation's Lorain Plant, Lorain County, Ohio. This revision is based upon documentation submitted by U.S. Steel pursuant to a Stipulated Agreement between U.S. Steel and the U.S. Environmental Protection Agency in two cases pending before the United States Court of Appeals for the Sixth Circuit. That Agreement recognized that data errors had been made in establishing the current limitations for the Lorain facility. In addition, U.S. Steel requests this revision to implement an alternative control strategy in which coke oven gas is displaced with natural gas in the dominant SO_2 sources and distributed to less significant sources. This revision corrects those errors, allows U.S. Steel to implement the alternative control strategy, and will not jeopardize the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS).

EFFECTIVE DATE: December 4, 1980.

INFORMATION CONTACT:
Debra Marcantonio, Air Programs Branch, U.S. EPA, Region V, 230 S. Dearborn St., Chicago, Illinois 60604; Telephone (312) 886–6039.

SUPPLEMENTARY INFORMATION: This final rule is an amendment to the federally promulgated Ohio State Implementation Plan (SIP) for sulfur dioxide (SO_2). The revision is specifically for the United States Steel Corporation's (U.S. Steel) Lorain Plant, Lorain County, Ohio.

On August 27, 1976, 41 FR 36324, the United States Environmental Protection Agency (U.S. EPA) promulgated regulations establishing the SIP for the control of SO_2 for the State of Ohio. On January 22, 1979, U.S. Steel submitted a Petition for Revision to the Ohio SIP. This Petition was submitted pursuant to a Stipulated Agreement between U.S. EPA and U.S. Steel in two cases (Nos. 76–2243 and 77–1358) pending before the United States Court of Appeals for the Sixth Circuit. Both parties acknowledged that certain data errors (e.g., source locations, fuel usage, receptor locations) had been made in U.S. EPA's modeling. U.S. EPA notified U.S. Steel of inadequacies in its Petition, and on September 12, 1979 U.S. Steel submitted an Amended Petition for Revision. Supplemental material was submitted on November 15, 1979, and in March, 1980. The subject of this notice is U.S. Steel's Amended Petition for Revision; it corrects the above-listed data errors, and includes an alternate control strategy which will be more cost effective than that currently permitted under existing U.S. EPA regulations. The basis for this alternate control strategy is the displacement of some coke oven gas from the dominant SO_2 sources (i.e. the number 4 seamless mill rotary furnace (P039) and the soaking pits (P006–018)) with natural gas; the coke oven gas will be distributed to other less significant sources. Any excess coke oven gas is to be flared. This control strategy requires the construction of an additional flare.

U.S. Steel has performed an air quality impact analysis to demonstrate that the proposed revision will achieve and maintain the National Ambient Air Quality Standards (NAAQS) for SO_2. U.S. Steel used the U.S. EPA RAM-Urban model, modified to treat volume sources, with 1964 Cleveland/Buffalo meteorological data. The volume source

modification, consistent with U.S. EPA modeling guidelines, was necessary to better model emissions from such industrial process sources as the number 4 seamless mill rotary furnace (P039). This source is totally enclosed in a building with a roof vent and two side vents from which pollutant emissions are released.

As a part of the modeling methodology, U.S. Steel examined two scenarios: (1) all sources operating at maximum capacity with the additional flare down (i.e., no excess coke oven gas), and (2) the additional flare operating at maximum capacity without the coke oven gas-fired sources. For each scenario, one year of meteorological data was screened to select critical days for additional review. These critical day analyses indicated that the U.S. Steel control strategy is effective in achieving and maintaining the NAAQS. An additional analysis was performed to assess the use of alternate fuels in the boilers. In B001–012, the backup fuel produces less SO_2 emissions than the primary fuel. An emission limitation based upon the primary fuel is, therefore, more constraining. In B013, however, the alternate fuel, #2 distillate oil, produces more SO_2 emissions than the main fuel, blast furnace gas. Supplemental modeling of B013's firing #2 oil was performed to justify the proposed oil-firing emission limitation. With this limitation, the remaining sources can still burn coke oven gas at the 368 gr. H_2S level and achieve the NAAQS.

U.S. EPA, after a careful review of the proposed revision and the technical data submitted in support thereof, found the revision acceptable and effective in achieving and maintaining the NAAQS. Accordingly, on June 10, 1980, 45 FR 39310, U.S. EPA proposed approval of this revision, and provided a thirty (30) day public comment period. One comment was received which questioned the meteorological data base used in the modeling. The modeling relied on meteorological data from 1964. U.S. EPA and U.S. Steel agreed, among other things, on the use of 1964 Cleveland/Buffalo data for the reanalysis in the Stipulated Agreement. Although current U.S. EPA policy usually requires the use of multiyear meteorological data bases, at the time of the original modeling U.S. EPA policy did not require the use of a multiyear base. Further, U.S. EPA used 1964 data in developing the original emission limitations. The remodeling was intended to correct errors in U.S. EPA's original modeling. Therefore, U.S. EPA believes that the meteorological data base used in the remodeling was appropriate.

Since this revision to the Ohio SIP for SO_2 will not jeopardize the attainment and maintenance of the NAAQS, U.S. EPA is accordingly revising the emission limitations for the U.S. Steel Corporation's Lorain Plant, Lorain County, Ohio.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within [60 days of date of publication]. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged in later civil or criminal proceedings brought by U.S. EPA to enforce these requirements.

Under Executive Order 12044 (43 FR 12661), U.S. EPA is required to determine whether a regulation is "significant" and, therefore, subject to certain procedural requirements of that Order, or whether it may follow other specialized development procedures. U.S. EPA labels these other regulations "specialized." I have reviewed this regulation pursuant to the guidance in U.S. EPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979, by the Administrator, and have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 110, Clean Air Act, as amended 42 USC § 7410)

Dated: October 23, 1980.

Douglas Costle,

Administrator.

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

Subpart KK—Ohio

1. § 52.1881 is amended by rivising paragraph (b)(38)(vi) (B) and (C); by adding as follows: paragraph (b)(38)(vi)(D); and by revising (b)(38)(vii).

§ 52.1881 Control Strategy: Sulfur oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

* * * * *

(38) In Lorain County, * * *

* * * * *

(vi) The United States Steel Corporation or any subsequent owner or operator of the United States Steel facilities in Lorain County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at those facilities in excess of:

(A) * * *

(B) For fossil fuel-fired steam generating units number 010 through 012: 1.98 pounds of sulfur dioxide per million BTU of actual heat input.

(C) For fossil fuel-fired steam generating unit number 013: 0.31 pound of sulfur dioxide per million BTU of actual heat input.

(D) For all other fossil fuel-fired steam generating units, subparagraphs (b)(38)(i) or (b)(38)(ii) of this section shall apply, as applicable.

(vii) The United States Steel Corporation or any subsequent owner or operator of the United States Steel facilities in Lorain County, Ohio, shall not cause or permit the combustion of by-product coke oven gas from any stack containing a total sulfur content expressed as hydrogen sulfide in excess of 368 grains of hydrogen sulfide per 100 dry standard cubic feet of coke oven gas and shall not cause or permit the emission of sulfur dioxide from any stack in excess of 1.98 pounds of sulfur dioxide per million BTU of actual heat input.

[FR Doc. 80-33928 Filed 11-03-80; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 65

[A-6-FRL-1637-1]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Approval in Part of an Administrative Order Issued by the New Mexico Environmental Improvement Board to Public Service Company of New Mexico

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces that the Environmental Protection Agency is hereby approving in part and disapproving in part an Administrative Order issued by the New Mexico Environmental Improvement Board to Public Service Company of New Mexico. The Order requires the company to bring air pollution emissions from two coal burning electric utility generators into compliance with regulations contained in the New Mexico State Implementation Plan (SIP) or, in the case of New Mexico Air Quality Control Regulation 602, submitted to EPA for inclusion therein. Because the Order was issued to a major source and permits a delay in compliance with requirements of the SIP, it must be

approved by EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Clean Air Act, 42 U.S.C. 7401 *et seq* (the Act). The part of the Order approved by EPA constitutes an addition to the SIP.

EFFECTIVE DATE: December 4, 1980.

Under Section 307(b)(1) of the Clean Air Act, judicial review of (this action) is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of publication. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

FOR FURTHER INFORMATION CONTACT: Paige Murphy, Attorney, Legal Branch, Enforcement Division, Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Texas, (214) 767–2760.

SUPPLEMENTARY INFORMATION: Public Service Company of New Mexico operates a coal burning electric utility generation plant located in San Juan County, New Mexico. The state-issued Order, which addresses emissions from San Juan Units Number 1 and 2, was received by EPA, Region 6, on December 7, 1979.

The Order required San Juan Unit Number 1, classified as a new source, to comply by December 31, 1979, with New Mexico Air Quality Control Regulation 602.A (NM 602.A), which limits emissions of sulfur dioxide from new coal burning generators, and New Mexico Air Quality Control Regulation 603.A (NM 603.A), which limits emission of nitrogen dioxide from new sources. Because the delay in compliance by San Juan Unit No. 1 was authorized only up to December 31, 1979, EPA approval or disapproval beyond that date would have been of no practical effort. Consequently, EPA has taken no action with respect to provisions of the state-issued Order addressing compliance by San Juan Unit No. 1. It should be added that the SIP requirements involved (NM 602.A and NM 603.A) required compliance as of May 31, 1972. Since compliance under the SIP was required more than three years before the date of compliance set forth in the Order, EPA approval would not have been authorized under Section 113(d)(1)(D) of the Act, 42 U.S.C. 7413(d)(1)(D).

The Order further addressed New Mexico Air Quality Control Regulation 504.C (NM 504.C) which limits particulate emissions from existing coal-burning equipment (those units fully constructed or under construction prior to September 1, 1971). San Juan Unit No. 2 is subject to NM 504.C. The Order required final compliance by San Juan Unit No. 2 with NM 504.C by April 18, 1980. Under Section 113(d)(1)(D) of the Act, orders may be issued extending the date for final compliance to a date no later than July 1, 1979, or three years after the date for final compliance specified in the applicable state implementation plan. Because July 1, 1979, has passed and NM 504.C (as approved by EPA on May 31, 1972) requires final compliance by December 31, 1974, EPA is without authority to approve that portion of the Order which would allow compliance with 504.C by April 18, 1980.

While the State has submitted an amended version of NM 504.C to EPA for approval, EPA has not approved the amended NM 504.C at this time. Until such approval is given, NM 504.C as approved on May 31, 1972, remains the applicable SIP requirement governing particulate emissions from existing coal-fired generators.

The Order additionally authorized delayed compliance at San Juan Unit No. 2 with New Mexico Air Quality Control Regulation 602.B (NM 602.B), which limits the emissions of sulfur dioxide from existing coal-burning equipment (fully constructed or under construction prior to September 1, 1971). In response to the New Mexico Court of Appeals decision in *Public Service Company* vs. *Environmental Improvement Board,* EPA withdrew the previously-approved regulation governing sulfur dioxide emissions from existing coal-burning equipment. Thus, no EPA-approved regulation addressing sulfur dioxide emissions from such sources existed at the time the Order was submitted to EPA (although NM 602.B was then being reviewed for approval). EPA proposed to conditionally approve that part of the Order allowing delayed compliance with NM 602.B, pending EPA's approval of the regulation itself. On April 10, 1980, EPA gave conditional approval to NM 602.B (45 FR 24460 *et seq*). Thus, that portion of the Order allowing San Juan Unit No. 2 to comply with NM 602.B by April 18, 1980 is approved. NM 602.B requires compliance as of July 9, 1978, and an order authorizing compliance by April 18, 1980, clearly falls within the three year limitation prescribed by Section 113(d)(1)(D) of the Act. Other applicable requirements of Section 113(d) of the Act are satisfied: the source has consented to the terms of the Order and has agreed to meet the requirements of the compliance schedule contained therein during the period of this informal rulemaking. To the extent that the Delayed Compliance Order has been approved, compliance with its terms precludes further EPA enforcement action under Section 113 of the Act against this source for violations of the state air pollution control regulation covered by the Order during its period of effectiveness. Action against the source under the citizen suit provisions of the Act (Section 304) would be similarly barred.

EPA's proposed actions with respect to the Order (to wit: approving in part and disapproving in part) were published in the **Federal Register** on April 4, 1980 (45 FR 22987). Public comments solicited in the Notice of Proposed Actions, were received from the State of New Mexico and Public Service Company of New Mexico.

Comment: EPA's nonaction with respect to provisions of the Order delaying compliance up to December 31, 1980, was questioned. The State expressed its assumption that agencies can make retroactive determinations and that EPA's nonaction in itself would provide protection from federal penalties. The company felt that approval was required to provide protection from citizen's suits.

Answer: Whether an agency can make retroactive determinations is not an issue here. Had an urgent need for EPA's approval existed, the state could have formally transmitted the Order (issued by the Environmental Improvement Board on August 10, 1979) earlier than it did. While EPA's declining to approve or disapprove these provisions retroactively does not provide automatic insulation from federal penalties, in this particular instance the effect is much the same. All federal enforcement actions for violations of the SIP must begin with a notice of violations. Penalties may not be assessed unless the violation has extended beyond the thirtieth day after the notice of violation. Since EPA has not issued a notice of violation for violation occurring during the period December 7 to 31, 1979, no penalties may be assessed for such violation. Because only those citizen's suits which seek injunctive relief are authorized by Section 304 of the Act, the company has never been vulnerable to penalties assessed as a result of such suits. Nor could injunctive relief be obtained through a Section 304 suit since it is a practical impossibility to enjoin actions which have occurred in the past.

Comment: Both the State of New Mexico and Public Service Company of New Mexico dispute EPA's disapproval of the portion of the Order allowing delayed compliance with NM 504.C. It

was asserted that NM 504.C (as currently approved by EPA) was withdrawn by the State of New Mexico when an amended NM 504 was submitted for approval as part of the SIP in July of 1978. These comments reflect the assumption that under NM 504, as amended, compliance can be delayed until July 13, 1981 (three years from the amended regulation's effective date) even through the substantive SIP requirement (i.e. particulate emission limitations for existing coal-burning equipment) remains virtually unchanged from the currently-approved version of NM 504. The commenters further suggested that provisions delaying compliance with NM 602.B and with NM 504.C should be similarly approved insofar as NM 602.B and the amended NM 504 were submitted for EPA's approval at the same time.

Answer: State air quality regulations do not become provisions of an applicable state implementation plan until approved by the Administrator of EPA, nor can such regulations be unilaterally withdrawn from a state implemention plan without the Administrator's approval. NM 504.C, approved by the Administrator on May 31, 1972, constitutes the applicable SIP provision governing particulate emissions from existing coal-fired equipment and it will remain so until its withdrawal and the revised regulation are approved by the Administrator.

A different situation existed with respect to NM 602, which was approved by EPA on April 10, 1980. Before this approval, there existed no implementation plan provision or sulfur dioxide emissions from existing coal-fired sources, the previously approved and applicable regulation (NM 602.B(2) and (3)) having been withdrawn by the Administrator following the New Mexico Court of Appeals decision in *Public Service Company of New Mexico* v. *Environmental Improvement Board.* Therefore, the portion of the delayed compliance order addressing sulfur dioxide emissions from existing power plants could not be approved until an applicable implementation plan provision existed for such sources. Recognizing that EPA approval of such provision was forthcoming, conditional approval of the Order was appropriate at the time EPA's proposed actions concerning the order was published.

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

In consideration of the foregoing, the Environmental Protection Agency approves in part the Delayed Compliance Order issued by the New Mexico Environmental Improvement Board to Public Service Company of New Mexico.

(Sec. 113(d) of the Clean Air Act, 42 U.S.C. 7413(d))

Dated: October 23, 1980.

Douglas M. Costle,

Administrator.

Part 65 of Chapter I, Title 40 of the Code of Federal Regulation is amended by adding the following entries to the tables in §§ 65.361 and 65.362.

§ 65.361 EPA approval of State delayed compliance orders issued to major stationary sources.

Source	Location	Order No.	Date of FR proposal	SIP regulation(s) involved	Final compliance date
Public Service Company of New Mexico.	San Juan County, N. Mex.....	00432-021	Apr. 14, 1980	NM 602.B	Apr. 18, 1980.

§ 65.362 EPA disapproval of State delayed compliance orders.

Source	Location	Order No.	Date of FR proposal	SIP regulation(s) involved	Final compliance date
Public Service Company of New Mexico.	San Juan County, N. Mex.....	00432-021	Apr. 14, 1980	NM 504.C	Apr. 18, 1980.

[FR Doc. 80-33927 Filed 11-3-80; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-7-FRL 1648-2]

Section 107—Revision to Attainment Status Designations for Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA proposed in the February 11, 1980 **Federal Register** (45 FR 9012) to redesignate certain areas in Kansas, as requested by the Kansas Department of Health and Environment, based upon supporting air quality data.

This notice describes the EPA's final action on the proposed redesignations. In taking final action the EPA has considered the comments on the March 3, 1978 rulemaking which identified attainment status designations, as well as the comments which were received after the proposal for the current rulemaking was published.

DATES: These designations are effective November 4, 1980.

ADDRESSES: Copies of the state submission, the comments received on the proposed rulemaking and an evaluation document are available at the following locations:

Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106;

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460;

Kansas Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66620;

Kansas City—Wyandotte County Health Department, Air Pollution Control Division, 619 Ann Avenue, Kansas City, Kansas 66101;

Mid-America Regional Council, 20 West Ninth Street, Kansas City, Missouri 64105.

A copy of the state submission and this notice is available at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: On April 6, 1979, the Kansas Department of Health and Environment (KDHE) submitted area redesignation requests for Sedgwick County, Topeka, and Kansas City, Kansas. The EPA proposed action on these requests in the February 11, 1980 **Federal Register** at 45 FR 9012.

(1) Sedgwick County—This area is presently designated as nonattainment for ozone. The ambient air quality measurements for the area during the years 1976 through 1978 indicate that the area meets the National Ambient Air Quality Standards (NAAQS) for ozone, as revised by the Administrator on February 8, 1979 (44 FR 8202). The state has recommended that Sedgwick County be redesignated as attainment for the ozone standard on this basis.

No comments were received on the proposal to redesignate Sedgwick County.

Action: Since no violations of the revised ozone standard have taken place in this area since 1976, the EPA approves the state recommendation that Sedgwick County be redesignated as attainment for ozone.

(2) Topeka—This area is presently designated as nonattainment for both the primary and secondary standards for total suspended particulates (TSP). This designation was based on data received during the period 1974 through 1976.

The KDHE has reported that no violations of the primary standard have occurred in the area since 1976 and contends that violations of the secondary standard are attributable to fugitive dust emissions. On this basis the KDHE has asked that Topeka be redesignated as attainment for the primary and secondary standards for particulates.

Under the EPA policy on accounting for fugitive dust (43 FR 8963, March 3, 1978) certain rural or non-urban areas could be designated attainment if the criteria for fugitive dust were met. These criteria are that the area have (1) a lack of major industrial development or an absence of significant industrial particulate emissions, and (2) a low urbanized population. The EPA uses the definition of "major stationary source" in Section 302(j) of the Clean Air Act as a guide in considering whether an area has an absence of significant industrial particulate emissions. The EPA fugitive dust policy paper (August 1, 1977) establishes a population range of 25,000 to 50,000 as a guideline for determining whether an area can be considered to have a low urbanized population.

In the proposal for the redesignation of Topeka (referenced above) it was stated that Topeka met the first criterion of the policy. However, the EPA proposed to retain the secondary nonattainment designation because the area did not meet the population criterion. Further examination reveals that of the eleven point sources impacting the nonattainment area, several would be defined as significant industrial sources of particulate emissions. Thus, Topeka does not meet the first criterion of the fugitive dust policy. Topeka also has a greater population than what the EPA considers a low urbanized population. The additional finding relating to presence of significant sources does not affect the February 11, 1980 proposal to retain the secondary TSP nonattainment designation. It does mean that the decision to retain the secondary TSP nonattainment designation now has a broader basis, i.e., that the Topeka nonattainment area does not meet either of the criteria for the application of the fugitive dust policy. Since this additional consideration does not alter the proposal to retain the secondary nonattainment designation, no additional public comment period is necessary.

In the February 11, 1980 **Federal Register** the EPA proposed to remove the primary particulate nonattainment designation for Topeka, since no violation of the primary TSP standard has occurred since 1976, and to retain the secondary particulate nonattainment designation for Topeka.

Five comments were received in regard to the proposal to change the Topeka designation. Two commentors stated that Topeka should be designated attainment rather than nonattainment for the secondary TSP standard. In their opinion, the dust problem in Topeka is a result of fugitive dust blown into Topeka rather than industrial dust from Topeka-based sources. No evidence was offered to support these opinions. Three commentors were concerned with the EPA's use of population figures to distinguish urban from rural areas. One of these commentors also stated that the use of low population cutoff figures for western states and high population cutoff figures for eastern states is prejudicial towards western states.

The fugitive dust policy recognizes the generally greater health impact due to fugitive dust in urban areas in contrast to rural areas. In urban areas, the windblown soil contains various manmade toxic pollutants, whereas rural windblown dust is usually not significantly contaminated by industrial pollutants. The population criterion was incorporated into the policy in order to focus attention on the larger urban centers, where air pollution problems and the number of people adversely affected are significant. The EPA believes that the use of lower population figures for western states represents a realistic approach for identifying urban/rural area in western states. The main objective of the policy is to protest the greatest number of people from the adverse health effects of air pollutants. The EPA believes the population criterion provides a reasonable basis for determining whether an area experiencing violations of the standards should be designated attainment, and does not believe that the criterion is met in this instance.

Action: The EPA removes the primary TSP nonattainment designation for Topeka but retains the secondary TSP nonattainment designation for Topeka.

(3) Kansas City—An area of Kansas City, Kansas, described in the February 11, 1980 proposed rulemaking (45 FR 9012) is currently designated as nonattainment for carbon monoxide (CO). In that proposal, the EPA proposed to change the area designation to unclassified.

The KDHE has requested that this area be redesignated as attainment for CO. This request is based on the fact that CO measurements in the area have indicated a steady decrease in the levels of CO over the past three years and no violations of the standard were recorded in 1978.

However, the EPA believes that the location of the CO monitor in the Kansas City, Kansas area is not in accordance with the EPA siting criteria for maximum concentration level CO monitoring.

The EPA and KDHE have agreed upon an alternative monitoring site which would meet the siting criteria. The KDHE has agreed to operate the monitors at both sites for one year to obtain more data upon which to base a more accurate area designation.

One comment was received from the KDHE regarding the location of a new CO monitor in Kansas City, Kansas. The KDHE questioned whether this site met the EPA siting requirements of 40 CFR 58, Appendix D 2.4. The KDHE also stated that it had made no prior commitment to continue to operate a sampler at this location.

The new Kansas City, Kansas carbon monoxide monitor at 7th and State Streets was established as a peak concentration location for CO and in the opinion of the EPA it meets the siting requirements for this purpose. It was the EPA's understanding that the KDHE had agreed to the new monitoring site. The details regarding the future operation of the site will be negotiated with the state at a later date. This will have no effect on the present decision to redesignate the Kansas City, Kansas carbon monoxide nonattainment area to unclassified.

Action: The CO nonattainment area in Kansas City, Kansas is redesignated to unclassified for the CO standard, until

data has been collected from both monitoring sites for one year. At that time the data will be evaluated, and further action may then be taken.

(4) Riverton—The EPA proposed in the **Federal Register** of February 11, 1980 (45 FR 9012) to redesignate the Riverton area from attainment to unclassified for the sulfur dioxide (SO_2) standard. The basis for the proposed redesignation of this area was that six violations of the primary standard and nine violations of the secondary standard for sulfur dioxide had been recorded between April 5, 1977 and June 30, 1978 during a special sampling study around the Empire District Electric Company (EDEC) power plant located in Riverton. Since that time the company has come into compliance with Kansas Regulation 28–19–31C dealing with sulfur emissions. The reader is referred to the proposal cited above for further information. Only eight months of monitored data showing no violations of the primary or secondary standard for SO_2 were available at the time of the proposal. The EPA did not believe it had sufficient data at that time on which to base a designation for the SO_2 standard in Riverton. Thus, it was proposed that Riverton be designated as unclassified for the SO_2 standard until four quarters of SO_2 monitoring data became available. The proposal indicated that only four quarters of data were necessary, rather than eight quarters as is generally required, because actual air quality improvements could be attributed to emission reductions required by a delayed compliance order issued to the EDEC. The proposal stated that when one year's worth of continuous sulfur dioxide monitoring data was obtained showing no violations of the SO_2 standard, the Riverton area could be designated as attainment.

At the present time there are 15 months of monitored data at the EDEC power plant in Riverton showing no violations of either the primary or secondary standard for SO_2. The EPA believes that this data indicates an actual improvement in air quality since the EDEC power plant is now complying with Kansas Regulation 28–19–31C, and adequately indicates attainment of the NAAQS for SO_2 in the Riverton area. Because of the demonstration that actual air quality improvements have resulted due to legally enforceable measures requiring reductions in actual emissions, only one year's worth of SO_2 monitoring data showing no violations was necessary for the area to retain its attainment designation.

One comment was received on the proposal to redesignate the Riverton area. This commentor questioned whether the proposed redesignation of Riverton to unclassified was being carried out in accordance with the provisions of Section 107(d) of the Clean Air Act as amended. As a result of the present notice, the attainment status designation for the Riverton area will not be altered from the original March 3, 1978 designation. Since there will be no redesignation, the comment requires no further response.

Action: The original proposal to redesignate Riverton to unclassified was made to allow the EPA to obtain at least four quarters of data before making a decision on the attainment/nonattainment designation of the Riverton area for SO_2.

The EPA has determined not to change the attainment status designation for the area since the state has demonstrated, on the basis of more than four quarters of monitoring data and actual air quality improvements, that the attainment designation is still appropriate. In response to the comment on the original designation of Riverton, discussed in the proposal, the EPA has concluded that the original March 3, 1978 designation was correct and remains in effect for the area. No reproposal is necessary because the EPA is not taking any action to change the March 3, 1978 designation, and because the requirements which the state must meet to demonstrate attainment were fully discussed in the proposal.

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

Under Section 307(b)(1) of the Clean Air Act, judicial review of [this action] is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of [Date of Publication in the FR]. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

These actions are being made effective immediately in order to lift restriction on construction of new or modified sources in areas for which the designation is revised to attainment or unclassified.

This notice of final rulemaking is issued under the authority of Section 107 of the Clean Air Act as amended.

Dated: October 21, 1980.

Note.—Incorporation by reference of the State Implementation Plan for the State of Kansas was approved by the Director of the Federal Register on July 1, 1980.

Douglas M. Costle,

Administrator.

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended in § 81.317 as follows:

1. The chart on Kansas—TSP is amended by revising the entries on Wyandotte County, Topeka, Kansas, and Remainder of State;

2. The chart on Kansas—O_x is amended by revising the entries on Kansas City AQCR(094), South Central AQCR(099), Northwest AQCR(095), and Remainder of State; and

3. The chart on Kansas—CO is amended by revising the entries on Kansas City, Kansas, Wichita, Kansas, and Remainder of State.

SUBCHAPTER C—AIR PROGRAMS

Subpart B—Designation of Air Quality Control Regions

* * * * *

§ 81.317 Kansas.

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Kansas—TSP				
Wyandotte County:				
a. Most of the area between I-635 and the Missouri state line.	X			
b. An area extending about three miles west of the above area.		X		
Topeka, Kansas, area bounded by: Kansas River on the east and south, Vail Avenue on the west and Lyman Avenue on the north.		X		
Remainder of State				X

Kansas—O,

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Kansas City AQCR (094):		
Wyandotte County	*X	
Johnson County	*X	
South Central AQCR (099): Sedgwick County		X
Northwest AQCR (095): Douglas County	*X	
Remainder of State		X

Kansas—CO

Kansas City, Kansas area, bounded by: 6th Street on the east, Washington Street on the north, 18th Street on the west, and Barnett Street on the south.		X
Wichita, Kansas area, bounded by: Grove Street on the east, 13th Street on the north, the Arkansas River on the west, and Kellogg Avenue on the south.	X	
Remainder of State		X

*EPA designation replaces State designation.

[FR Doc. 80-33926 Filed 11-3-80; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

41 CFR Part 3-3

Procurement Planning; Deletion of Subpart

AGENCY: Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health and Human Services is amending its procurement regulations to delete Subpart 3-3.50, Procurement Planning. This subpart is being deleted because it is outdated.

EFFECTIVE DATE: November 4, 1980.

FOR FURTHER INFORMATION CONTACT: E. S. Lanham, Office of Procurement Policy, OGP, OASMB, CS, Department of Health and Human Services, Room 538H, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201 (202-245-0481).

SUPPLEMENTARY INFORMATION: Subpart 3-3.50 is being deleted because it is outdated. A new subpart will not be substituted in Title 41 CFR Chapter 3 for the deleted subpart. However, a new subpart on procurement planning has been developed and incorporated into the Department's Procurement Staff Manual. This new subpart on procurement planning is not being added to 41 CFR Chapter 3 because the material contained in it is procedural in nature and concerns internal administrative guidance.

It is the policy of the Department to allow time for interested parties to participate in the rulemaking process. However, since the amendment concerns internal administrative procedures, the public rulemaking process was deemed unnecessary in this instance. The provision of this amendment is issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Therefore, 41 CFR Chapter 3 is amended as set forth below.

Dated: October 27, 1980.

Murray N. Weinstein,

Acting Deputy Assistant Secretary for Grants and Procurement.

Subpart 3-3.50 (§§ 3.3.5000—3.3.5004) [Deleted]

Under Part 3-3, Procurement by Negotiation, Subpart 3-3.50, Procurement Planning, is deleted in its entirety. In addition, the table of contents for Part 3-3 is amended to delete reference to Subpart 3-3.50.

[FR Doc. 80-34368 Filed 11-3-80; 8:45 am]

BILLING CODE 4110-12-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-37

[FPMR Amdt. F-43]

Essential Residential Telephone Service During Emergencies

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation updates FPMR Subpart 101-37.6 to clarify the policies, delete expired references, and correct addresses. The intended effect is to provide a current regulation for the agencies to provide and administer residential phone service to staff members who have essential emergency related functions to perform.

EFFECTIVE DATE: November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Robert R. Johnson, Policy and Evaluation Division (202-566-0194).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

1. The table of contents for Part 101-37 is amended by revising the following entry:

Subpart 101-37.6—Essential Residential Telephone Service During Emergencies

2. Section 101-37.601(a) and (b) is revised to read as follows:

§ 101-37.601 Line load control.

(a) An arrangement called line load control is provided by the public telephone companies so that subscribers having essential emergency functions may encounter a minimum of delay in placing calls from their residences during emergencies. The number of telephones that can be included in this arrangement is limited. Any charges for the line load control arrangement will be borne by the requesting agency.

(b) If a number has been designated "essential," all outgoing calls are put through with minimum delay while retaining generally good service, with only slight and intermittent delay to the other general public users.

3. Section 101-37.602 is revised to read as follows:

§ 101-37.602 Availability of essential service.

The head of each Federal agency will be responsible for ensuring that this service will be provided only to those key individuals whose emergency assignments require the capability to discharge emergency responsibilities and functions from their residential telephones.

4. Section 101-37.603 is amended by revising paragraphs (a), (b), and (d) and by deleting paragraph (e) to read as follows:

§ 101-37.603 Criteria and procedures for obtaining essential service.

(a) The agency head is responsible for establishing internal procedures necessary to ensure that the selection of employees will be made in accordance with the guidelines in paragraph (b) of this section.

(b) Normal residential telephone service will be adequate in most situations and will be subjected to the imposition of line load control only under the most critical circumstances. Therefore, each employee selected for essential service must have a responsibility or function requiring undelayed outgoing calling capability. Essentially, the person being considered must have an emergency assignment requiring the immediate discharge of responsibilities from that person's home telephone. Rank, grade, or position are not determining factors. Because of the limits of this service, selections should be held to an absolute minimum.

* * * * *

(d) The lists of selected employees will be approved and certified as meeting the guidelines established in § 101–37.603 of this FPMR. Certified lists then shall be forwarded to the appropriate General Services Administration (GSA) regional office, Attention: Director, Telecommunications Division. The GSA regional office will forward the lists to the appropriate telephone company for implementation.

(e) [Reserved]

5. Section 101–37.604 is revised to read as follows:

§ 101–37.604 Procedures for resolution of conflicts.

(a) When a local telephone company receives more requests for essential service than it can accommodate, the appropriate GSA regional office will be notified.

(b) The GSA regional office will resolve the matter with the local or regional offices of the agencies concerned. If the problem cannot be resolved at this level, the information will be submitted to the General Services Administration, Attention: Commissioner, Automated Data and Telecommunications Service (C) (hereafter referred to as GSA Central Office).

(c) GSA Central Office will contact the agencies' national offices to effect a solution. After resolution, GSA Central Office will notify the GSA regional office concerned, which will then advise the telephone company and the agency offices involved.

6. Section 101–37.605 is revised to read as follows:

§ 101–37.605 Changes in agency essential service listing.

It is the responsibility for the agency or agency field activity to update its lists of employees requiring essential service in accordance with instructions of the agency head. Changes in these lists should be forwarded promptly to the appropriate GSA regional office for further action to add or delete these employees from line load control.

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

Dated: October 27, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80–34380 Filed 11–3–80; 8:45 am]

BILLING CODE 6820–25–M

41CFR Ch. 101

[FPMR Temp. Reg. H–22]

Recovery of Cost of Care and Handling of Surplus Personal Property Under the Control of the Department of Defense

AGENCY: Federal Property Resources Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation supersedes FPMR Temporary Regulation H–21 and establishes policies and procedures governing the recovery of the costs of care and handling of surplus personal property under the control of the Department of Defense that is disposed of under the provisions of section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(j)).

DATES: Effective date: October 1, 1980. Expiration date: Upon termination of House Joint Resolution 610, 96th Congress, Second Session, unless revised or superseded sooner.

FOR FURTHER INFORMATION CONTACT: Francis B. Roche, Assistant Commissioner for Personal Property (703–557–3852).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Authority: The provisions of this regulation are issued under section 764 of Pub. L. 96–154 as continued by House Joint Resolution 610.

In 41 CFR Chapter 101, the following temporary regulation is listed in the appendix at the end of Subchapter H to read as follows:

Federal Property Management Regulations

TO: Department of Defense

SUBJECT: Recovery of costs of care and handling of surplus personal property under the control of the Department of Defense

1. *Purpose.* This regulation establishes policies and procedures governing the recovery of the costs of care and handling of surplus personal property under the control of the Department of Defense that is disposed of under the provisions of section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(j)).

2. *Effective date.* This regulation became effective October 1, 1980.

3. *Expiration date.* This regulation expires upon the termination of House Joint Resolution 610, 96th Congress, Second Session, unless revised or superseded sooner.

4. *Applicability.* The provisions of this regulation apply to the Department of Defense.

5. *Background.*

a. Section 764 of Public Law 96–154, Department of Defense Appropriations Act of 1980, approved December 21, 1979, necessitated the General Services Administration to establish policies and procedures governing the recovery of the costs of care and handling of surplus personal property under the control of the Department of Defense that is transferred for donation under the provisions of section 203(j) of the Federal Property and Administrative Service Act of 1949, as amended. That is, none of the funds appropriated by the Department of Defense Appropriations Act of 1980 shall be available for paying to the Administrator of General Services the standard level user charge established under section 210(j) of the Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 490), for space and services for any month after January 1, 1980, unless, during that month, the Administrator has regulations in effect, provided for by section 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)), that require the recovery of the costs of care and handling of surplus property under the control of the Department of Defense that is disposed of under the provisions of that section.

b. FPMR Temporary Regulation H–21 (45 FR 7260, Feb. 1, 1980) became effective on January 1, 1980, and provided the necessary implementation of section 764 of Public Law 96–154, which expired on September 30, 1980. Congress extended the provisions of Public Law 96–154 by House Joint resolution 610. This regulation supersedes FPMR Temporary Regulation H–21, which also expired on September 30, 1980, to continue to provide the necessary implementation of section 764.

6. *Costs incurred incident to donation.* The Department of Defense is required to recover the costs of care and handling of surplus personal property under its control that is disposed of under the provisions of section 203(j) of Federal Property and Administrative Services Act of 1949, as amended, provided that the costs are limited to the recovery of care and handling as defined in section 3(h) of the Federal Property and Administrative Services Act of 1949, as amended, and that these costs are specifically attributable and allocated to the items of property transferred for donation, but in no event shall any charge exceed one-half of one percent of the original acquisition cost. Where these costs are incurred, they shall be reimbursed promptly by the State agency, the designated donee, or service educational activity upon appropriate billing by the Department of Defense. The Department of Defense shall maintain information on all billings and collections of care and handling costs incident to this part.

7. *Effect on other directives.* When the provisions of other regulations and related directives are in conflict with the provisions of this regulation, the provisions of this regulation shall govern.

R. G. Freeman III,

Administrator of General Services.

October 27, 1980.

[FR Doc. 80-34379 Filed 11-3-80; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

Grants for Educational Assistance to Individuals From Disadvantaged Backgrounds

AGENCY: Public Health Service, HHS.

ACTION: The Public Health Service is adopting as final, interim regulations which govern the award of grants for educational assistance to individuals from disadvantaged backgrounds. These rules were published as interim rules in September of 1978. They implement the provisions of sections 798 and 787 of the Public Health Service Act.

EFFECTIVE DATE: This rule is effective November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Arthur Testoff, Director, Division of Program Coordination, Office of Health Resources Opportunity, Health Resources Administration, Center Building, Room 10-50, 3700 East-West Highway, Hyattsville, Maryland 20782, (301-436-7230).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 5, 1978 (43 FR 39380), the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, amended Subpart S, entitled "Educational Assistance to Individuals from Disadvantaged Backgrounds," to Part 57, Title 42 of the Code of Federal Regulations. These regulations implemented sections 787 and 798 of the Public Health Service Act (the Act).

Section 787 authorizes the Secretary to make grants to schools and other health or educational entities to carry out programs which assist individuals from disadvantaged backgrounds to enter and graduate from health professions schools. Section 798 establishes a parallel program for training in allied health. The assistance authorized by these sections includes identification and recruitment, remedial education, counseling, and advice on financial aid.

The regulations defined "disadvantaged background" for the purposes of this program, provided specific program requirements, and included provisions concerning eligibility, applications, evaluation criteria, administration of grants, etc. They were published as interim-final regulations without benefit of proposed rulemaking procedures so that grantees could have adequate lead time to comply with the requirements of the program. Nonetheless, the public was invited to comment by November 6, 1978, and the Department was to revise the regulations as warranted by the comments. Nine persons responded. For clarity, the comments and responses are arranged according to the section numbers and titles of the interim-final regulations to which they refer.

§ *57.1802 Definitions.*

Comment: One respondent requested that the Department include nursing either in the definition of "health professions" or in the definition of "allied health professions."

Response: The Department believes that it would be inappropriate to support programs for nursing education for disadvantaged students under the authority of sections 787 or 798. Schools of nursing are not among those schools specifically mentioned in these sections. Furthermore, sections 810 and 820 of Title VIII of the Act provide support for programs for disadvantaged students in nursing education which parallel the support in sections 787 and 798.

§ *57.1803 Eligibility.*

Comment: One respondent expressed concern that the definition of "disadvantaged background" could exclude an individual who is disadvantaged due to environment although the annual family income is above the low income threshold.

Response: The regulations provide that a person may be disadvantaged either by environment or by income level. Therefore, the individual described by the respondent is not excluded from the definition.

Comment: Another respondent felt that the definition should include a racial minority classification on the grounds that there is a disadvantage related to race which is not necessarily related to prior educational or economic environment.

Response: The Department has not adopted this suggestion. Although this program was established to help individuals overcome background disadvantages which are often related to race, the Department does not believe that racial classifications should replace a selection process based on an individual's ability to obtain an education in a health or allied health profession. A criterion based on race alone could open the program to minority students who come from families with incomes above the threshold and whose environments do not inhibit them from successfully completing a health professions or allied health professions education. This would be inconsistent with the statutory purpose of assisting students with disadvantages which inhibit them from undertaking this education. The Department points out, however, that racial and ethnic representation in this program continues to be substantial.

Section 57.1803 listed the purposes from which projects may be funded, and required that a grantee's program must achieve at least two of them. The preamble indicated that entities with independent funding for one of the purposes may apply for support for another, or others.

Comment: One respondent felt that the preamble explanation was unclear because it apparently limited support to entities which already have independent funding for at least one of the purposes. Also, the respondent expressed uncertainty about the status of an applicant with programs which achieve two of the purposes, both of which are independently funded.

Response: The Department has reworded the final regulations to clarify these points. An independent source of funds for one or more purposes does not

preclude Federal support for other purposes. An entity with independent funding for one purpose may apply for support for another, or others. An entity with independent funding for two purposes may apply for support for a third. An entity without independent funding must apply for support for at least two.

One of the purposes for a project involves providing "preliminary education" to assist disadvantaged individuals before they enter the regular course of education in a health professions school or in a program providing education in an allied health profession. The regulations stated that preliminary education may not be offered to students before they start the senior year of high school.

Comment: Two respondents requested a revision to permit preliminary education during the summer before the start of the senior year.

Response: The final regulations have been reworded to clarify this point. The Department allows preliminary education during this summer period, and expected that the "senior year of high school" would be interpreted as commencing immediately after a student has officially completed the junior year of high school.

§ 57.1807 Grant award.

Comment: One respondent asked that the regulations provide for payment of tuition and fees.

Response: The Department cannot adopt this suggestion because the authorizing statute does not specifically provide tuition and fees, or any other student financial aid. In limited circumstances, however, the Department permits per diem when an individual's participation would otherwise be impossible.

General

Comment: A respondent from Arizona recommended that at least 50 percent of the program funds should be earmarked for assistance to individuals in rural areas since they are likely to return to those areas.

Response: The Department did not accept this suggestion because earmarking funds between rural and urban areas is not appropriate for this program. Earmarking funds does not seem to be necessary as a means of ensuring rural participation. For example, two of Arizona's three grantees are rural. Also, in many states, disadvantaged individuals reside primarily in urban areas, and support there will naturally focus on them.

The final regulations have been restructured based on "Operation Common Sense," the Department's initiative to improve the quality and readability of its regulations. The grants administration and nondiscrimination provisions have either been updated or deleted as duplicative of the Department's grants administration regulation (45 CFR Part 74), and all provisions have been reorganized into a standardized format for health professions grants regulations. Additionally, the Department has made several technical changes based on its own review.

Accordingly, Subpart S of 42 CFR Part 57 is adopted as final to read as set forth below.

Dated: June 5, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: October 28, 1980.

Patricia Roberts Harris,

Secretary.

Subpart S—Educational Assistance to Individuals From Disadvantaged Backgrounds

Sec.

57.1801 To what grant program do these regulations apply?
57.1802 Definitions.
57.1803 Who is eligible to apply for a grant?
57.1804 Who is eligible for educational assistance?
57.1805 Program requirements.
57.1806 How will applications be evaluated?
57.1807 How long does grant support last?
57.1808 For what purposes may grant funds be spent?
57.1809 What additional Department regulations apply to grantees?
57.1810 What other audit and inspection requirements apply to grantees?
57.1811 Additional conditions

Authority: Sec. 215, Public health Service Act, 58 Stat. 690, as amended, 63 Stat. 35 (42 U.S.C. 316); secs. 787 and 798 of the Public Health Service Act, 90 Stat. 2309, 2313 (42 U.S.C. 295g-7; 42 U.S.C. 295h-7).

Subpart S—Educational Assistance to Individuals from Disadvantaged Backgrounds

§ 57.1801 To what grant program do these regulations apply?

These regulations apply to grants to eligible schools and entities under sections 787 and 798 of the Public Health Service Act to assist individuals from disadvantaged backgrounds to enter and graduate from health professions schools or from programs providing education in the allied health professions.

§ 57.1802 Definitions

"Act" means the Public Health Service Act, as amended.

"Allied health professions" means professions which support, complement, or supplement the professional functions of physicians, dentists, and other health professionals in the delivery of health care to patients, or assist environmental engineers and other personnel in environmental health control and preventive medicine activities.

"Health professions" means the professions of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, podiatry, and public health.

"Health professions schools" means schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, podiatry, or public health as they are defined in section 701(4) of the Act.

"National of the United States" (as defined in 8 U.S.C. 1101(a)(22), the Immigration and Nationality Act) means a citizen of the United States or a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

"Nonprofit" as applied to any private entity means none of its net earnings may lawfully benefit any private shareholder or individual.

"School of allied health" means a school which provides training in the allied health professions as one of its major functions.

"Secretary" means the Secretary of Health and Human Services or any officer or employee of the Department to whom the authority involved has been delegated.

"State" means in addition to the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 57.1803 Who is eligible to apply for a grant?

(a) Health professions schools, schools of allied health, and public or nonprofit private health or educational entities which provide health or educational programs as one of their major functions may apply for grants under section 787 or 798 of the Act. The school or entity must be located in a State.

(b) Applicants which offer degree programs in the allied health professions must meet relevant standards and guidelines established by appropriate:

(1) Accrediting bodies recognized by the Secretary of Education, or

(2) Federal or State agencies.

§ 57.1804 Who is eligible for educational assistance?

To be eligible for educational assistance under this program, an individual must:

(a) Be a national of the United States or a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands, or a lawful permanent resident of the United States, Puerto Rico, the Virgin Islands, or Guam; and

(b) Come from a disadvantaged background. For this program, an individual from a disadvantaged background is one who:

(1) Comes from an environment that has inhibited the individual from obtaining the knowledge, skill, and abilities required to enroll in and graduate from a health professions school, or from a program providing education or training in an allied health profession; or

(2) Comes from a family with an annual income below a level based on low income thresholds according to family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjusted by the Secretary for use in all health professions programs. The Secretary will periodically publish these income levels in the **Federal Register**.

For grants under section 798 of the Act, veterans of the Armed Forces with military training or experience in the health field are considered individuals from disadvantaged backgrounds.

§ 57.1805 Program requirements.

(a) The Secretary will award grants to meet the cost of carrying out one or more of the following five purposes:

(1) To identify individuals from disadvantaged backgrounds for education in the health or allied health professions through the development and application of criteria for this purpose, and to recruit these individuals through motivational activities which may involve dissemination of information, exposure to role models and health facilities, and counseling.

(2) To provide individuals from disadvantaged backgrounds with preliminary education in a health professions school or school of allied health, or to refer them to institutions which provide it. Preliminary education in this context is education designed to assist individuals from disadvantaged backgrounds to complete the regular course of education in a health professions school or school of allied health. It may not include classes already taught as part of the regular course of education leading to a high school diploma or undergraduate degree. It may not be offered to students before they complete the junior year of high school.

(3) To provide information to individuals from disadvantaged backgrounds about financial aid available to students in health professions schools, or schools of allied health, or schools and entities which provide training necessary to qualify for enrollment in health professions schools or schools of allied health.

(4) To facilitate the entry of individuals from disadvantaged backgrounds into health professions schools or schools of allied health by engaging in activities which assist them to compete for admission, such as instruction designed to improve their performance on admission tests, and by assisting admission committees with the evaluation of disadvantaged applicants.

(5) To provide counseling or other retention services, such as tutorial assistance and assistance in adjusting to the environment of the school, which are designed to help individuals from disadvantaged backgrounds who are enrolled in health professions schools or schools of allied health to complete this education. Although it is allowable for a grantee to receive funding for only one of these purposes, its program must carry out at least two of them.

(b) The grantee must evaluate its program based on the plan provided in the grant application.

§ 57.1806 How will applications be evaluated?

After consulting with the National Advisory Council on Health Professions Education established under section 702 of the Act, the Secretary will decide which applications to approve by considering, among other factors:

(a) The degree to which the proposed project adequately provides for the requirements in § 57.1805;

(b) The number and types of individuals who can be expected to benefit from the project;

(c) The administrative and management ability of the applicant to carry out the proposed project in a cost-effective manner;

(d) The adequacy of the staff and faculty;

(e) The soundness of the budget; and

(f) The potential of the project to continue without further support under this program.

Within the limits of funds available, the Secretary will award grants to approved applicants with projects that will best promote the purposes of sections 787 and 798 of the Act.

§ 57.1807 How long does grant support last?

(a) The notice of grant award specifies the length of time the Secretary intends to support the project without requiring the project to recompete for funds. This period, called the project period, will not exceed three years.

(b) Generally, the grant will initially be funded for one year, and subsequent continuation awards will also be funded for one year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding levels of these awards will be made after consideration of factors such as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by the Secretary that continued funding is in the best interest of the Federal Government.

(c) Neither the approval of any application nor the award of any grant commits or obligates the Federal Government in any way to make any additional, supplemental, continuation or other award with respect to any approved application or portion of an approved application.

(d) Any balance of federally obligated grant funds remaining unobligated by the grantee at the end of a budget period may be carried forward to the next budget period, for use as prescribed by the Secretary, provided a continuation award is made. If at any time during a budget period it becomes apparent to the Secretary that the amount of Federal funds awarded and available to the grantee for that period, including any unobligated balance carried forward from prior periods, exceeds the grantee's needs for the period, the Secretary may adjust the amounts awarded by withdrawing the excess. A budget period is an interval of time (usually 12 months) into which the project period is divided for funding and reporting purposes.

§ 57.1808 For what purposes may grant funds be spent?

(a) A grantee shall only spend funds it receives under this subpart according to the approved application and budget, the authorizing legislation, terms and conditions of the grant award, applicable cost principles specified in Subpart Q of 45 CFR Part 74, and these regulations.

(b) The grantee may not spend grant funds to:

(1) Pay tuition or fees;

(2) Train program staff; or

(3) Retrain health professionals.

(c) The grantee may spend grant funds with the Secretary's prior approval to provide one round trip for each individual in the program between his or her residence and the training site if:

(1) The training site is beyond a reasonable commuting distance and

requires the individual to establish a temporary new residence; and

(2) The educational assistance is not offered at a time when the individual would be at the training site anyway as a student in a regular course of education leading to a high school diploma, undergraduate degree, or degree in the health or allied health professions.

(d) The grantee may spend grant funds with the Secretary's prior approval to pay individuals in the program a per diem up to a maximum daily amount established by the Secretary when the grantee determines that:

(1) The conditions in both paragraphs (c) (1) and (2) of this section exist;

(2) No other Federal financial assistance program is authorized to provide this support; and

(3) The individual needs this support to participate in the program.

(e) The grantee may not spend grant funds for sectarian instruction or for any religious purpose.

§ 57.1809 What additional Department regulations apply to grantees?

Several other Department regulations apply to grantees. They include, but are not limited to:

45 CFR Part 50	PHS grant appeals process.
45 CFR Part 16	Department grant appeals process.
45 CFR Part 46	Protection of human subjects.
45 CFR Part 74	Administration of grants.
45 CFR Part 75	Informal grant appeals procedures (indirect cost rates and other cost allocations).
45 CFR Part 80	Nondiscrimination under program receiving Federal assistance from the Department—Implements Title VI of the Civil Rights Act of 1964.
45 CFR Part 81	Practice and procedure for hearings under Part 80.
45 CFR Part 83	Nondiscrimination on the basis of sex in the admission of individuals to training programs.
45 CFR Part 84	Nondiscrimination on the basis of handicap in federally assisted programs.
45 CFR Part 86	Nondiscrimination on the basis of sex in federally assisted education programs.
45 CFR Part 91 [1]	Nondiscrimination on the basis of age in Department programs or activities receiving Federal financial assistance.

[1] When issued.

§ 57.1810 What other audit and inspection requirements apply to grantees?

Each grantee must, in addition to the requirements of 45 CFR Part 74, meet the requirements of section 705 of the Act concerning audit and inspection.

§ 57.1811 Additional conditions.

The Secretary may impose additional conditions on any grant award before or at the time of any award if he or she determines that these conditions are necessary to assure or protect the advancement of the approved activity, the interest of the public health, or the conservation of grant funds.

[FR Doc. 80-34314 Filed 11-3-80; 8:45 am]

BILLING CODE 4110-83-M

COMMUNITY SERVICES ADMINISTRATION

45 FR Part 1061

Funding Requirements for FY 81 Energy Crisis Intervention Program

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is filing a final rule on the FY' 81 Energy Crisis Intervention Program (ECIP). This rule is required to implement the fiscal year 1981 appropriation. This rule details how these energy funds will be allocated and sets forth project application and post grant requirements.

EFFECTIVE DATE: November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara J. Crawford, Mr. Thomas R. Burns, Community Services Administration, Energy Crisis Intervention Program, 2000 K Street, N.W., Suite 350, Washington, D.C. 20006, (202) 254-9833, Teletypewriter (202) 254-6218.

SUPPLEMENTARY INFORMATION: On September 4, 1980, CSA published in the **Federal Register** (44 FR 58534) a final rule for its FY' 81 Crisis Intervention Program with a notation that the rule was final and effective on October 6, 1980. On October 7, 1980, CSA published a stay of the final rule in the **Federal Register** (45 FR 66462), which noted that the final rule would not be effective on that date for the reasons specified therein. In the September 4, 1980, published regulations, CSA indicated that it would welcome comments through September 29, 1980, and that the rule could be amended to reflect the comments, if warranted.

A number of comments have been received from the public and prospective grantees, which CSA believes are important enough to warrant amending the rule. In addition, the final level of appropriations for this program has dictated certain changes and clarifications in the rule in order that the CSA program complement the allocations to States under the HHS's Low-Income Energy Assistance Program (LIEAP).

Subpart 1061.51 amended by revising § 1061.51-1 through § 1061.51—14 and its appendices is reprinted in its entirety for the convenience of the public and supercedes the September 4, 1980 regulations.

CSA received 33 written comments from many types of groups, including Community Action Agencies (16), Aging Groups (3), CAP Directors Associations (2), Legal Services Agencies (3), CSA Regional Offices (5), a Governor's office, a State Office of Economic Opportunity and several national organizations. Many of the comments referred to questions of clarification and some of those changes have been incorporated into the final regulation.

Many respondents expressed concern relative to the amount of each grant that could be used for purposes of the direct services provision and, in particular, emergency utility bill paying. It is CSA's position that it would not be consistent with Congressional intent to eliminate in total the direct service and the emergency fuel/utility bill paying capacity of grantees. However, CSA has clarified the criteria to be employed by a grantee prior to the provision of direct services, in general, and emergency fuel/utility bill paying, in particular.

Several respondents urged CSA to revise the definition of Seasonal and Migrant Farmworkers and Indians. CSA has adopted less restrictive definitions for Seasonal and Migrant Farmworkers in order to avoid confusion and provide greater access by these individuals to the program's services. Similarly, the Indian definition has been revised to avoid existing confusion.

Some respondents questioned the maximum level of assistance for alternate energy sources. CSA is concerned that grantees will have sufficient funds to provide adequately for the activities required in the regulations and fund alternate energy sources.

Some commentators expressed concern with regard to the multiple Federal program responsibilities of the ECIP Coordinator. The ECIP Coordinator is expected to mobilize the resources available from other federal, state, and local programs and cooperate fully with those programs. The Coordinator is not to assume programmatic or administrative responsibility for other programs.

Many respondents, specifically Community Action Agencies, expressed concern with the membership requirements of the Project Advisory Committees (PACs). CSA has removed certain restrictions on the PACs membership composition.

CSA has received a number of comments urging that the CSA raise income eligibility to 150% of poverty for

the elderly. As a result of an Amendment to the appropriating legislation for the FY 1981 Low-Income Energy Assistance Program, which authorizes single person households at or below 125 percent of poverty to be eligible for HHS's LIEAP, CSA feels it is inappropriate to increase eligibility of the elderly under ECIP. Nevertheless, CSA urges grantees to emphasize program services to the elderly and the handicapped.

CSA is waiving any further comment period because any further delay would be impractical and contrary to the public interest. Additional delay would render it impossible to publish a final rule prior to the onset of winter weather, would not provide prospective grantees sufficient time to prepare applications (work programs and budgets) prior to the onset of winter weather, and would not be consistent with Congressional intent that this program be operated during the onset of the winter weather.

For these same reasons, an emergency exception to the regulatory analysis provision in Executive Order 12044, Improving Government Regulations, is appropriate.

(Sec. 602, 78 Stat. 530, 42 U.S.C. 2942)

Richard J. Rios,

Director.

PART 1061—EMERGENCY ENERGY CONSERVATION PROGRAM

45 CFR 1061 is amended to add the following:

Sec.

1061.51–1 Applicability.
1061.51–2 References.
1061.51–3 Definitions.
1061.51–4 Background.
1061.51–5 Purpose.
1061.51–6 Policy
1061.51–7 Who can apply for funds?
1061.51–8 What can these funds be used for?
1061.51–9 Who can be served by this program?
1061.51–10 Level of assistance.
1061.51–11 How to obtain funds.
1061.51–12 Project requirements.
1061.51–13 Post funding requirements.
1061.51–14 Termination of program.
Appendix A to § 1061.51–7—Names and Addresses of Migrant Conduits.
Appendix B to § 1061.51–9—CSA Poverty Income Guidelines.
Appendix C to § 1061.51–11(a)—CSA Regional Offices.
Appendix D to § 1061.51–11(a)—CSA National Farmworker Desk Address.

§ 1061.51–1 Applicability.

This subpart is applicable to grants made under section 222(a)(5) of the Economic Opportunity Act 1964, as amended, for Energy Crisis Intervention activities if the assistance is administered by the Community Services Administration.

§ 1061.51–2 References.

(a) Section 222(a)(5) of the Economic Opportunity Act of 1964, as amended.

(b) 45 CFR Subpart 1067.40, Applying for a Grant Under Title II, Sections 221, 222(a) and 231 of the Economic Opportunity Act, of 1964, as amended.

(c) 45 CFR Subpart 1050.50, Cost Sharing and Matching.

(d) 45 CFR Subpart 1068.20, Non-Federal Share Requirements for Title II, Sections 221, 222(a) and 231 Programs.

(e) 45 CFR Subpart 1067.4, Standards for Evaluating the Effectiveness of CSA Administered Programs and Projects.

(f) 45 CFR Subpart 1067.7, Due Process Rights For Applicants Denied Benefits Under CSA Funded Programs.

(g) 45 CFR Subpart 1050.80, Monitoring and Reporting Performance.

(h) 45 CFR Subpart 1050.70, Financial Reporting Requirement.

(i) 45 CFR Subpart 1050.160, Procurement Standards.

(j) 45 CFR Part 260, Department of Health and Human Services Social Security Administration, Low Income Energy Assistance Program.

§ 1061.51–3 Definitions.

(a) "Household" means any individual or group of individuals who are living together as one economic unit and for whom residential energy is customarily purchased in common, or who make undesignated payments for energy in the form of rent.

(b) "Elderly" means persons who are sixty years of age or older.

(c) "Handicapped" means those individuals who meet the definition of "handicapped" individuals as defined in section 7(6) of the Rehabilitation Act of 1973, as amended, that is "any person who (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment" or who are under a disability as defined in section 1614(3)(A) or 223(d)(1) of the Social Security Act or in section 102(7) of the Developmental Disabilities Services and Facilities Act of 1970, as amended, or who are receiving benefits under Chapter 11 or 15 of Title 38, United States Code.

(d) "SSI Benefits" means Supplemental Security Income benefits under title XVI of the Social Security Act, including mandatory and optional payments that the Department of Health and Human Services administers for a State under Subpart T of 20 CFR Part 416 to supplement Federal benefits, but excluding benefits:

(1) Paid under 20 CFR 416.231 because the beneficiary is living in a Medicaid institution and Medicaid is paying more than 50 percent of the cost of care;

(2) Reduced by one-third under 20 CFR 216.1125(b) because the beneficiary is living in another person's household and is receiving both support and maintenance (food and shelter) from that person and is not paying his pro rata share of food and shelter expenses; or

(3) Paid to a beneficiary who is:

(a) A child for SSI purposes under 20 CFR 416.1050; and

(b) Living with a parent or with the spouse of a parent.

(e) "AFDC" means Aid to Families with Dependent Children payments made under title IV–A of the Social Security Act, but not including Foster Care payments under § 233.110 or Emergency Assistance payments to needy families with children under § 233.100.

(f) "Seasonal Farmworker" shall mean a farmworker who during the preceding twelve months has been employed less than 250 days in field or food processing work and who is not a migrant farmworker. This does not include supervisors of other farmworkers.

(g) "Migrant Farmworker" shall mean a person who left home (accepted place of residence) temporarily to do hired field or food processing work which requires travel such that the worker is unable to return home within the same day.

(h) "Indian" means any individual who is a recognized member of a federal or state recognized Indian tribe, Alaskan Native Village or corporation.

(i) "Tribe" or "Indian Tribe" means a distinct community of Indians that exercises powers of self-government and is so recognized by Federal and/or State statute.

§ 1061.51–4 Background.

(a) $87.5 million has been authorized to the Director of the Community Services Administration for carrying out energy crisis related activities under Section 222(a)(5) of the Economic Opportunity Act of 1964.

(b) $3 million of these funds will be set-aide for purposes of outreach activities designed to assure that eligible households with elderly members are aware of the assistance under LIEAP and ECIP.

(c) Eighty percent (80%) of the remaining funds received by CSA will be allocated among the States to eligible applicants as defined in this rule.

(d) The remaining twenty percent (20%) shall be used by CSA to provide such things as training and technical

assistance to grantees; to evaluate the program; to support its administration of the program; and to provide grants for special emphasis projects relating to energy and the needs of the poor.

§ 1061.51–5 Purpose.

This rule details the procedures CSA will utilize to implement the FY 1981 Energy Crisis Intervention Program, and outlines the policies and funding criteria which will govern the expenditure of funds allocated under this program.

§ 1061.51–6 Policy.

(a) In keeping with Congressional intent, the CSA Energy Crisis Intervention Program (ECIP) is designed to *complement* HHS's Low Income Energy Assistance Program (LIEAP). The goals of the ECIP are therefore (1) to assure that the LIEAP and other energy-related support networks (e.g. DOE's weatherization projects, public/private funded energy assistance programs etc.) are responsive to the energy needs of the poor; (2) to provide only those crisis intervention activities not readily available through the LIEAP and other support networks; (3) to undertake activities which will lessen the impact of the high cost of energy on the poor; and (4) to develop a local planning capability involving community resources to deal with both short and long range energy issues affecting the poor in the specific community.

(b) This program is not an income transfer program. This program does not entitle any person or household to a certain amount or form of assistance. This program is not to be considered as an alternative to those households which have access to direct assistance through other networks and public and private entities. Although CSA has not established any particular priorities, grantees are encouraged to continue to emphasize program services for the elderly and the handicapped.

§ 1061.51–7 Who can apply for funds?

(a) All Community Action Agencies (CAA's) are eligible to apply for ECIP funds to undertake crisis intervention activities in their service areas.

(b) CSA Regional Directors will identify existing CSA grantees to undertake crisis intervention activities in those areas of a state not covered by an existing CAA.

(c) Indian Tribes are also eligible to apply for funds to undertake crisis intervention activities for their service areas. If a CSA Regional Director identifies a significant population of Indians that is not self-governed but which would not be able to receive services outlined in this rule due to geographical isolation or other significant factors, he/she may request a waiver from Headquarters to fund this Indian group directly. Waivers will be reviewed on a case by case basis.

(d) The Migrant and Seasonal Farmworker organizations designated as CSA conduits (see Appendix A for names and addresses of organizations) are eligible to apply for funds to undertake crisis intervention activities for Migrant and Seasonal Farmworkers.

(e) Grants made in regard to the remaining 20% [§ 1061.51–4(d)] will be to public and private non-profit organizations and agencies which meet CSA's general eligibility criteria.

§ 1061.51–8 What can these funds be used for?

(a) All work programs proposing to undertake energy crisis intervention activities, including emphasis on delivery of the activities to the elderly and handicapped, must include, at a minimum, activities (1) through (4):

(1) *Access.* Grantees must undertake activities to insure that all poor and near poor households are provided access to federal, state or other energy crisis assistance programs. Such activities might include, but are not limited, to the representation of the interests of the poor with utility/fuel vendors, with the program operators of the Low Income Energy Assistance Program (LIEAP), and with the program operators of the Department of Energy's weatherization program.

(2) *Community Mobilization Activities.* Mobilization and organization of community resources to respond to crisis needs within the community.

(i) Mobilization of Organizations—Such activities might include, but are not limited to coordination of religious, social service and other community based organizations to become aware and involved in the energy issues affecting the poor and soliciting their help in ameliorating their effects.

(ii) Mobilization of Goods and Services—Such activities might include but are not limited to securing goods, services, and temporary relocation centers from community based merchants, religious, social service and other organizations to respond to the energy needs of the poor during individual emergencies and periods of crises.

(3) *Direct services.* The provision of direct services in the form of goods or services are to be provided only when these direct services are not available from other sources. These services might include, but are not limited to, providing blankets, warm clothing, temporary shelter, energy-related repairs to housing such as patching a roof or replacing a broken window, furnace repairs and space heaters. Grantees are also permitted to make payments of utility/fuel bills as a one-time form of crisis assistance to a household and only after negotiations with utility/fuel vendors and other energy crisis assistance operators (e.g., LIEAP local program operators and other federal, state and local agencies) have failed to resolve the household's crisis and the determination that sufficient, timely and appropriate assistance is not available from any other source. Grantees must document in the applicant's file, the actions taken on behalf of the applicant before authorizing the payment of a utility/fuel bill. In undertaking this activity, grantees must assure that reconnection of utility service or delivery of fuel actually occurs. Funds under this program shall not be used to weatherize houses.

(4) *Community Planning and Education.* Such as, but not limited to comprehensive energy-related planning to benefit the low-income populace of the area, the dissemination of energy conservation information, the conduct of energy conservation education programs and the provision of information on existing energy programs in the community (e.g., information and referral to the LIEAP).

(5) *Alternate Energy Sources.* Constitutes the replacement of or the substantial supplement to a household's source of energy. This activity is being allowed since grantees may find, in some instances, that the best means of solving an individual household's energy problem is to utilize an alternate energy source.

§ 1061.51–9 Who can be served by this program?

(a) *Income Eligibility.* Notwithstanding the provision of 45 CFR 1060.2(a) found at 45 FR 51561 (8/4/80), for purposes of this program, eligibility shall be limited to households whose incomes total no more than 125% of the CSA Income Poverty Guidelines or whose major income earner receives SSI or AFDC payments. (See definition for SSI and AFDC at 1061.51–3 [d] and [e]). No grantee may change these income eligibility guidelines. (See Appendix "B" for CSA Income Poverty Guidelines.)

(b) *Program Eligibility.* Assistance under this program is to be provided only to households not having access to direct assistance of the same type through any other supportive networks, such as the Low-Income Energy Assistance Program (LIEAP), welfare, or other federally funded programs or who

have exhausted such assistance, and the household is experiencing or is in danger of experiencing a life threatening or health-related emergency situation and that sufficient, timely and appropriate assistance is not available from any other source.

(c) *Certification of Income Eligibility Required of Grantees.* Proof of income eligibility shall be required of each applicant. The period for determining eligibility will not be more than 12 months or less than 90 days preceding the request for assistance. The determination of what constitutes income shall be based on the CSA Income Poverty Guidelines. In limited instances when proof of income is unavailable, an applicant must sign a declaration of income eligibility in order to receive assistance. In such cases, the local program operator must make a reasonable number of ongoing checks (no less than 10%) to verify income eligibility.

(d) *Income Disregard.* Benefits made available under this program shall not be considered as income or resources of such household (of any member thereof) for any purposes under any federal or state law, including any law relating to taxation, public assistance or welfare program.

§ 1061.51–10 Level of assistance.

(a) The sum of all forms of direct and alternate energy sources assistance under this program made to and/or on behalf of any eligible household under this program may not exceed $400.

(1) The provision of direct services may not exceed a total of $200 for any eligible household.

(2) No alternate energy source can exceed a total sum of $400.

§ 1061.51–11 How to obtain funds.

(a) Applications for funds under this program, except for applications submitted by Migrant & Seasonal Farmworker Conduits, must be submitted to the appropriate CSA Regional Office. (See Appendix "C".) Applications by the Migrant & Seasonal Farmworker Conduits must be submitted to the Headquarters Migrant & Seasonal Farmworker Office.

(b) Applications should be received within thirty (30) days from the date of publication of these regulations.

(c) *Contents of application.* (1) The following forms are required as part of the application package:

(i) CSA Form 419, Summary of Work Programs and Budget. This form must address all of the activities outlined under § 1061.51–8 which the applicant is going to undertake. Each activity should be addressed separately with a breakdown for the level of funding to support each activity.

(ii) CAP Form 25, Program Account Budget;

(iii) CAP Form 25a, Program Account Budget Support Sheet; and

(iv) SF 424, Federal Assistance.

(2) When delegating part or all of the work program, the applicant must also submit the following:

(i) CAP Form 85, Administering Agency Funding Estimate;

(ii) CAP Form 87, Delegate Agency Basic Information; and

(iii) CAP Form 11, Assurance of Compliance with Civil Rights.

(d) *Clearinghouse review procedures.* (1) OMB has granted a procedural variation of OMB Circular No. A–95 clearinghouse review procedures for the Energy Crisis Intervention Program for FY '81. Due to the emergency nature of the Program, suggested modifications to an application resulting from clearinghouse comments are to be addressed by a grantee or CSA on a post grant approval basis this fiscal year.

(i) Prospective grantees/applicants must submit a full application, including a summary of work programs, to appropriate state and areawide clearinghouses at the time of submission to CSA. Early contact with the clearinghouses prior to submittal of the application is encouraged to determine if the clearinghouses can be of assistance in identifying areas or individuals in need, current assistance being made available and community, areawide, or state networks available that might assist in responding to energy crisis needs.

(ii) State and areawide clearinghouses shall have a total of 60 days from receipt of an application to conduct notifications and reviews. They will be of assistance to the applicant and to CSA if their reviews address the policy considerations identified in § 1061.51–6 as well as appropriate subject matter of comments and recommendations in item 5, Part I, Attachment A of OMB Circular No. A–95, particularly regarding the coordination of energy planning which relates to the needs of the poor. Clearinghouse comments should be sent to the appropriate CSA Regional Office with a copy to the applicant.

CSA reserves the right to modify a grantee's program if it deems documented clearinghouse comments warrant such action. It is expected that grantees will act in good faith in resolving any issues identified by clearinghouses. In instances where issues cannot be resolved, they should be referred to the CSA Regional Office by the clearinghouse or the grantee.

§ 1061.51–12 Project requirements.

(a) *Project Advisory Committee.* (1) Each applicant shall establish a Project Advisory Committee (PAC). However, if the applicant has an existing PAC that is properly constituted, this PAC will satisfy this requirement.

(2) The role of the PAC should include, but not be limited to, the following activities:

(i) Participate in the development of an ongoing review of the proposed work program;

(ii) Recommend to the Grantee board agency policy for the approval or disapproval of requests for the installation of alternate energy sources. The criteria to be used in establishing the policy should include the determination that the installation of the alternate energy source will:

(A) Lessen the impact of the high cost of energy on the household;

(B) Have a significant impact on the household's energy usage pattern; and

(C) Lessen the potential for future energy assistance subsidies.

(iii) Address the energy issues affecting the community as a whole and how they impact upon the poor;

(iv) Make recommendations to the Grantee board on the routine operation of the grantee's crisis intervention program; and

(v) Participate in the development of applications for any future crisis intervention activities.

(3) Membership on the PAC should include at least 51% poor persons as well as representatives of the local governments. The remaining membership should be made up of other energy related resource agencies and organizations, such as energy advocacy organizations, representatives of local public utilities, aging organizations, and local fuel vendors.

(b) *Crisis Intervention Program Coordinator.* A grantee must have at least one energy crisis intervention program (ECIP) coordinator who will be responsible for assuring the implementation of the approved work program. ECIP program funds and other funds from CSA programs may be used to support this position. The ECIP coordinator is expected to mobilize the resources available from other Federal, State and local programs, and cooperate fully. The coordinator is not to assume programmatic or administrative responsibility for other programs.

(c) Non-Federal share requirements. Since this is a program with crisis intervention activities, a matching share is not required. However, grantees are encouraged to mobilize additional resources to supplement and support this program.

(d) *Maintenance of effort.* Assistance provided with funds made available under this program shall be in addition to, and not in substitution for, services previously provided without federal assistance.

(e) *Procedures on denial of assistance.* Grantees are subject to the provisions of 45 CFR § 1067.7 which requires them to have written procedures for the review of the partial or complete denial of assistance to any household or individual.

§ 1061.51–13 Post funding requirements.

(a) *Financial reporting.* Grantees shall follow normal procedures for submission of the SF–269 and SF–272 outlined in 45 CFR Part 1050, Subpart H.

(b) *Project progress review reports.* Grantees shall also follow normal procedures for the submission of the Project Progress Review Report (CSA Form 440) outlined in 45 CFR Part 1050, Subpart I.

(c) *Audit requirement.* The program including its contracted-out components will be audited at the time of the grantee's regularly scheduled CSA audit.

(d) *Procurement.* The procurement standards outlined in 45 CFR § 1050.160 are applicable to this program.

(e) *Administrative costs.* The grantee may expend up to 10% of the total grant for administrative costs except the ECIP Coordinator's salary may be charged against the ECIP program, other CSA programs and non-CSA funds.

(f) *Prohibition against transfer to another grant.* Funds unobligated at the termination of the grant cannot be transferred by the grantee of record to another grant.

§ 1061.51–14 Termination of program.

No funds under this program may be obligated after September 30, 1981. For this program, "obligation" shall mean certification for assistance by the program operator of a specific eligible household.

Appendix A—Names and Addresses of Migrant Conduits

Migrant Conduits

New England Farmworkers Council (Serving: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), 6 Frost Street, Springfield, Massachusetts 01105. ECIP Coordinator: Jane Malone, Phone: (413) 781–2145

Rural New York (Serving: New Jersey, New York), 339 East Avenue, Suite 305, Rochester, New York 14604. ECIP Coordinator: Kaven Carney, Phone: (716) 546–7180

Farmworkers Corporation of New Jersey (Serving: Delaware, Maryland, Pennsylvania, Virginia, West Virginia), 1400 West Landes Avenue, Vineland, New Jersey 08360. ECIP Coordinator: Tom Paque, Phone: (609) 691–7101

Mississippi Delta Housing Development Corporation (Serving: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Louisiana), 432 Highway 82 East, P.O. Box 847 Indianola, Mississippi 28751. ECIP Coordinator: Alvin Brown, Phone: (601) 887–4852

Minnesota Migrant Council (Serving: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, South Dakota), P.O. Box 1231, St. Cloud, Minnesota 56301. ECIP Coordinator: Irving (Rich) Echola, Phone: (612) 253–7010

Coloneas Del Valle (Serving: Arkansas, New Mexico, Oklahoma, Texas), P.O. Box 907, San Juan, Texas 78759. ECIP Coordinator: Tony Barco, Phone: (512) 781–9795

ORO Development Corporation (Serving: Iowa, Kansas, Missouri, Nebraska), 1208 Kansas Avenue, Kansas City, Kansas 66105. ECIP Coordinator: Marco Marcano, Phone: (913) 342–2121

North Dakota Migrant Council (Serving: Colorado, Montana, North Dakota, Utah, Wyoming), P.O. Box Drawer X, Grand Forks, North Dakota 58201. ECIP Coordinator: Jerry Nagel, Phone: (701) 746–6494

Campesinos Unidos (Serving: Arizona, California, Nevada), P.O. Box 203, Brawley, California 92227. ECIP Coordinator: Tony Cornejo, Phone: (714) 344–4500

Idaho Migrant Council (Serving: Idaho, Oregon, Washington), 7155 Capitol Boulevard, Suite 406, Boise, Idaho 83706. ECIP Coordinator: Roger deLeon, Phone: (208) 345–9761

APPENDIX B—CSA Poverty Income Guidelines

125 percent of the Poverty-Income Guidelines for All States Except Alaska and Hawaii

Size of family unit	Nonfarm family	Farm family
1	$4,738	$4,063
2	6,263	5,351
3	7,788	6,639
4	9,313	7,927
5	10,838	9,215
6	12,363	10,503

For family units with more than 6 members, add $1,525 for each additional member in a nonfarm family and $1,288 for each additional member in a farm family.

125 percent of the Poverty Guidelines for Alaska

Size of family unit	Nonfarm family	Farm family
1	$5,950	$5,113
2	7,850	6,713
3	9,750	8,313
4	11,650	9,913
5	13,550	11,513
6	15,450	13,113

For family units with more than 6 members, add $1,900 for each additional member in a nonfarm family and $1,600 for each additional member in a farm family.

125 percent of the Poverty Guidelines for Hawaii

Size of family unit	Nonfarm family	Farm family
1	$5,463	$4,700
2	7,213	6,175
3	8,963	7,650
4	10,713	9,125
5	12,463	10,600
6	14,213	12,075

For family units with more than 6 members, add $1,750 for each additional member in a nonfarm family and $1,475 for each additional member in a farm family.

Appendix C—CSA Regional Office Addresses

Mr. Ivan Ashley, Regional Director, CSA, Region I, E–400, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Phone: (817) 223–4080/FTS–8–223–4080. Boston: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Ms. Josephine P. Nieves, Regional Director, CSA, Region II, 26 Federal Plaza, 32nd Floor, New York, New York 10007, Phone: (212) 364–1900/FTS–8–364–1900. New York: New Jersey, New York, Puerto Rico, Virgin Islands.

Dr. W. Astor Kirk, Regional Director, CSA, Region III, Old U.S. Courthouse, P.O. Box 160, 9th and Market Streets, Philadelphia, Pennsylvania 19105, Phone: (215) 597–1139/FTS–8–597–1139. Philadelphia: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.

Mr. William "Sonny" Walker, Regional Director, CSA, Region IV, 101 Marietta Street NW., Atlanta, Georgia 30303, Phone: (404) 221–2717/FTS–8–242–2717. Atlanta: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Mr. Glenwood Johnson, Regional Director, CSA, Region V, 300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606. Phone: (312) 252–5562/FTS–8–353—5562. Chicago: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

Mr. Ben T. Haney, Regional Director, CSA, Region VI, 1200 Main Street, Dallas, Texas 75202, Phone: (214) 767–6126/FTS–8–729–6126. Dallas: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Mr. Wayne Thomas, Regional Director, CSA, Region VII, 911 Walmut Street, Kansas City, Missouri 64106, Phone: (816) 374–3761/FTS–8–758–3761. Kansas City: Iowa, Kansas, Missouri, Nebraska.

Mr. David Vanderburgh, Regional Director, CSA, Region VIII, 1961 Stout Street, Federal Building, Denver, Colorado 80294, Phone: (303) 837–4767/FTS–8–327–4767. Denver: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.

Mr. Alphonse Rodriquez, Regional Director, CSA, Region IX, 450 Golden Gate Avenue, Box 36008, San Francisco, California 94102, Phone: (415) 556–5400/FTS–8–556–5400. San Francisco: Arizona, California, Hawaii, Nevada, Trust Territories.

Mr. N. Dean Morgan, Regional Director, CSA, Region X, 1321 Second Avenue, Seattle, Washington 98101, Phone: (206) 442-4910/ FTS-8-399-4910. Seattle: Alaska, Idaho, Oregon, Washington.

Appendix D

CSA National Farmworkers Desk Address

Office of Farmworkers Programs, Attn: Mr. Eduardo Gutierrez, 1200 19th Street, NW., Washington, D.C. 20506, Phone: (202) 254-5400.

[FR Doc. 80-34402 Filed 11-3-80; 8:45 am]

BILLING CODE 6315-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Part 1391

General Administration and State Plan Requirements; Correction

AGENCY: Office of Human Development Services (HDS), Department of Health and Human Services (HHS).

ACTION: Final regulations; correction.

SUMMARY: This document corrects the final rule for the social services programs in the 50 States, the District of Columbia and the Territories, published August 25, 1980 (45 FR 56687), by adding the Authority Statement to one Part.

FOR FURTHER INFORMATION, CONTACT: Mrs. Johnnie U. Brooks, Room 722-E, HHH Building, Department of HHS, 200 Independence Avenue SW., Washington, D.C. 20201, (202) 472-4415.

Approved: October 29, 1980.

Robert F. Sermier,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

Accordingly, the Department of Health and Human Services is adding the Authority Statement at the end of 45 CFR Part 1391 as follows:

PART 1391—GENERAL ADMINISTRATION AND STATE PLAN REQUIREMENTS

Subpart A—General Administration

Sec.

1391.1 [Reserved]
1391.2 Methods of administration.
1391.3 Safeguarding information for the social services programs.
1391.4 Reports and maintenance of records.
1391.5 Availability of agency program manuals.
1391.6 Single state agency.
1391.7 Organization for administration.
1391.8 Statewide operation.
1391.9 State financial participation.
1391.10 [Reserved]
1391.11 State standards for office space, equipment, and facilities.

Subpart B—[Reserved]

Subpart C—Personnel Management

1391.50 Standards of personnel administration.
1391.51 Training and use of subprofessionals and volunteers.

Subpart D—Purchase of Services

1391.70 Purchase of services: State plan requirements.
1391.71 Purchase of services: Federal financial participation.

Authority: Sec. 1102, 49 Stat. 647; 42 U.S.C. 1302.

* * * * *

[FR Doc. 80-34389 Filed 11-3-80; 8:45 am]

BILLING CODE 4110-92-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 20418; RM-2346; RM-2727; FCC 80-505]

Petition for Rulemaking To Amend Television Table of Assignments To Add New VHF Stations in the Top 100 Markets and To Assure That the New Stations Maximize Diversity of Ownership, Control and Programing

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission terminated its rule making proceeding to amend television table of assignments to add VHF stations in the top 100 markets in Docket 20418, (FCC 77-169), printed in the **Federal Register** (42 FR 16782), and waived its television station allocation rule to permit the addition of new VHF-TV channels in Knoxville, Tennessee; Johnstown, Pennsylvania; Charleston, West Virginia; and Salt Lake City, Utah.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

EFFECTIVE DATE: December 4, 1980.

FOR FURTHER INFORMATION CONTACT: Jeffrey Malickson, Broadcast Bureau, 202-632-7551.

In the matter of petition for rulemaking to amend television table of assignments to add new VHF stations in the top 100 markets and to assure that the new stations maximize diversity of ownership, control and programming, Docket No. 20418, RM-2346, RM-2727, FCC 80-505 Report and order (proceeding terminated).

Adopted: September 9, 1980.
Released: October 20, 1980.

By the Commission: Commissioner Lee dissenting and issuing a statement; Commissioners Quello and Washburn dissenting.

1. The Commission has before it the comments and reply comments responding to the 1977 *Memorandum Opinion and Order and Notice of Proposed Rule Making (Notice)* herein (63 F.C.C. 2d 840) in which we proposed to allocate new VHF television assignments to Charleston, West Virginia; Knoxville, Tennessee; Salt Lake City, Utah; and either Johnstown, Pennsylvania or Altoona, Pennsylvania.[1] Adoption of these allocations, referred to as VHF drop-ins, requires waiver of certain Commission allocation rules. Television stations are allotted on the basis of the "Table of Allotments" (hereinafter "Table") [2] contained in § 73.606 of the Commission's Rules. There, specifed UHF and VHF channels are allotted to communities throughout the United States. Thus, before a drop-in can actually go on the air it must go through a two step proceeding, the first part of which consists of an allocation rule making proceeding in which the waiver is considered and the second part of which would involve a comparative hearing among applicants for a station on the dropped in channel. The Table is based on standard mileage separations contained in § 73.610 of the Commission's Rules.[3] Both the Table and the separations were adopted in the FCC's *Sixth Report and Order in Docket Nos. 8736, 8975, 9175 and 8976,* 41 F.C.C. 148 (1952). A "VHF drop-in," as the term has been used generally is a new channel allotment placed closer to one or more existing allotments than is provided for under the minimum distance separation specified in § 73.610. A short separation may also result from a "move-in" permitting an existing station to move to a location less than the minimum specified distance from another allotment. See paragraph 15, *infra.* Rule waivers for move-ins have been allowed in the past for reasons such as improved service to a population center or air safety

[1] This proceeding began with a *Notice of Inquiry and Memorandum Opinion and Order,* 52 F.C.C. 2d 618 (1975). That Notice was prompted by a petition of May 7, 1974 filed by the Office of Communication of United Church of Christ, Geoffrey Cowan, Monroe Price, Charles Channel and Walter Baer.

[2] At the 1979 World Administrative Radio Conference (WARC) new definitions were added to the International Radio Regulations. These new definitions, which are consistent with the internationally accepted terminology found in Resolution No. 6 of the 1959 WARC, provided specific terminology for distribution of radio frequencies to specific areas within a country ("allotment"), and the designation of a particular station to use that frequency or channel ("assignment"). We will use that terminology in this *Report and Order.*

[3] VHF separations are: co-channel, 170 miles in Zone I, 190 miles in Zone II, and 220 miles in Zone III, and 60 miles adjacent-channel in all zones. 47 C.F.R. § 73.610 (1979).

considerations. In addition, the 1952 Table grandfathered some assignments and stations at less than the specified minimum spacings.

2. In this *Report and Order* the Commission is granting outstanding waiver requests to allow new short-spaced VHF assignments in Charleston, West Virginia (channel 11), Johnstown, Pennsylvania (selecting the Johnstown Channel 8 assignment rather than the Altoona Channel 12 alternative), Salt Lake City, Utah (channel 13), and Knoxville, Tennessee (Channel 8). The new allotment is subject to the condition that the new station provide equivalent protection to the existing station(s) to which it is short-spaced.[4]

3. In waiving the mileage separation rule and granting the four subject allotments, it should be understood clearly that our approach has been similar to that employed in processing requests for rule waivers generally. That is, we have evaluated carefully the arguments favoring waiver of the mileage separation rule to determine whether those arguments have overcome the high hurdle [5] faced by those persons seeking waiver of a Commission rule. We have given the waiver request a "hard look," [6] together with data we ourselves have accumulated. We have weighed costs and benefits involved, and conclude that a waiver is in the public interest.

4. We recognize that the four VHF drop-ins we adopt today represent a significant departure from the past and cannot be undertaken lightly. Thus, our action follows a careful weighing of all the relevant elements. The basic issue, though, is whether the benefits of added competition, diversity and service that would ensue from adopting these proposals, outweigh claims of potential harm to UHF television from greater VHF competition and to VHF television viewers from the prospect of some increase in interference. On balance we believe that the scales must tip in favor of promoting additional VHF service unless there is strong evidence to the contrary. For the reasons discussed below, we cannot find that strong evidence. On the other hand, there is substantial evidence of continued strong demand for both more television service and more diversity in service content.[7]

[4] For a definition of equivalent protection, see paragraph 12, *infra*.

[5] *Wait Radio* v. *F.C.C.*, 418 F. 2d 1153, 1157 (D.C. Cir. 1969).

[6] *Ibid.*

[7] For a discussion of the current needs for increased numbers of broadcast outlets see our document adopted today, *Low Power Television, Notice of Proposed Rule Making*, Docket No. 78-253 FCC 80-503, —— Fed. Reg. (September 1980) (hereinafter "Low Power Proceeding").

The action taken in this *Report and Order* should not be construed as a loss of confidence on our part for the prospects of UHF television. Our commitment to advancing UHF television to a position of equality with VHF remains firm. UHF television, however, has developed since its first faltering steps as a stepchild service to a viable maturity. Those UHF gains that remain to be made we feel can best be met by Commission and industry efforts to improve the technical quality of UHF television transmission and reception.

5. Finally, we recognize that today's approach could result in some degradation of the television signals received by some viewers. We believe, however, for the reasons discussed at paragraphs 53 through 58, *infra*, that any loss experienced will be minimal and will be more than compensated for by the benefits to be obtained.[8]

Background Concerning Television Channel Allocations

6. The history of television allotment principles since the late 1940's has been set forth many times, including a discussion in the 1977 *Notice* in this proceeding, and need not be repeated at length here.[9] Before discussing the specific proposals under consideration, however, recitation of that history's highlights with a view toward the action taken today would be appropriate.

7. Present fundamental television allotment principles, including the Table and the mileage separations on which it is based, date from the *Sixth Report and Order, supra*. In addition to adoption of a Table allotting specific VHF and UHF channels to communities throughout the United States—to be used by television stations licensed to serve those communities [10]—the decision set forth some other concepts especially pertinent here.

8. The Table adopted includes may instances where both VHF and UHF channels are alloted to a community—so-called "intermixture." Rejecting arguments by Allen B. DuMont Laboratories, Inc., and others that UHF would not develop under these circumstances, the Commission concluded that in time UHF would be able to compete effectively. Moreover, it was believed that an opposite approach would be costly, i.e., limiting some large cities to only the number of stations possible on the VHF television channels, and depriving "all-UHF" cities and surrounding areas of the wide-area coverage provided by VHF.[11] The suggestion of moving all television to UHF was also rejected, the Commission noting the absence of any specific showings or proposals that might justify the extensive reallocations and reassignments that would be required.[12]

9. The *Sixth Report* adopted rather large permissible maxima for both effective radiated power (100 kilowatts (kW) low VHF, 316 kW high VHF, 1 megawatt (MW) UHF) [13] and antenna height above average terrain (2,000 feet both VHF and UHF *except* that in the densely populated northeast VHF stations are limited to 1,000 feet) in order to afford opportunity for stations to achieve wide-area coverage.[14] Favoring wide-area coverage, the Commission adopted minimum mileage separations between stations designed to provide a large interference-free area assuming operation by all stations with maximum facilities. Since various proposals under consideration for limited power stations and shorter spacing vitiated the benefits the Commission saw accruing from its plan for wide-area coverage stations, it rejected such proposals, stating that it did "not believe that limited power stations should be provided for in The Table of Assignments *at this time* in order to squeeze in additional assignments" (41 F.C.C. 188 (1952)—emphasis added).[15]

10. In the *Sixth Report* the Commission also addressed comments that, in appropriate cases, the

[8] Under the best of circumstances, predictions about the quality of television service received by viewers are highly theoretical. There are no guarantees. Indeed, television stations' coverage areas are defined in terms of the likelihood of receiving a particular quality picture in a given area a given percentage of the time.

[9] 63 F.C.C. 2d 847-856. A recent comprehensive account is contained in *"The Effect of the Federal Communications Commission's Spectrum Management Policies Upon the Number of Television Networks,"* by Prof. Thomas L. Schuessler (pp. 1-88), "Preliminary Report on Prospects for Additional Networks" (February 1980).

[10] The Table of Assignments was adopted to provide more efficient channel usage than would a "demand" application system, as a way of providing channels for smaller places where demand might be slower to develop, and as a means of expediting the handling of the forthcoming flood of applications. 41 F.C.C. 151-153 (para. 13-17).

[11] 41 F.C.C. 205-209 (1952)

[12] 41 F.C.C. 155 (1952)

[13] Since raised to 5 MW. See *Report and Order* in Docket No. 11532, 13 R.R. 1571 (1956).

[14] Increases in antenna height are favored over increases in power as a way of extending coverage area. This is because an antenna height increase tends to increase service with less of an increase in interference than when power is increased. Therefore, the power limits mentioned are absolute; but stations may have antenna heights greater than the maximum shown if they reduce power accordingly.

[15] The Commission stated that use of relatively higher height and power require relatively wide mileage separations or the gains in service from large facilities are lost due to interference. 41 F.C.C. 182, para. 112 (1952).

"shielding" between stations afforded by rough terrain be taken into account, permitting assignments at less than minimum separations. The Commission also considered suggestions that shorter separations should be permitted where one station would protect the other by a directional transmitting antenna. Despite the fact that both of these concepts were rejected, essentially on the ground that not enough was yet known about the full implications of such operation, their future use was clearly not ruled out where a more informative record was present.[16]

11. After some years experience with its 1952 allotment plan, and with many UHF stations having financial problems, the Commission considered several alternatives for speeding the institution of nationwide television service. In Docket No. 1532, 13 R.R. 11571 (1956), the Commission considered shifting all television to UHF, selective deintermixture, i.e., the addition or deletion of VHF channels in various cities so as to make them all-VHF or all-UHF, and short-spaced VHF drop-ins. These alternatives were rejected, not so much for their technical insufficiency, but basically for the same reasons as in the *Sixth Report, supra.* That is, the Commission was still convinced that its plan as set out in the *Sixth Report* held the best opportunity for a truly competitive nation-wide television service. With particular reference to additional VHF assignments utilizing low power and height and directional transmitter antennas, the Commission recognized some of the interference problems could be solved, but concluded that the creation of "numerous" small VHF stations with very limited service areas would not further two long-range objectives, i.e., wide-average coverage and UHF growth.

12. Five years later, however, with the continuing and increasing pressure for competitive commercial stations in cities of substantial size to serve as outlets for three networks, efforts were again initiated to speed the institution of new television service. In its 1961 *Report and Order* in Docket No. 13340,[17] the Commission recognized shortcomings in its allocation structure, and concluded that short-spaced VHF assignments should be proposed in eight markets that met certain conditions.[18] These were proposed in separate notices of proposed rule making (Docket Nos. 14231–14238). One of the important concepts in this drop-in proposal was "equivalent protection"—the principle that the new station using the short-spaced assignment will protect existing stations by reducing power or by using directional antennas to reduce radiated power toward them so that the interference created would be no more than that created by a station operating with maximum facilities at the standard minimum separation distance.

13. Seven of the short-spaced assignments proposed in the 1961 *Report and Order* were denied and one, Oklahoma City (more exactly a "move-in", see paragraph 15, *infra*) was granted. *Television Assignments—Third Service,* 41 F.C.C. 119 (1963). The decision to deny these new allotments was predicated on the enactment by Congress of the All-Channel Receiver law[19] in July 1962, empowering the Commission to adopt rules requiring that all TV receivers shipped in interstate commerce or imported receive all 82 TV channels. The Commission viewed this legislation as a Congressional ratification of the FCC's commitment to the promotion of UHF as an integral part of the nation's television system, requiring abandonment of its VHF drop-in activities until this new authority began to take effect or at least until its effect could be evaluated. It was concluded that the costs, primarily the adverse impact on UHF development, and interference to existing VHF service, at that time, outweighed the benefits. The Commission stated that its "judgment to reject short-spaced VHF assignments rests on optimism for the long range future of UHF . . ."[20] It should be noted, though, that the Commission's optimism was tempted with the commitment that "if events prove us wrong . . . we can always consider the "interim" or "short-range" actions such as these short-spaced assignments."[21] Having reached that conclusion, the Commission firmly stated its policy to scrutinize all VHF applications for their impact on UHF development, a policy which dominated the thinking in this area for over a decade. This "UHF Impact" policy is discussed in some detail beginning at paragraph 18, *infra.*

14. The only true VHF drop-in allotment after Docket No. 11532 was a short-spaced allotment made in 1970 in *Charlotte Amalie, V.I.,* 26 F.C.C. 2d 853 (1970) for educational use. Aside from the strong public benefit involved in the promotion of educational television, there were two distinctive factors: all of the interference area would be over water and therefore affect no population, and no UHF station or application was involved.

15. While there have been no short-spaced drop-in VHF allotments in the continental U.S., there have been a number of "move-in" authorizations, i.e., stations at standard spacings authorized to move closer to their city of license. These "move-ins" have generally been permitted for two reasons—to improve the station's service and thus its competitive situation vis-a-vis the others in the market, and to permit location in an "antenna farm" or otherwise meet air navigation safety considerations. Examples of such moves to improve service are *Peninsula Broadcasting Corp.,* 45 F.C.C. 1662 (1964), *Television Broadcasters, Inc.,* 45 F.C.C. 1897 (1965), and two Albany, New York stations, *Capital Cities Broadcasting Corp.,* 24 R.R. 1067 (1963) and *Van Curler Broadcasting Corp.,* 24 R.R. 1079 (1963).[22] The Commission's policy concerning antenna farms was set forth in *Antenna Farm Areas,* 8 F.C.C. 2d 559 (1967). Examples of authorizations granted on this basis are *Midcontinent Broadcasting Co.,* 45 F.C.C. 1798 (1964); *Coral Television Corp.,* 6 F.C.C. 2d 749 (1967); *WTCN Television, Inc.,* 14 F.C.C. 2d 870 (1968) and *The Outlet Company,* 11 F.C.C. 2d 528 (1968). These reallotments were accomplished without unacceptable interference by requiring the short-spaced station to provide "equivalent protection" to existing co-channel stations by making adjustments in its transmitter antenna pattern, power output and height.

16. In other cases in the late 1950's and early 1960's, VHF channels, called "squeeze-ins" were newly assigned to communities at separations quite close to the minimum, sometimes with changes in other VHF allotments being

[16] *See,* 41 F.C.C. 187, para. 133, (1952); 41 F.C.C. 213–215, paras. 215–221 (1952).

[17] *Interim Policy on VHF Television Assignments and Amendments of Part 3 of the Rules Concerning Television Engineering Standards,* 21 R.R. 1695, 1709 (1961 Supp.)

[18] The eight markets were Oklahoma City, Oklahoma; Johnstown, Pennsylvania; Baton Rouge, Louisiana; Dayton, Ohio; Jacksonville, Florida; Birmingham, Alabama; Knoxville, Tennessee; and Charlotte, North Carolina. Providence, Rhode Island and Syracuse, New York were originally included but the ways were found to provide additional VHF channels at standard spacings. The requirements were that the market be among the top 75 and have two VHF stations operating, that there be minimal dislocation to existing stations and no significant impact on UHF stations in other cities, that the potential service gains outweigh the losses, that international requirements were met, and that the separation would not be less than 120 miles for co-channel stations or 40 miles for adjacent channel stations.

[19] P.L. 87–529, 87th Cong. 2 Sess. (1962).

[20] 41 F.C.C. at 1124.

[21] *Id.* at 1124.

[22] In 1962 the New Bedford, Massachussetts Channel 6 station was permitted to move in closer to Providence, Rhode Island to a location which is short-spaced with respect to Schenectady-Albany Channel 6 (WRGB). As a result, all three Albany-Schenectady-Troy VHF stations are short-spaced with respect to co-channel stations.

necessary to accommodate the new channel. Many of these proposals were for the third VHF commercial allotment in a market, designed to provide three competitive network outlets. Three such decisions in 1961 were *Grand Rapids, Michigan*, 21 R.R. 1737 (1961) (a second VHF channel for Grand Rapids and a third for the Grand Rapids–Kalamazoo market); *Rochester, New York*, 21 R.R. 1748a (1961), and Syracuse, New York, 21 R.R. 1754 (1961). The earlier Albany-Schenectady-Troy, New York, decision led to the assignment of two VHF channels at near-minimum standard spacings and, as mentioned, the stations were later permitted to move in.[23] A later action, *Mt. Vernon, Illinois*, 17 R.R. 2d 1620 (1969) exemplifies the engineering extremes employed to meet separations: the station's transmitter would have had to been located some 30 miles north of Mount Vernon, in a small triangular area with sides 1 to 2 miles long.

17. It is clear from this brief history that the Commission's past decisions and actions in instituting and pursuing a competitive nationwide television service have been guided by two overriding principles: (1) the establishment of wide-area coverage facilities, and (2) an intermixed, VHF-UHF, system. Limited power stations, while always technically feasible, were consistently rejected because they were inconsistent with both principles.

UHF Impact Policy

18. One of the fundamental questions faced in this proceeding is the extent to which the potential for harm to UHF television service justifies denial of short-spaced VHF television allotments. This issue is premised on the competitive disadvantage UHF television suffers as a result of inherent technical differences between UHF and VHF signal propagation.[24] Based on the record before us, we believe that the potential for such harm has been significantly reduced and should not bar the new VHF television service the four subject drop-ins would provide.

19. As noted above, the Commission has previously considered VHF–TV "drop-ins" as a means of creating new television service. This consideration was in general terms, *Docket 11523, supra*, as well as in specific contexts, *Docket 13340, supra*. For reasons already discussed, however, such action was never taken largely because of a concern for economic harm to existing or potential UHF–TV service. Consequently, the "UHF Impact" policy has primarily evolved through case-by-case adjudication of requests to improve existing VHF facilities. A discussion of the policy's development follows.[25]

20. When in the late 1950's, it became evident that UHF television was not developing at the rate expected at the time of the *Sixth Report*, the Commission instituted an affirmative policy of fostering such development. The core of this policy involved the denial of attempts to improve or increase VHF service that might have an adverse effect on UHF stations. In *Triangle Publications, Inc.*, 29 F.C.C. 315 (1960), the Commission denied an application by a New Haven, Connecticut VHF station to move its transmitter some 14 miles north in the direction of a Springfield, Massachusetts UHF station. The reasoning in this case became a standard followed for years thereafter—that economic injury to a UHF station is reason to deny a change in a VHF facility if the public interest would be affected by injury to the UHF service. The decision reached the "inescapable" conclusion that a UHF station will suffer losses in income when a new or improved signal is introduced into the UHF station's market.[26]

21. After enactment of the 1962 All-Channel Receiver law, note 19, *supra*, the Commission denied various rule making proposals for additional VHF channels, both short-spaced drop-ins and others at standard separations such as in *Columbia, South Carolina*, 25 R.R. 1714f (1963). It was concluded that the statutory enactment was a directive to the Commission to foster UHF development, requiring denial of opportunities for additional VHF service which might adversely affect such development. Although no substantive data were relied on, the conclusion was reached that an "inevitable" negative effect would result. In a second decision, *Triangle Publications, Inc.*, 37 F.C.C. 307 (1964), the Commission adhered to this policy, despite enactment of the All-Channel Law, noting that it would require a few years for that law to result in most homes being equipped to receive UHF television.[27]

22. Denial of VHF facility increases, however, was not automatic. In designating for hearing three Iowa VHF–TV station applications for increases in output power because of impact on a Ft. Dodge, Iowa UHF station, the Commission stated that it was appropriate to explore the extent to which other services would be available to populations served by the UHF station in the event of its demise. Two of the three applications were later granted because of the small extent of impact (VHF Grade B overlap of only 16% of the UHF coverage area), various measures jointly taken to guarantee the UHF station's survival, and the lack of potential for other UHF Stations in the small communities within the overlap area. *KTIV Television Co.*, 4 R.R. 2d 243 (1965). In *Atlantic Telecasting Co.*, 3 F.C.C. 2d 442 (1966), the Commission refused to designate for hearing a VHF–TV station's application for an increase in facilities on the basis of unsupported allegations of UHF impact.

23. During the 1960's and 1970's "UHF Impact" cases often became battles of experts, because of the difficulty of determining "injury adverse to the public interest." A multitude of criteria have been employed in various cases, including: stability of the market and maintaining a fair possibility for UHF development, *Midwest Television, Inc.*, 13 F.C.C. 2d 478, recon. denied, 15 F.C.C. 2d 84 (1968); decreased ability to attract advertising, *Cosmos Broadcasting Corp.*, 21 F.C.C. 2d 729 (1970); ability to secure or retain network affiliation, *Cosmos, supra; Selma Television, Inc.*, 12 F.C.C. 2d 781 (1967); *WLVA, Inc.*, 15 F.C.C. 2d 757 (1968); *South Carolina Educational Television Commission*, 39 F.C.C. 2d 180 (1972);[28] audience fragmentation, future UHF potential, *Selma Television, supra; Daily Telegraph Printing Co.*, 20 F.C.C. 2d 976 (1969); first time overlap and/or increased overlap of signals, *Daily Telegraph, supra;* first time service for

[23] 15 R.R. 1514a (1957).

[24] *Comparability for UHF Television: A Preliminary Analysis* (Staff Report), prepared as part of General Docket 78–391. This Report is available from the National Technical Information Service, Springfield, Virginia, NTS No. PB 301267–AS.

[25] Although the following history of the "UHF Impact" issue largely discusses attempts to increase the facilities of existing VHF stations, we believe it is valuable to this proceeding since it offers a good indication of the Commission's current direction in this area.

[26] The decision (at 29 F.C.C. 322) quoted as follows from the *Fresno Deintermixture* rule making decision (Docket No. 11759, 19 R.R. 1581, 1585 (1960): "If there is one circumstance which has been established beyond doubt in the manifold experiences of UHF operators everywhere that they compete with VHF, it is that, for a complex of familiar reasons related to receiver conversion, advertiser support, program availabilities and other related factors, UHF operations, however serviceable to the public, are subjected to competitive adversities which impose seemingly inescapable and substantial burdens upon the chances for financially successful operation of a UHF Service in competition with an available VHF service."

[27] The second *Triangle* case involved the same facilities change as the first except that the antenna would be directionalized to afford a degree of protection to the UHF stations. This too was denied.

[28] The *South Carolina* case held that where there is a network "white area," i.e., an area with no usable signal containing a sizeable community (there, Florence, South Carolina and the ABC network), there is a presumption that a UHF station would get a network affiliation.

audience *Cosmos, supra;* and past financial profitability of UHF station, *Capital Cities Communications, Inc.*, 59 F.C.C. 2d 435 (1976).

24. It was early recognized that in this area any conclusion would often be highly speculative, since seldom if ever would there be positive proof of impact or the absence of it. In *Midwest Television, Inc.*, 13 F.C.C. 2d 478 (1968), the Commission, applying for the first time the "UHF Impact" policy to the importation of distant signals on CATV, stated that no definite finding can be reached that UHF television will or will not succeed in the market (San Diego); the only way to find out is to maintain the market for a period free of distant signal competition, to give UHF television a chance to develop. If no UHF station materialized, the situation could be reexamined (13 F.C.C. 2d 502).

25. While "UHF Impact" has been applied in some other cases (e.g., *Jefferson-Pilot Broadcasting Co.*, 42 F.C.C. 2d 908 (1973)), it has not always stood as a bar to increased VHF service or improvements in facilities. In *Mount Vernon, Illinois*, 17 R.R. 2d 1620 (1969), the Commission added a VHF channel (at minimum separations) because of the substantial first service and local outlet benefits which would accrue. The very slight impact on existing or potential UHF development was found not to be grounds for denial.[29] The same result was reached in *Cosmos Broadcasting Co., supra*, concerning increased transmitter facilities. There the VHF station showed the likelihood of only minimal, rather than substantial, impact and there were substantial first and second service benefits to be gained.

26. *The Cosmos* case put the "UHF Impact" question in terms of a balance between two potentially conflicting objectives—encouraging VHF stations to expand to make the most efficient use of their channel assignments by serving more people, and fostering UHF development. In *South Carolina Educational Commission, supra*, it was held that where these policies come into real conflict—i.e., where the UHF impact is more than minimal—the UHF policy must prevail. If the impact would be only minimal the VHF application need not be denied, particularly if substantial public benefits would result. The same result was reached by the Commission in *Daily Telegraph Printing Co.*, 56 F.C.C. 2d 990 (1975), where it was held that, if there will be substantial adverse impact on existing or potential UHF development, the VHF application cannot be granted even if the benefits would outweigh any loss.

27. Shortly thereafter, however, the Commission changed its analysis of this principle. In *WFMY, Inc.*, 59 F.C.C. 2d 1010 (1976), it held that regardless of the character of the impact, "minimal" or "substantial," a comparison will be made between the possible adverse consequences of impact and the gains from the increase in VHF service. This change was premised upon the Commission's belief that "UHF broadcasting had advanced to the point where a much more 'substantial' impact can be tolerated without disservice, overall, to be public interest." The *WFMY, Inc.* case also tightened the requirements for establishing impact, requiring a showing of the likelihood of *specific* impact related to the advent of expanded VHF service. The Commission noted its disinclination to insulate UHF stations from competition and stated that what is important is "that the UHF station be afforded 'an opportunity to develop free from . . . substantially adverse competitive circumstances' (citation omitted)." If the opposition to the expansion of VHF service is based on a claim of impact on *potential* UHF development, *WFMY, Inc.* stated that the party urging UHF impact has the burden of establishing the likelihood that, absent the VHF expansion, an application for a new UHF station would be filed within two or three years. In adopting this standard, the Commission stated that it did not believe "that the public interest is served by forswearing indefinitely the benefit of additional VHF service while awaiting the germination of dormant interest in an idle UHF allocation."[30]

28. There have been three significant "UHF Impact" cases since *WFMY, Inc., Central Alabama Broadcasters, Inc.*, 68 F.C.C. 2d 1339 (1978) and *KOTV, Inc.*, FCC 79-607, 44 Fed. Reg. 60818 (October 22, 1979), are in hearing status. The third, *North Carolina Television, Inc.*, 42 R.R. 2d 1685 (1978), was a grant of a VHF application without hearing. It was concluded there that the benefits from the expanded VHF service (in terms of population receiving first and second services and first NBC service) outweighed the impact which could result from increased overlap with the UHF station, also NBC-affiliated. It was noted that the latter would have a stronger signal in the overlap area, and was in a larger market than the VHF station. It was also observed that the bulk of the overlap resulted from a recent transmitter move by the UHF station in the direction of the VHF station.

29. The history of the "UHF Impact" issue demonstrates that since the All Channel Receiver law, the Commission has increasingly moved away from any automatic assumption of harm in favor of UHF television. The trend has been towards balancing the diversity gained from additional VHF service against the potential harm to UHF television, with harm to UHF becoming less of a factor as time progressed and the service matured. Several factors today lead us to believe that UHF television is, generally, in a much stronger position than it was in 1976, enabling it to withstand an even greater amount of competition than at the time of the *WFMY, Inc.* decision. These factors are set out immediately below.

30. One factor strongly indicating UHF TV's present viability is the tremendous progress which it has made during recent years. This conclusion is supported by commenters arguing both for and against VHF drop-ins in this proceeding. This progress is indicated in several areas. In 1978, the revenues of UHF commercial stations were $514 million, including $255 million to stations which were network affiliates and $259 million to independent UHF stations. These represented increases of 26.2% and 30.2% respectively over 1977 figures.[31] UHF network-affiliated and independent stations had 1978 profits of $42 million and $52 million respectively, up 53.6% and 18.2% from the corresponding 1977 net income figures. In 1973, only 31% of UHF stations reported net income; in 1975, UHF stations as a group were profitable for the first time with 52% showing profits; and in 1978, 73.1% of those reporting showed net income (136 out of 186). See the FCC's *Revised TV Broadcast Financial Data—1978* (July 17, 1980), and corresponding reports for earlier years. Also, the number of UHF stations in operation has increased rather substantially, from 180 in 1970 to some 218 in early 1980. Even more striking is the increase in the demand for new UHF facilities evidenced by applications filed—between 8 and 15 per year during the 1971–1975 period, compared to 94 in 1978, with more than 240 pending as of

[29] In view of the passage of time since the All Channel Law, the *Mount Vernon* case stated that it is unnecessary to "insulate every UHF station or potential station from any possible small wind of VHF impact where there is a substantial service benefit involved in a different course. The time when such caution was appropriate has, in our judgment, passed." (17 R.R. 2d at 1630).

[30] These changes were adopted to reflect UHF progress in recent years, e.g., in receiver penetration (increased nationally from 55% in 1969 to 89% in 1974) and station profitability. See paragraph 30, *infra*, for more recent data of this nature.

[31] VHF figures for the same classes of stations were 19.2% and 20.9% respectively.

July 31, 1980.[32] The growing demand is also shown by high selling prices for stations. ABC mentions in its comments the $11,600,000 figure paid for a Houston independent UHF station in 1976; since then a UHF station sold for $20,000,000 (WRET–TV, Charlotte, North Carolina in 1979) and there have been at least three other sales of $15,000,000 or more (stations in Ft. Smith, Arkansas, Washington, D.C., and a pending application for a Baltimore, Maryland station). Further, UHF penetration (percentage of TV sets able to receive UHF) has steadily increased until it is now 98% or higher. And finally, UHF shares of audience in intermixed markets, while not generally equal to VHF, are in some cases as great or greater.[33]

31. Beyond the advances UHF television has already made, there are continuing efforts, by the Commission and industry groups, to improve UHF from a technical standpoint. The All-Channel Receiver Law, and the Commission's all-channel rules implementing it, have now been in effect for more than 15 years. Rules designed to promote comparable ease of tuning receivers to VHF and UHF channels have been in effect, in gradual stages, since 1970. As long as the tuning process is mechanical, it may be necessary generally to have UHF tuning involve an extra step, albeit a simple one; but electronic tuning, now coming into widespread use, promises to remove even that difference. In 1978 the Commission formed a UHF Comparability Task Force to study measures for alleviating the remaining differences and, if possible, eliminating them completely. This group has issued a number of Notices of Inquiry and several reports, including one (September 1979) reviewing the whole area of VHF–UHF comparability.[34] Rules have been adopted to improve UHF receiver performance by lowering the permissible noise level, and other avenues of improvement to receiver performance, including receiving antenna performance, are under study in various inquiry and rulemaking proceedings.[35] These ongoing efforts at technical improvement are doubly relevant here since they provide reasonable assurance that the "UHF–VHF difference" will be less than it is now at the time in the future when stations in the four markets at issue here are likely to go on the air using the new VHF assignments, and that the Commission is firmly committed to continuing to ensure that viewers will be capable of receiving UHF signals.

32. Additionally, the Commission has taken or is considering other measures that could have a salutory effect on UFH development. For example, the *Low Power Proceeding*, adopted by the Commission today, proposes the authorization of low power UHF stations that in many instances, because of lower power and equipment costs could be a more cost effective manner of providing television service in the UHF band. Also, the Commission has taken substantial deregulatory steps with respect to the subscription television service (hereinafter "STV").[36] As a result, the number of STV authorizations issued has more than doubled in the recent past. Because UHF stations are the only ones seeking STV, it is very likely that this service may supplement advertising as a method of supporting UHF television stations.

33. The drop-in opponents recognize most of these factors, but reach the opposite conclusion as to their significance. Their claim is that UHF television service is now able to "do the job"—provide desirable additional service by numerous stations operating with full-scale facilities—so there is no need to look to additional VHF assignments to provide service increments, with both the "chilling effect" on UHF and the widespread interference to existing VHF which the new VHF operations, assertedly, would entail. It is also asserted that the increasing number of UHF applications, such as one for a Salt Lake City station submitted during the pendency of this proceeding, indicates that allotted UHF channels will soon be utilized to provide this additional service.

34. We do not find a conclusion that new VHF–TV service is unnecessary or inadvisable in light of recent UHF gains to be warranted from the factual data submitted in this proceeding. Rather, as we view the current situation, our duty is to open the way to more service by providing opportunities for it in the form of additional television channels, thus fulfilling the mandate of Section 303(g) of the Communications Act to further "the larger and more effective use of radio."

35. In this connection, it also must be borne in mind that the policy of "UHF Impact" protects against new VHF competition not only actual or potential UHF stations but also existing *VHF* stations—those in the same market where the actual or potential UHF station is or would be located. Thus, in *Jefferson Pilot Broadcasting Co.*, 42 F.C.C. 2d 908 (1973), the UHF impact was on potential use of the Greensboro, North Carolina UHF assignment (a station operating on it had recently gone dark), but the immediate beneficiaries of the policy's application were the three VHF stations in the market that includes Greensboro.[37] This aspect of this policy is undesirable in any event, since it limits the availability of alternative program sources and competition, and affords protection to entities that certainly do not need it.

36. In *Channel Assignment at Glendive, Montana*, FCC 69–183, 15 R.R. 2d 1559 (1966), the Commission stated as follows:

When there is under consideration a proposed action which would permit the addition of an additional broadcast service to a community and area . . . we believe that there must necessarily be a presumption that the action should be taken. Otherwise we run the risk of thwarting the mandate of Section 303(g) of the Communications Act, which adjures the Commission to further the larger and more effective use of radio. This presumption is of course subject to rebuttal; but it is nonetheless a substantial one. . . . As we stated in the Dickinson, North Dakota decision, *supra*, we should be slow to act in a manner which would thwart the

---

[32] For a recital of figures in this connection, see the *Notice of Proposed Rule Making concerning Multiple Ownership of AM, FM and TV Broadcast Stations*, FCC 79–537, 44 FR 55603, September 1979.

[33] A staff analysis of Arbitron audience survey data for February 1980, for 27 markets having two VHF and one UHF affiliated stations, showed that in two cases (Abilene-Sweetwater, and Lubbock, Texas) the UHF had an all-day audience share as high as, or higher than, one of the VHF stations for the "Metro area", and in one f these cases in the entire ADI as well. In a third market, the UHF's Metro area share was higher than one of the VHF' during prime time (Louisville, Kentucky). In four of ten markets where there are tow UHF and one VHF affiliates, one of the UHF stations had a share similarly high compared to the VHF (Austin, Texas (as to both metro and ADI share); Erie, Pennsylvania; Evansville, Indiana; Madison, Wisconsin and, as to prime time, Springfield-Champaign-Decatur, Illinois).

[34] *"Comparability for UHF Television: A Preliminary Analysis"*, *supra* note 24. The report found three main areas of difference—channel selection (tuning), picture quality, and programming. It noted the potential of electronic tuning in the first area, and, in the second, new developments in receiving antennas and also a more efficient UHF transmitter which could reduce the tremendous (and costly) amounts of power which UHF stations now use just to produce a signal comparable in geographic reach to VHF stations having much lower power. The report concluded that differences in programming (largely reflecting UHF unwillingness or inability to pay high prices) will tend to disappear when technical comparability is achieved.

[35] *See, for example, UHF Television Receiver Noise Figures*, 69 F.C.C. 2d 1866 (1978); *Improvements to UHF Television Reception*, 70 F.C.C. 2d 1720 (1978).

[36] *See, First Report and Order*, Docket—21502, FCC 79–535, adopted September 25, 1979, released October 12, 1979.

[37] Two of them were the objecting parties.

development of competition. 15 R.R. 2d at 1564, *supra*.

We believe the promotion of competition remains a primary Commission policy and warrants careful consideration in this proceeding.

37. Another, somewhat different, problem with the "UHF Impact" policy pointed out in the history is its highly speculative character. This has been recognized by the Commission (e.g., *Midwest Television, Inc., supra).* It is difficult, or simply impossible in many cases, to reliably determine whether significant impact will or will not occur. The number of different sets of facts that may have to be taken into account, and the varying tests used, add to the problem (see para. 23, *supra).* Moreover, it must be borne in mind that some highly important facts, for example the network affiliations of the affected station and the new or expanding station, are subject to change suddenly and without much notice (see e.g., the Knoxville, Tennessee situation discussed at paragraph 79). If the Commission denies the subject proposals wrongly because it concludes that the impact is more serious than it actually is or if the facts later change so as to lessen the impact, there will have been an unjustified denial of an opportunity for increased service and program diversity.

38. The difficulty in speculating on UHF TV development has been demonstrated even in this proceeding. For example, on the basis of three economic models, the 1977 *Notice* assumed it would be ten years before a UHF station would develop in Salt Lake City. But an application, by a well-established UHF operator, was filed in 1977 and the station went on the air in 1978. Hence, even our best predictions are unable to calculate marketplace behavior to the degree we would wish.

General Comments in Response to 1977 Notice

39. Besides letters and other informal filings, comments or other formal submissions were filed by more than 50 parties, including material filed through July 1979. There were five submissions supporting VHF drop-in allotments generally, from the United Church of Christ and the individuals joining it in the original petition (hereinafter "UCC"), U.S. Department of Justice (DOJ), New Jersey Coalition for Fair Broadcasting (N.J. Coalition), and two parties interested in additional educational or "public" TV allotments, National Association of Educational Broadcasters (NAEB) and Corporation for Public Broadcasting (CPB). Twelve parties filed in favor of the four specific proposals set forth in the *Notice* plus a proposal to add Channel *4 at Albany, New York, for educational use.[38] General opposition to the making of such assignments was expressed by four parties: the Association of Maximum Service Telecasters, Inc. (hereinafter "MST",) an organization of VHF and some UHF stations, American Broadcasting Companies, Inc. (hereinafter "ABC"), the National Association of Broadcasters (hereinafter "NAB"), and Spanish International Communications Corp. (hereinafter "SICC").[39] Specific proposals were opposed by the licensees of 16 VHF stations that would either be short-spaced with one of the new assignments or would, assertedly, otherwise suffer interference from its operation.[40] Specific opposition was also expressed by the licensees of UHF stations in Altoona, Knoxville and Salt Lake City on the basis of possible economic impact, and in a similar filing by the licensee of the Kingsport, Tennessee UHF station.[41] Five additional parties took positions on certain specific matters.[42] The Appendix hereto is a list of the commenting parties. Many comments contained detailed engineering showings.

The Proponents' Argument

40. The Department of Justice (DOJ) in its comments emphasizes what it claims to be the very undersirable and highly anti-competitive restrictions on entry into the "VHF television industry" flowing from the Table of Allotments based on rigid mileage separations. It urges the Commission at least to make the four drop-ins and to liberalize the Table to permit new VHF allotments when technically feasible (based on new technology), or, preferably, abolish the Table altogether in favor of a "demand" application system, with the question of interference to existing service left to the licensing assignment process with the burden on existing stations to establish it. It is claimed that the resulting "artificial shortage" has serious economic consequences leading to inordinately high station profits, distortions of the marketplace resulting in inefficient allocation of resources, a shortage of advertising opportunity (resulting in unduly high rates to advertisers) that both contributes to inflation and restricts opportunities for new and small business ventures (adding to economic concentration and decreasing the healthy competition of new entrants in the marketplace). Program diversity and the development of additional networks are also allegedly frustrated. DOJ also claims that the present system is grossly inefficient, based on adherence to mileage separations designed to accommodate great height and power that often may not be used (and even if used do not necessarily represent the most efficient form of spectrum use). Comparison is made with Japan, which in a much smaller area has a much larger number of TV transmitters.[43] As to "UHF" impact, DOJ claims it no longer is a legitimate concern, since UHF, while still not the equal of VHF, is certainly not failing and already receives, aside from this kind of protectionism, a number of public "subsidies," e.g., Federal and State grants to educational UHF–TV stations.

41. UCC and other proponents emphasize points such as additional program diversity, increased opportunity for minority ownership and the expression of minority viewpoints, local ownership, the breakup of an

[38] These include four potential applicants for Salt Lake City, two for Knoxville other than the present UHF station, four for Charleston-Huntington, one for Johnstown (there was no support for the Altoona proposal), and one for Ch. *4 at Albany. Numerous New York State ETV groups supported the Albany proposal in a brief pleading, as did numerous letters from governmental and educational officials and others. This Albany proposal, however, conflicts with a proposal in Salsbury Center, New York and will be addressed in a Notice of Proposed Rule Making to be issued in the near future.

[39] SICC is licensee of several UHF Spanish language stations and is under partial common ownership with Spanish International Network.

[40] The sixteen include three Salt Lake City commercial VHF stations claiming impact from interference to, or required changes in, their existing translator services, as a result of a channel 13 drop-in.

[41] The Kingsport Chamber of Commerce filed a similar opposition to a Knoxville drop-in (Kingsport is some 85 miles from Knoxville). The Knoxville UHF licensee, South Central Broadcasting Corp. has long sought to have VHF channel 8 dropped into that city and its license modified to that channel. Its position in this proceeding originally was that these actions should be taken, but, if the Commission was not willing to grant the modification, it should not make the drop-in. Later, South Central became unconditionally opposed to the new assignment.

[42] Frederick W. Ford filed opposing any reservation of a Charleston-Huntington assignment for educational use. VHF Channel 11 stations at Louisville and Chicago did not completely oppose the Channel 11 drop-in as such but pointed out some problems in offset adjustments which assertedly should be dealt with. Shenandoah Valley Educational Television Council (SVETV) opposed the Ch. 11 drop-in because it would preclude a standard-spaced assignment in the Staunton-Waynesboro, Virginia area where SVETV operates a UHF public television station. Idaho State Board of Education noted the short separation between a Salt Lake City channel 13 drop-in and unused channel *13 at Twin Falls, Idaho, and expressed the view, based on existing arrangements between other stations, that a suitable arrangement could be worked out.

[43] In reply, MST asserts that the great majority of Japanese transmitters are low-power, translator-like facilities; assertedly, Japan emphasizes the re-transmission of programs from a few central sources rather than the widespread full-power station characterizing U.S. television.

asserted newspaper-television monopoly in the Johnstown situation, and promotion of additional networks. It is urged that the Commission should be less protectionist in its approach; existing stations should receive "equivalent protection" but not more. Some of these parties also agreed with DOJ concerning the Commission's continued concern with "UHF" impact. It is also asserted that in the four instances under consideration UHF television has simply not been able to do the job, with no UHF stations at all in Salt Lake City (at the time of the initial comments), no commercial UHF station in Charleston-Huntington and only low-power UHF facilities, drawing small audience shares, in the other markets. It is also argued that where rough terrain is involved, as in some of these markets, UHF is and always will be somewhat inferior. The greater cost of electrical power needed to operate the higher power UHF stations is also mentioned. The West Virginia and Albany, New York, area public TV licensees urge the importance of additional public TV outlets, which would be in *addition* to their existing UHF service rather than in place of it.

The Opponents' Argument

42. MST, ABC and other drop-in opponents advance four main lines of argument: (1) the adverse impact on UHF service and development, both in the area of the proposed drop-ins because of potential loss of viewership, and generally because of the perception of a Commission loss of faith in UHF television; (2) the impossibility of limiting approval of VHF drop-ins to these four situations under consideration if they are granted; (3) the predicted loss or degradation of existing TV service through interference to (a) stations with which the newcomer would be short-spaced, (b) other co-channel and adjacent-channel stations, and (c) translator [44] and CATV audiences; and (4), the limited service that the dropped-in VHF station would provide, because of reduced power necessary to afford equivalent protection to other stations and also less than optimum service area—less than what would be provided by a "well-engineered UHF station."

43. With respect to UHF impact, MST and others vigorously urge that to make any of these drop-in allotments would be a complete reversal of the Commission's sound policy of protecting UHF development. It is claimed that this would be particularly unfortunate now that UHF is beginning to surge forward— "on the threshold of success", as ABC puts it, and with UHF set penetration in the U.S. now 94% or more and rules requiring tuning comparability nearly 10 years old.[45]

44. ABC, arguing that UHF is doing quite well (even though not yet fully the equal of VHF), states that it would consider the ownership of a UHF station in a very large market should a suitable opportunity arise, and would consider affiliating with a UHF station in an intermixed market where one of the VHF stations has problems such as an inferior transmitter location.[46] ABC cites instances in which some of its UHF affiliates have greater audience shares than do some of its VHF affiliates that have transmitter location or similar problems. It states a belief that with greater facilities (which they have begun to undertake) its Altoona and Knoxville affiliates can do a respectable job. ABC thus urges that the Commission, instead of considering VHF drop-ins, should attempt to make UHF truly equal by various measures designed to improve receiver tuning and antenna performance.

45. Several parties complained about the changes in offset that the *Notice* indicated would be required because such changes would assertedly increase interference and would cost money. For example, opponents of the Charleston proposal maintained that three stations would have to change offset at a cost of $10,000 each. Stations WTTW, Chicago and WHAS–TV, Louisville, claimed that if operating on a non-offset basis (as apparently contemplated by the Commisssion's proposal) they would lose areas within their noise limited Grade B contours that they claim amounts to about 230 square miles in each case (no population or alternative service information for this area was submitted). While "synchronous carrier" or "zero offset" operation has the potential for solving this problem, WHAS–TV claims that its reliability is not yet established and it is quite costly (around $50,000 or more, compared to some $10,000 for precision offset).

46. Many licensees also urged the Commission to consider as significant the increased interference created by the drop-ins in areas beyond their Grade B contours. And finally, several licensees asked that the Commission consider requiring the dropped-in stations to provide protection to their facilities should they decide to increase to higher power in the future.

47. MST and other opponents make certain other arugments against the drop-ins. It is claimed that the contemplated approach runs contrary to the Commission's sound actions of the early 1960's in AM and FM station allotments, where it abandoned case-by-case consideration of service area gained vis-a-vis service area lost due to interference in favor of stricter, more rigid standards.[47] It is claimed that we should adhere to this here and both avoid erosion of existing service through interference, and the costly processing and adjudicatory effort involved in case-by-case evaluation. MST also claims that, rather than being inefficient, the present TV station allotment system is highly efficient, bringing 4 or more services to 96% of U.S. population.

48. It is also argued that all of the drop-in proposals can and should be summarily denied because none has come close to meeting the "persuasive showing" burden set forth in the 1977 *Notice*. Some parties urge that some of the benefits claimed for drop-ins, such as minority-group expression and participation, more networks, etc., are clearly illusory because of the small number of additional assignments that can possibly result. As to minorities, it is argued that encouraging them to participate in television via a short-

[44] For example, one of the main points urged in connection with the Salt Lake City drop-in is impact on the extensive translator network that the Salt Lake City commercial and educational stations have put in place throughout the State, and that is heavily relied on to serve sparsely populated rural areas (an estimated 220,000 persons, or 20% of the State's population). The *Notice* stated that 19 translators would have to change frequency as a result of the drop-in, nine of which could change to other VHF frequencies and ten of which would have to use UHF. The existing Salt Lake City VHF stations commented that this is a gross under-estimate, since translators beyond the Grade B contour, operating on Channel 12 or 13, would be affected also associated bringing the total to about 60. These commenters cite the high costs with these changeovers to emphasize the predicted impact. It is also noted that the changeover would affect the Salt Lake City stations unequally, since the station on the highest broadcasting channel, KSL–TV, is the one with the most translators on Channel 13. These parties claim that this is a public-interest detriment that the Commission must consider, even though according to Commission Rules translator service is secondary and subject to change or impairment by increased regular station service. In reply, proponents claim that this problem is vastly over-stated; translators are largely local, often isolated facilities, that serve communities in valleys where a direct signal from Salt Lake City does not penetrate.

[45] Proponents cite some of the same data, in support of contentions that UHF no longer needs protection, and that an actual or potential VHF drop-in allotment will not necessarily stunt UHF's growth.

[46] We note, however, that in Knoxville, and five other intermixed markets in recent years, ABC has abandoned its UHF affiliate for a VHF outlet, as part of a campaign to up-grade its affilations (it has also made some change in affiliation between VHF stations in a market).

[47] *See Interim Criteria to Govern Acceptance of Standard Broadcast Applications*, 23 R.R. 1545 (1962); and, in FM, the adoption of a Table of Assignments and mileage separations. *Third Report and Memorandum Opinion and Order in Docket 14185*, 23 R.R. 1859 (1963).

spaced, sub-standard VHF station might be only a "cruel hoax." Some parties question the Commission's selection of the four markets advanced in the 1977 *Notice*, urging that others discarded at earlier stages in this proceeding are at least as meritorious. The evaluation of population losses discussed in the 1977 *Notice* is also attacked. This attack on "loss" population concerns the propriety of deducting, from gross population within "loss" interference areas, the number which subscribe to cable TV, those living in counties where the affected station now has very little or no net weekly circulation (NWC) and those living in counties where the affected station has some circulation but another station or stations of the same type (same network affiliation, commercial independent or public) has a large or larger NWC. It is asserted that this procedure wrongly assumes a substitutability among stations of the same type, ignores their local programming, and fails to discount in the same manner service gain figures of the drop-in.

General Conclusions

49. New VHF–TV channel allotments represent an opportunity for the provision of additional broadcast service. Assuming that the allotments are used, the additional service is a clear benefit. The service is there, available to substantial populations who wish to take advantage of it. By contrast, the losses that may be claimed to result from the provision of this additional service opportunity—through interference to existing services of other stations, or through economic impact on existing service—are, as noted above, to some extent speculative. The new allotments would represent, or at least give an opportunity for, greater diversity of programming and the presentation of divergent viewpoints. Any additional stations made possible may give minority-group members readier access to the broadcast media for presentation of their viewpoints and of programming particularly of interest to members of those groups. The additional outlets thus made possible may also represent a chance for minority-group members to obtain ownership in a more nearly proportionate share of broadcast facilities. Further, the new services would be local services, since the new station created would provide primary service to the community in which its facilities are located. Other important objectives, such as the presentation of programming of interest to substantial but less than mass audiences, the promotion of additional networks, and increased competition in advertising markets may also be served. We believe these service benefits the additional allotments could result in are substantial contributions to the public interest.

50. Some of the drop-in opponents argue that the number of situations finally proposed in the *Notice* for comment—four—is so small that even if all were granted, there would be no noticeable contribution to national goals such as increased minority participation in broadcasting, increased diversity of programming, divergent viewpoints, etc. We reject this contention. We believe that the creation of four new VHF–TV stations in these markets will in all likelihood make a contribution to the achievement of some or all of our goals. And, moreover, we do not propose to limit developments in this area to only four situations, but to consider other possibilities for the creation of new television service. In this regard we cite a Notice of Proposed Rule Making adopted today proposing a new *Low Power Television* service.[48] In greater numbers, these and, perhaps someday, other additional stations may well further these objectives even more substantially. It may be that they will even create an opportunity for the development of a full-scale "fourth network." [49]

51. There are a number of other considerations raised by the opponents that are applicable to some or all of the specific proposals before us and should, thus, be discussed generally.

UHF Impact

52. In view of UHF's current state of development and other factors cited above, we intend to evaluate the "UHF Impact" of these four proposals in a manner consistent with the principles of *WFMY, Inc., supra*, but taking recognition of the gains UHF has made since that decision. UHF television is in a much improved posture since 1976 and we believe an appreciation of that posture is warranted in considering the action we take today. Further, it must be recognized that the standards for attempting to determine the economic impact of additional VHF–TV service developed in *WFMY, Inc.* were made in the context of an application proceeding where the facts and circumstances related to potential impact were more specific and the institution of service closer at hand than in an allotment proceeding such as this. With no application presently before us and institution of actual service undoubtedly years away, judging the economic impact of these drop-ins becomes even more speculative and the showing of "specific impact" on UHF service more difficult for us to discern. Accordingly, in taking a "hard look" at the requested rule waiver for the four markets before us in terms of UHF impact, we will take into account the state of UHF–TV as we know it today, weigh the benefits of the potential new service against the potential adverse effect upon UHF–TV development, and exercise our best judgment as to where the public interest lies.[50] Our conclusions regarding the treatment of UHF impact claims regarding each of the specific drop-in proposals are set forth at paragraphs 67 to 80, *infra*.

Increased Interference

53. Many commenting parties object to the four subject proposals because of increased interference to viewers within, and beyond, the Grade B contours of existing stations affected by the drop-ins. We recognize that some such interference will exist. We have given this matter careful consideration and, for the reasons stated below, do not believe it warrants rejection of the proposals. Our reasons for this conclusion are set out in detail.

54. The ratio of the predicted Grade A and B contours of a VHF—TV station operating with maximum permitted facilities are obtained from the FCC propagation curves.[51] These contours are estimates of the outer limits within

[48] *Low Power Television, supra*, note 7.

[49] It is generally believed that one of the important factors limiting the number of national networks, although not necessarily the only one, has been that so many major markets have only three competitively comparable television allotments. *See*, e.g., *The Effect of the Federal Communications Commission's Spectrum Management Policies*, etc., note 9, *supra*, at 178–180 and *passim*.

[50] We note that in another action today, we delayed deciding upon a proposal to issue a notice of proposed rule making looking toward numerous additional (i.e., 75–100) VHF—TV drop-ins at unspecified locations. This delay was due in large part to the Commission's desire to have before it the results of its UHF Comparability Task Force prior to taking such a broad action which could have an impact on UHF–TV development. A similar need for such information prior to acting upon the four specific drop-in proposals now before us does not exist. We proposed these drop-ins over three years ago, have received a multitude of comments on the potential UHF impact in these specific markets, and have accumulated a wealth of information upon which to base a decision at this time.

[51] The fact that we refer to these curves as predictions is significant. The curves are statistical averages and so cannot be relied on to predict the actual presence or absence of service in a particular location at a given distance from a station. In addition, these field intensity contours are merely average statistical descriptions of parameters that are difficult to characterize, and extremely variable. By definition (*See* § 73.683) only the best 50% of the locations receive the prescribed signal level. This is further complicated by the included assumptions that 30 foot omnidirectional antennas are used and that all receivers have the same performance characteristics.

which the population should receive a specified level of service, in the absence of interference from other stations. Service is "noise-limited" in that its useful range is determined only by atmospheric, man-made, and internal (receiver) noise. Among other factors the distance to a "noise-limited" contour depends on receiving antenna gain. (This "gain" is a measure of how well an antenna can extract energy from the electromagnetic field created by the transmitting antenna.)

55. If co-channel or adjacent-channel stations are located sufficiently close to a desired station there is a possibility that the undesired signals will interfere with the reception of the desired signal. When such an event occurs we say that the service is "interference-limited" in that its useful range is determined more by interference than by noise. The geographic boundary along which interference begins to be objectionable can be drawn as a contour. Among other factors, the location of this "interference-limited" contour depends on the directivity of typical receiving antennas. (This "directivity" is a measure of how well an antenna receives signals from a preferred direction as compared to other directions.)

56. An "interference-limited" contour creates a crescent shaped area between the Grade A and B contours within which the quality of service is reduced. The size of this area depends on the relative strengths of the desired and undesired signals, carrier offset and receiving antenna directivity. Assuming the desired and undesired signals are as strong as is permitted, that carrier offset is employed, and that reasonable rooftop antennas are used,[52] the loss [53] area should be no wider than (approximately) six miles. Across this area there will be a progressive reduction in quality of one TASO grade,[54] i.e. from TASO 3 (interference not objectionable) to TASO 4 (interference somewhat objectionable.) In view of this we are confident that the four subject VHF allotments will result in new local service of far greater value than the potential reduction in signal quality attributable to co-channel interference. Our confidence is enhanced when it is remembered that, because we are requiring the drop-ins to provide equivalent protection, the potential interference created is of the same magnitude that has been created each and every time the Commission has added a channel to the Table since the Table's creation in 1952. We are unaware of any significant outcry of interference complaints in these instances, and there have been scores, including some in populous areas.

57. We also believe it significant in determining the interference effect of these four drop-ins to consider whether persons receiving increased interference have access to a like-program source by looking at cable penetration and net weekly circulation figures. What we are primarily concerned with is actual loss of service created by the drop-in. If a like-program service is readily available or if the projected service loss through interference does not in fact exist, it makes no sense to draw negative inferences from the interference. The fact remains that by compiling such data, it can be determined fairly accurately how many people will actually be deprived of a particular service as compared to the number of persons who will have a choice of a new service. Whether or not the new service is taken advantage of by all possible persons is not critical. If the "lost" service is actually repetitive of alternative sources of service [e.g., another signal can be received with the same network programming, or is presently viewed via cable so that access to that service still exists] while the VHF drop-in provides or results in unique new service (especially if the latter provides local service), then a simple head count of individuals who have "lost" and gained service is misleading.[55] What is critical is access. In looking at data for the specific proposals under consideration, it is clear, as indicated below, that the vast majority of viewers of the affected stations have access to like-program sources. Any detriment created by the like-program source's failure to replace the interfered with station's non-network or local programs, we believe, is far outweighed by the new local service to be provided.

58. Additionally, we do not believe the issue of service "loss" is of overriding concern because today we are also proposing a source of substitute service that we believe will provide a more spectrally efficient means of serving the small population pockets that typically make up the audience in a station's Grade B contour. At the noise limited Grade B contour, where potential service loss is most likely to take place, most viewers live in small towns or cities that are a fraction of a mile in diameter. Currently, to provide service to these scattered population pockets, stations in the distant urban centers blanket hundreds of miles of scarcely populated land with high power signals. Today, in our *Low Power Television* proceeding, *supra*, we are proposing a new television service that will permit the creation of small local television outlets with signal patterns tailored exactly to cover such pockets of unsatisfied television demand.

Terrain Considerations

59. The record in this proceeding on the question of terrain shielding of undesired (co-channel) signals is not sufficient to provide a basis for drawing conclusions regarding the four specific drop-in proposals. Studies of automated terrain correction computer programs were submitted by parties to the proceeding, but these models are still developmental and need further field measurement.[56] Where actual signal levels were measured in the field in support of particular proposals, measurement procedures specified in the Rules (or an equivalent alternative) were not used and supporting test

[52] We believe this antenna assumption reasonable in view of the Commission's actual experience in the Johnstown market. That is, the Commission's Field Operations Bureau looked at a representative sample of rooftop antennas and found that of 254 observations: (1) 112 antennas were of the exact same type (suggesting strongly consistency in types of antennas within the area), and (2) 75% were of a type that could be expected to reduce significantly the effects of the potential increase in interference. That is, these antennas were capable of at least 8db front to back ratio. It was also noted in this study that many homes not having antenna ratio capabilities of this sort were connected to cable systems. See *Johnstown VHF Drop-In Study*, W.P. Huber, F.C.C., Pittsburgh Field Office (February 15, 1980).

[53] We use the term "loss" advisably for reasons outlined below.

[54] In the 1950's, the Television Allocations Study Organization (TASO) conducted studies on interference created by increasing the signal to noise ratio and established grades of service which are commonly used today in described picture quality.

[55] MST also claims that numerous CATV systems will suffer head-end interference from the drop-ins. Its figures for numbers of CATV systems, their subscribers, and translators affected are: Knoxville, 7 systems, 10,396 subscribers, 27 translators serving 229,325 persons; Altoona, 25 systems, 33,880 subscribers, 2 translators serving 1,150; Johnstown, 37 systems, 55,753 subscribers, 3 translators serving 5,066 persons; Charleston-Huntington, 23 systems with 47,823 subscribers, 2 translators serving 202,071 persons. The alleged problem of head-end interference, however, is not unique to these particular proposals. Other cable systems experiencing this problem, for whatever reason, have developed means to rectify the situation. One such solution, of course, is to transmit the desired signal to the head-end via microwave facilities. In any event, this is a general problem faced by CATV systems when new services are added to an area the solution to which, if widespread and serious enough, is better addressed in a separate proceeding. We do not believe that the possible existence in these four instances of a problem of this nature warrants denial of the proposed drop-ins.

[56] See e.g., *Techniques for the Evaluation of Proposed VHF TV Drop-Ins*, G. A. Hufford, OT Report 77.112 (July 1977).

condition documentation was missing.[57] Moreover, no attempt was made to verify the computed results of various test cases, and in some instances, computed results differed so greatly from the results of selected hand calculated results that it was obvious errors existed in the computed data. For these reasons, we find the procedures set out in our rules a more reliable allocation tool and will not, as has been our previous practice, consider terrain factors in predicting interference.

Offset

60. The Charleston, Knoxville and Johnstown drop-in proposals necessitate certain stations making carrier offset [58] changes. Carrier offset changes are generally utilized by the Commission as a method of minimizing the potential for interference when authorizing new or improved service. It has been our experience that requiring such changes results in limiting new interference that may result from the addition of co-channel stations to a relatively small amount. This applies to the situation in the present cases as well. Moreover, we note these offset changes would be required even if the allotments being authorized today were at standard spacing. In view of these considerations we are not persuaded that inconvenience created by offset changes warrants denial of the subject proposals.

Translator Disruption

61. Each of the proposed drop-ins will most likely result in some translators having, or desiring, to change their channel of operation. While we recognize the important role translators play, we do not believe that any impact on such service, particularly beyond Grade B contours, should preclude institution of new off-the-air service. Since translators provide essentially a "secondary" service and are required to accept harmful interference from primary users of spectrum, we find questionable validity in attempts to block the addition of such new allotments on the basis of "interference" to translators. Similarly, we hesitate to give equal weight to the theoretical viewer beyond a station's predicted interference limited contour vis-a-vis new service provided to viewers within a proposed drop-ins Grade A contour. This is so because, in the former case, any service lost is a weak signal from a distant station and was not in a service area expected to be served given the minimum separation distances adopted in the *Sixth Report and Order*, while on the other hand the viewer gaining new service will be within the primary service area of the new stations. Moreover, it is apparent that the effect of any possible disruption of translator service, in terms of people served, is more than offset by the gain in service realized by the drop-ins.

Cost of Changes

62. In its *Notice*, the Commission proposed that the entities eventually operating on the channel allotments considered in this proceeding would pay the costs of translator and offset changes. We continue to believe this approach appropriate today with respect to offset change cost but have reconsidered our original thoughts regarding translator change costs. As noted above, translators provide a secondary service required to accept interference from primary users of spectrum. We see no reason to alter this relationship at this time and impose additional costs upon those parties seeking to provide full service. Accordingly, we will continue our past practice of not imposing translator change costs upon those to whom the translators will interfere with.

Protection of Future Facilities

63. Several licensees urged that we require the new VHF drop-ins to provide protection if they [the licensees] decide to increase existing facilities at some future time. We believe such a requirement unwarranted. Placing unnecessary service-limiting conditions on the grant of these already short-spaced allotments based upon a purely speculative contingency is inconsistent with our desire to maximize the provision of new service and encourage spectrum efficiency. Moreover, the definition of equivalent protection assumes that licensees are utilizing the maximum permitted facilities. Thus, existing stations in and around these markets will already receive an amount of protection equivalent to what is provided to a station operating at maximum transmitter power and antenna height. Only in those situations where existing stations in these areas decide to move their antenna site in the direction of the new VHF station will protection problems arise. We think these circumstances will arise too infrequently to justify restricting these new stations. Accordingly, existing stations will be required to give equivalent protection to the new station if an antenna move by the existing station would decrease the distance between the two stations. Subsequent new stations will be required to give equivalent protection to the four new drop-in stations.

64. With these general considerations in mind, we now turn to a discussion of the four specific drop-in proposals before us.

Comments on and Analysis of the Specific Proposals

Opponents' Showings as to Interference

65. MST, ABC, *et al.*, state "massive interference" would result from the drop-in stations to existing television service. MST's series of showings, in terms of square miles of area rather than population, shows a total of 45,015 square miles of existing service affected by the three Eastern drop-ins, assuming equivalent protection.[59] The showing is for 5 types of interference MST claims will occur—Grade A service reduced to Grade B; "impaired" Grade B service; "intensified", or multiple interference from the existing and the new sources; Grade B service lost; and service lost beyond the Grade B contour out to the 50 dbu contour. The totals for the three Eastern drop-ins, divided into losses to short-spaced stations and to others, are as follows:[60]

[57] See, e.g., Engineering Exhibit attached to petition for rule making (RM-2727) filed July 9, 1976 by the Group for the Advancement of Television Service.

[58] Carrier offset is the operation of the carrier frequency 10,010 Hertz above or below the designated center frequency of the assigned channel. When two co-channel television stations are "offset" from each other (i.e. one is offset above and one below the channel center frequency) the desired to undesired ratios of their mutually interfering signal is reduced approximately 17dB.

[59] The figures given below assume a drop-in of Ch. 8 at Johnstown rather than Ch. 12 at Altoona. If the Altoona Channel 12 proposal is assumed, the total area interference figures would be slightly larger. MST's interference calculations assume the figures might be somewhat different assuming other locations. For example, some comments assert that an alternative site, farther south, would be preferable from the standpoint of service to Charleston-Huntington. If this site were selected, the short separation to the co-channel Pittsburgh station would be eliminated, but the shortage to the Johnson City, Tennessee station would be increased.

[60] We have not included in this table "service lost beyond the Grade B contour" because it has never been considered by the Commission as a significant allocation criteria.

Interference Areas

[In square miles]

Market	Short-spaced stations	Grade A red. to Gr. B	Impaired Gr. B	Intensified	Grade B lost	Total int. within Gr. B
Knoxville:						
(Ch. 8)	Athens, Ga. (ed.) Nashville, Tn. (ed)	76	1,680	21	2,862	4,639
	Other sta.		1,023	872	1,841	3,736
	Charleston, W.V					
	High Point, N.C					
(Ch.7)	Sp'b'g, S.C					
(Ch. 9)	Chatt., Tn					
Market total		76	2,703	893	4,703	8,375
Charleston-Huntington:						
(Ch. 11)	Short-sp.[61] Stations	190	1,391	667	2,662	4,910
	Pittsburgh, Pa					
	J. City, Tn					
	Other Sta.	26	573	108	593	1,274
	Louisville, Ky					
	Chicago, Ill. (ed)					
	Toledo, Ohio					
(Ch. 12)	Clarksb'g, W.V					
(Ch. 10)	Columbus, Ohio					
Market total		216	1,964	775	3,255	6,184
Johnstown-Altoona:						
(Ch. 8)	Short-sp. Stations	21	1,349	839	1,919	4,128
	Cleveland, Ohio					
	Lancaster, Pa					
	Other Sta.		390	233	809	1,432
	Rochester, N.Y					
	Charleston, W.V					
	New Hav'n, Ct					
	Petersb', Va					
(Ch. 9)	St'ville, Ohio					
(Ch. 7)	Wheeling, W.V					
Market total		21	1,739	1,072	2,728	5,560

[61] MST's loss figures for the channel 11 drop-in were revised in its reply comments and the revision appears to contain some numerical discrepancies. The tabulation here represents MST's figures for individual affected stations and types of interference, rather than its figures for totals.

66. The technical showings of the drop-in proponents dispute this interference data, emphasizing the shielding and limiting effect of unusually rough terrain, arguing that receiving antennas in these outlying interference areas will normally provide at least 6 db discrimination between desired and undesired signal which is not taken into account in the opponents' calculations. While we find this "square mile" data interesting, its usefulness in this proceeding is extremely limited since we believe that it is numbers of persons losing service that is critical. This square mile data does not shed light on this subject. Specific data advanced by both sides concerning particular market situations is set forth in the next few paragraphs, arranged by market, along with pertinent data advanced in the 1977 *Notice* and that in the 1977 study entitled "Service and Interference Areas Related to Drop-Ins at Johnstown-Altoona", by Dr. George A. Hufford of the Institute for Telecommunications Sciences of the Department of Commerce (and an addendum thereto).[62]

67. *Charleston-Huntington, West Virginia.* The 1977 *Notice* put the interference-free Grade B population served by the Channel 11 proposal at 834,000. It gave total interference figures to the various affected stations as 249,865, of which 126,288 do not subscribe to cable. Of those persons not subscribing to cable, the *Notice* stated that 43,295 watch an interfered with station at least once a week; 28,596 reside in counties where an alternative, like-program source is available which has a net weekly circulation (NWC) [63] equal to or greater than that of the interfered-with station; 12,945 live in counties where an alternative like-program source has a lower NWC than the interfered with station; and 1,754 reside in counties where no alternative, like-program service is available. These figures indicate that of those persons receiving interference and not subscribing to cable, only 1,754 people live in areas where an alternative off-the-air source of like-program service is not available. Thus, 834,000 people will have access to a new service while 1,700–1,800 may be deprived of a service for which there may be no similar alternative. Moreover, Channel 11 could provide the market's first independent commercial service, whereas the service being interferred with is network service largely available from other sources. On balance, these figures clearly suggest that the benefits, in terms of new service available, outweigh the cost in terms of service possibly lost or interferred with.

68. The licensee of Station WJHL–TV, Johnson City, Tennessee, Ch. 11 (CBS-affiliated), claims considerably greater losses to it from the drop-in, including a population of 137,606 within its interference-free Grade B contour, of whom only 364 persons have other CBS service available (it is also claimed that 80,611 persons beyond the Grade B contour would lose service, of whom 44,860 have no other CBS service). However, examination of Arbitron county coverage data (1979) does not support this claim.[64]

69. With respect to UHF impact created by this proposal, it is claimed that a new UHF construction permit granted in December 1979 at Ashland, Kentucky will be useless since any such station will be stifled at birth. It is also claimed that the public UHF television station, WMUL–TV licensed to Huntington, will continue to suffer from the absence of any other UHF signal in the area (that is, there are no commercial UHF–TV stations operating in the market). We find these claims unpersuasive. The new UHF in Ashland will most likely be on-the-air long before any station using this new allotment and the new VHF station, if used in Charleston (55 miles from Ashland), might well not have a significant impact anyhow. Additionally, we note that Ashland has a population of 26,972 (as of July 1, 1978), and, thus, its own base upon which to build a viable operation. As for the UHF public station, claims of injury to its operation are totally unsupported and, on that basis,

[62] The Hufford study is available in the Docket of this proceeding.

[63] Net weekly circulation is defined as the number of different television households viewing a particular station at least once per week Monday-Sunday, Sign-on to Sign-off.

[64] WJHL–TV's population figures are derived from an interference-area map similar to that of MST, which shows interference from the drop-in as occurring in Kentucky, Virginia and West Virginia. Arbitron's audience data shows WJHL–TV as having non-cable viewing in 22 counties in these states (including two entirely beyond its Grade B contour) 6 of these counties, in Virginia, are close to the station and entirely outside of the depicted interference area. Of the remaining 16 counties, WJHL–TV is the most viewed CBS affiliate in only three, in Virginia (Buchanan, Dickenson and Wise), totalling 17,500 non-cable TV homes. However, since it appears that less than 50% of this three-county area is within the area of interference, the actual number of homes potentially affected appears to be in the order of 8,000. In the other 13 counties, WJHL–TV is usually the second highest CBS affiliate in audience (to either the Charleston, Roanoke or Knoxville station); in the one Kentucky county it is third. These figures do not include one Virginia county (Bland) which is within WJHL–TV's Grade B contour and the predicted interference contour, though not within its ADI, as to which no Arbitron audience data was available (it has 2,100 TV homes).

unworthy of further consideration. There are also two applications pending for Charleston UHF Channel 23, and two other Charleston UHF allotments unapplied for, one of which is reserved for educational use.

The applicants for channel 23 have not commented in this proceeding nor has evidence of specific adverse impact on their potential operation been filed. We are unwilling to assume that the drop-in will foreclose the opportunity for this potential station to develop "free from substantially adverse competitive circumstances," *WFMY, Inc., supra,* in the absence of record support. Finally, there has been no showing whatever that potential applications for the unapplied for UHF allotments may be submitted within two or three years if this allotment is not made.[65]

70. *Salt Lake City, Utah.* Channel 13, at Salt Lake City, would be short-spaced to three co-channel allotments—McGill, Nevada and Twin Falls, Idaho (both vacant) and Rock Springs, Wyoming, where Station KTUX–TV went on the air in 1978 with relatively small facilities. The KTUX–TV licensee filed comments opposing the drop-in, claiming that with its sparse population it could not afford to lose even one viewer because of interference. As long as KTUX–TV operates with its present facilities, however, it does not appear that there would be interference from the drop-in within its Grade B contour. The population served by the drop-in is stated in the *Notice* as 772,100 persons if all three of the co-channel allotments were occupied by stations with maximum facilities and up to more than 860,000 if none of them were so activated. Under current circumstances, with no interference to any existing Grade A or B service, the benefit of this proposal in terms of potential new service is apparent.

71. With regard to claimed UHF impact, comments were filed by Springfield Television of Utah, Inc., licensee of a new UHF station which went on the air in Salt Lake City in 1978. This station, while alleging some hardship from a VHF drop-in, primarily asserts only critical harm to future Salt Lake City UHF prospects. It has submitted no factual data of specific impact suggesting its demise or serious injury that would result in a loss of service. There is also one vacant UHF–TV allotment in Salt Lake City for which three applications are currently pending and one unapplied for UHF allocation reserved for educational use. Here again, no comments were submitted in this proceeding by the applicants for the vacant allotment alleging injury from the drop-in and those submitted by others regarding impact on future UHF development were general and conclusory. Moreover, no comments made a specific showing of near term activation of the educational channel in the absence of the drop-in. *WFMY, Inc.* at 1010. Accordingly, we do not find allegations of UHF impact serious enough to warrant denial of the drop-in proposal.

72. *Johnstown-Altoona, Pennsylvania.* With respect to Johnstown Channel 8, which, as noted above, is being alloted rather than Altoona Channel 12,[66] the *Notice* gave no data.[67] Using the same methods, however, for compiling similar figures stated by the Commission in the *Notice,* we found the interference-free Grade B contour population served by a Channel 8 Johnstown allotment to be 1,494,800. We found total interference to the various affected stations to be 738,262 distributed as follows: (a) co-channel station WGAL, Lancaster, Pennsylvania—111,653, (b) co-channel station WJKW–TV, Cleveland, Ohio—360,000 and, (c) adjacent channel stations WTRF and WSTV, Steubenville, Ohio—Wheeling, West Virginia—266,036.

73. The Hufford study depicts an interference-free Grade B population of 1,010,400, much of it in the populous areas east of Pittsburgh. Interference is depicted as totalling 1,696,000 persons, including 472,700 to WJKW–TV, Cleveland, Ohio and 180,000 to WGAL–TV, Lancaster, Pennsylvania; and adjacent-channel interference to both stations in the Steubenville-Wheeling market (on Channel 7 and 9) totalling more than 1,000,000 persons. The differences in service and interference data between the Commission and Hufford is largely attributable to Hufford's consideration of terrain factors that suggest a weaker signal than that predicted by the Commission's propagation curves. Since we have not considered terrain factors in drawing conclusions in this proceeding, we will rely on the Commission figures set forth in paragraph 72. WJKW–TV claims that interference would also occur to WCHS–TV, Charleston, West Virginia (Ch. 8) to the extent of about 100,000 persons.

74. GATS, the proponent of this assignment, estimates the interference as much less, 188,551 to Cleveland, and claims that adjacent channel interference is not relevant because it does not result from the short separation (there is no shortage involved). GATS relies heavily on the significance of its measurements as showing little or no interference to WGAL–TV, and claims rough terrain as minimizing interference to Cleveland. The Cleveland station claims that the assignment is deficient in that it will serve only a small proportion of the Johnstown-Altoona market, being skewed in the direction of Pittsburgh where it alleges there is no need for, nor interest in, additional service. GATS in reply claims that no single station can serve both halves of the Johnstown-Altoona market well, and its proposed operation would serve about as much of the Altoona portion as does the existing Johnstown VHF station.

75. Examination of the interference created by a Johnstown drop-in indicates that interference to the adjacent channel stations in the Steubenville-Wheeling market is located immediately to the east of Pittsburgh in an area which Arbition, significantly, places in the Pittsburgh "area of dominent influence (ADI)."[68] Commission figures indicate that of the 266,036 people in this area 187,280 do not subscribe to cable. Of those not subscribing to cable, however, only 28,889 watch an interfered with station at least once a week and all of those persons live in counties where an alternative-like program source is available that has a NWC equal to or greater than that of the interfered with stations. These figures clearly indicate that the vast majority of non-cable subscribers do not watch either of the affected adjacent channel stations. Furthermore, any interference that may be caused to the Steubenville-Wheeling market is not caused by short-spacing.

[65] We are not reserving this allotment for noncommercial educational use at this time. The question of the appropriateness of such a reservation will be addressed in a separate proceeding at a later date. Furthermore, the low power television service, also proposed today, will provide opportunities for the provision of educational programming at a lower cost if support for a full powered educational station is not available.

[66] We have decided on the Johnstown rather than the Altoona proposal because: (1) it would serve vastly more people, 1,494,800 compared to 593,500, and thus, despite somewhat greater potential interference, would have much greater net benefits; (2) the Altoona proposal would be short-spaced to four stations, in various directions, making it impossible to achieve "equivalent protection" by anything other than power reduction even if a directional-antenna approach should be approved in this respect generally; (3) the difficult offset problem with the Richmond Ch. 12 station, which might mean non-offset operation at slightly over 200 miles; and (4) there was no support for the proposal in the comments.

[67] The station would not provide a Grade B signal to Altoona.

[68] The ADI is a geographic market design that defines each television market exclusive of the others. Each market's ADI consists of all counties in which the home market stations receive a preponderance of viewing. Every county in the United States is assigned to only one ADI.

While we would have no desire to see the creation of new local service in one market seriously interfere with local service in another nearby market, we are unpersuaded by claims of service losses due to a level of interference which is contemplated and permitted by existing rules and tolerated by so many other licensees without apparent serious detriment. The interference to the Steubenville-Wheeling stations is of even less concern since the subject signals in the interference area are viewed in large part on cable or not viewed at all. With respect to WJKW–TV Cleveland, and WGAL–TV Lancaster, whatever interference there may be is more than offset by the gains to Johnstown. We note, however, that with regard to Cleveland, all persons live in a county where there is an available off-the-air alternative-like program source and that with regard to Lancaster, only approximately 2,500 people live in counties where no off-the-air alternative-like program source exists. Additionally, it must be remembered that the drop-in in Johnstown could represent only the third local television service in that community.

76. Regarding UHF impact, the Altoona ABC-affiliated UHF station claims that the drop-in in either city would remove its ABC affiliation and cause its demise, as well as probably the end of the non-network Johnstown UHF station (WJNL). In our view, these predictions are far from likely to occur. Given the degree of overlap between the Johnstown drop-in station's contour and that of ABC's Pittsburgh affiliate (Ch. 4, located east of the other stations), it is not at all certain that ABC would ever affiliate with the new Johnstown VHF. Additionally, the new Johnstown station would be limited in its ability to serve Altoona. Therefore, it is not at all clear that the specific impact from a new VHF–TV station will result in substantial injury to, or the demise, of the Altoona UHF network affiliated station. As for WJNL, it supported the drop-in believing it would receive the assignment and only mentioned generally its difficulty in competing with VHF stations. We note, however, that it has been on-the-air for over twenty years and, even without clearing some CBS programming for the past couple of years as it had in the past, it has reported positive cash flows for the past two years. Finally, we note that the new drop-in will not begin operating most likely for at least several years, giving these UHF stations more time to reinforce their market strength. In view of these circumstances, we do not find in the record convincing arguments that a drop-in will result in substantially adverse competitive circumstances for these UHF stations. Finally, there has been no showing of near-term activation of a commercial UHF allocation now vacant in Altoona or educational allocations vacant in Johnstown and Altoona.

77. *Knoxville, Tennessee.* The *Notice* provided an estimate that a Knoxville Channel 8 station could provide interference-free Grade B service to approximately 1,000,400 people. It estimated total interference to 197,557 people, 170,821 of whom do not subscribe to cable and 60,238 who watch an affected station at least once a week, according to Arbitron NWC figures. It also appears that interference will be caused to 45,265 persons who have no access to an alternative-like program source. No alternate population figures were submitted in opposing comments. An additional issue was raised in supplemental comments submitted by several parties. In October, 1978, the licensee of WBIR–TV, Channel 10, Knoxville, filed an application to move the station's transmitter site from its House Mountain location, approximately 15 miles northeast of Knoxville to Sharps Ridge, within the Knoxville city limits. A construction permit was subsequently granted for that move and WBIR–TV is now licensed at the Sharps Ridge site. Since the site assumed for the Channel 8 drop-in proposal was the WBIR–TV House Mountain site, several opponents of this proposal argue that the WBIR–TV move is proof that the drop-in would not be viable there and, therefore, the proposal should be denied.

78. As for UHF impact, WTVK, a Knoxville UHF and former ABC network-affiliate, claims the drop-in would mean its immediate demise unless it were given the new VHF assignment. Its argument, made at the time it was affiliated with ABC, was that it would be forced to go dark by impact from the new Knoxville VHF station which ABC would surely affiliate with. Additionally, a fairly new station at Crossville, Tennessee, some 60 miles west of Knoxville, alleged adverse impact, while WTVK claimed this station would be forced off the air. Finally, WKPT–TV, Kingsport, Tennessee, a UHF ABC network affiliate, claimed substantial adverse impact since it too assumed that the drop-in would likely replace WTVK as the Knoxville ABC affiliate, thereby substantially decreasing its (WKPT–TV's) audience in view of the new VHF's better signal.[69]

79. Analysis of the figures depicting audience receiving new service versus that which will receive interference to existing service again indicates an overwhelming plus on the gain side. Further, we are not persuaded that the proposed site for this drop-in is any less viable than before simply because WBIR–TV has abandoned it. Nor, is the asserted UHF impact a serious impediment to the proposal. The agruments of WTVK and WKPT are based on a factual situation—ABC affiliation with WTVK—that will not occur, because ABC switched affiliates in Knoxville and WTVK as of September 1979, is now an NBC affiliate. Even if NBC switched its affiliation to the new drop-in, we are not convinced that the specific impact upon WTVK would place it in substantially adverse competitive circumstances resulting in its demise or serious financial injury. In this regard we note that there is at least one market smaller than Knoxville, i.e., Chattanooga, Tennessee, where a UHF station operates as an independent and competes with three VHF competitors. As for WKPT, the same effects it would receive from a co-affiliated VHF station, it already suffers from the new VHF ABC affiliate. Finally, the Crossville UHF station, located some 60 miles west of Knoxville, submitted a brief objection containing very little specific information concerning its allegation of adverse impact, and WTVK's comments were likewise unsupported by any specific data demonstrating adverse impact. We note that there is an application pending for a new noncommercial educational station on a reserved UHF channel in Knoxville, but this applicant has filed no comments in this proceeding and we do not believe that a drop-in would seriously, if at all, injure the prospects for activation and operation of this noncommercial station. Finally, there has been no showing that, absent this drop-in, the one remaining UHF commercial allocation in Knoxville would be activated in the near term.

80. It is clear from the foregoing comments and analysis that, in terms of new serivce received versus predicted service lost through interference, many more persons will benefit from the proposed drop-in in each community than *may* experience additional interference. The numbers speak for themselves. We emphasize "may" in recognition of the fact, noted above, that

[69] WKPT–TV calls attention to Grade B overlap population between it and the new drop-in of more than 200,000, including 30% of the population of the Bristol-Kingsport-Johnson City ADI and 85% of the city of Kingsport itself.

projections of service interference or loss are in many respects speculative. Moreover, even the predicted interference created by these drop-ins may be overstated when directionalized receiving antennas are considered. As for UHF impact, none of the opponents have submitted convincing data demonstrating a likelihood of debilitating specific impact related to the advent of new VHF television service. Nor have comments demonstrated that, absent these drop-ins, an application for existing vacant UHF allotments would be filed in two or three years. For these reasons, and in consideration of the public interest benefits flowing from potential activation of stations on these allotments, as well as all the foregoing, we find that waiver of our rules and grant of the above discussed four drop-in proposals is in the public interest.[70]

Procedural Matters

81. During the course of this proceeding, certain procedural matters have arisen which require decision. These, and our disposition of them, are discussed in the next few paragraphs.

Alleged Improper Ex Parte Contact Regarding Knoxville Drop-in

82. Holston Valley Broadcasting Corp., the Kingsport UHF station, WKPT, opposing the Knoxville drop-in, alleges that the Knoxville proposal is tainted by an *ex parte* contact. The allegation involves a meeting on December 29, 1975, between aides of Senator Howard W. Baker, Jr. of Tennessee and the Chairman and Broadcast Bureau Chief of the Commission at that time, respectively, Richard E. Wiley and Wallace E. Johnson.[71] At the time of this meeting, it is argued that Senator Baker, who supported a drop-in, and the Commission were on notice that WTVK, the Knoxville UHF station supporting a drop-in, and WKPT, opposing a drop-in, were opposing parties with "conflicting private claims to a valuable privilege" (*Sangamon Valley Television Corp.* v. *U.S.*, 269 F.2d 221 (1959)), making any *ex parte* contacts impermissible.[72] While recognizing that when the meeting occured the proceeding was only at the inquiry stage, WKPT claims that serious questions of fairness and due process have been raised and still exist. WKPT asserts that "whatever the proceeding may be called" (*Sangamon*, 269 F.2d 224), inquiry or rule making, it involved known "conflicting private claims to a valuable privilage," at the time of the December 1975 contact, improper under *Sangamon* and under *Home Box Office, Inc.* v. *FCC*, 567 F.2d 9 (D.C. Cir., 1977).[73] It is urged that the effect of the impropriety continues; "* * * the mere issuance of a Notice of Proposed Rule Making * * * cannot insulate the Commission from the 'political pressure' referred to in Commissioner Lee's dissent." WKPT requests that the Commission appoint a special hearing officer to investigate the nature and extent of *ex parte* contacts in an evidentiary hearing, as well as all other material concerning the Knoxville proposal, with an initial decision and opportunity for exceptions and argument before the full Commission.[74]

83. We cannot agree that the December 1975 contact, mentioned above, raises any substantial question of impropriety, warranting the extraordinary investigational effort mentioned or deferral of action on the Knoxville channel 8 drop-in assignment. A crucial element in our decision is that at the time of the alleged *ex parte* contact, this proceeding was not a rule making proceeding but only an Inquiry, instituted by Notice the previous April. While the "label" of the proceeding may not be determinative, as WKPT asserts, the substantive differences between a rule making, as in the *Sangamon* case, and an inquiry are critical to ruling on WKPT's allegation. WKPT places heavy reliance on its assertion that the *Sangamon* case and the instant one involved "conflicting private claims to a valuable privilege." Even assuming the instant case involved such a matter within the meaning of the *Sangamon* case, which we believe it did not, WKPT omits the critical language preceding these quoted words, namely "resolution of." That is, the Sangamon case involved "resolution of conflicting private claims to a valuable privilege," i.e., whether to transfer Channel 2 from Springfield, Illinois to St. Louis, Missouri. The Commission's *Inquiry* did not propose the "resolution of" anything.[75] The Inquiry sought comment on whether formally to consider a drop-in at Knoxville. It provided the Commission only another source of input into its decision on whether to consider the channel addition. Any conflicting claims as to whether to make the addition would be considered in a notice of proposed rule making proceeding if it was determined to go forward with such a proposal. Additionally, unlike the *Sangamon* case, the Commission clearly indicated in the Inquiry that it contemplated considering information other than that submitted in the comments in making its decision on whether to go forward with a proposal. Under these circumstances, it is clear that the instant case is far different from *Sangamon* and that WKPT's complaint is without merit.

84. We also believe it significant that Messrs. Wiley and Johnson, the persons to whom the contact was made, are no longer employed at the Commission. Thus, the persons possibly influenced by the contact have had no role in the Commission's final decision in this matter. Moreover, since the contact was made in 1975, four of the Commission's seven Commissioners have changed, as have all of the persons heading the Bureaus and Offices involved in this decision. These personnel changes clearly indicate that any contact made in 1975 would have no bearing at this time.

[70] It should be noted that we have not reached conclusions in this proceeding based upon service hypothetical UHF stations could provide or upon predictions concerning network affiliation contracts that were mentioned in the *Notice*. In view of the gains UHF has made in the last several years and the speculative nature of predictions of impact and network relationships, we are not now willing to assume, as the *Notice* suggested, that UHF stations could not co-exist with drop-ins in these four markets.

[71] The date of the meeting was long before the issuance of the March 1977 *Notice* herein; but it was after the April 1975 *Notice of Inquiry* beginning the proceeding, and also after November 10, 1975, the date of a letter from WKPT's counsel which set forth that party's formal opposition to the Knoxville drop-in.

[72] Senator Baker had previously expressed support for this drop-in, in 1974 and on November 11, 1975, at a Senate subcommittee oversight hearing. The Knoxville drop-in was one the original OTP and UCC proposals in 1973 and 1974; it was also the subject of a separate petition for rule making filed by WTVK in June 1974. In the April 1975 Notice of Inquiry, that petition was "merged into" the UCC petition.

[73] WKPT argues that the *Home Box Office* case applies even as limited by *Action for Children's Television* v. *FCC*, 564 F.2d 458 (D.C. Cir., 1977).

[74] The facts in this discussion are taken from WKPT's comments (the only ones discussing the subject), which in turn are based on some 30 documents, some previously part of the record herein and others obtained by WKPT and MST in Freedom of Information Act requests.

In a letter of February 3, 1976, to counsel for WKPT, Chairman Wiley described the December 29 meeting as one "to inform Mr. White and Mr. Banson [Senator Baker's aides], at their request, of the status of the Commission's proceeding in Docket 20481." According to the letter, there was discussion of the chronology of the proceeding, the major issues presented by material filed, and the possible timetable for Commission action. Mr. White mentioned Senator Baker's continuing interest and expressed views similar to those voiced by Senator Baker at the November 1975 hearing. Mr. Wiley's description concludes: No commitments concerning the ultimate result of the proceeding were asked for, and, I can assure you, none were made.

WKPT claims that this description leaves questions unanswered, for example whether there was discussion of a study of conditions in the Knoxville area, such as that done for the Commission by ITS in 1976, discussed below.

[75] For this reason, neither the *Home Box Office* case, which clearly involved rule making, nor the *Action for Children's Television* case, which involved policy formulation, require a different result.

85. Besides the particular contact, WKPT claims injury from the same "political pressure" in two other respects. In the Spring of 1976 the Commission commissioned the Institute of Telecommunications Sciences (ITS) of the Department of Commerce to study generally the feasibility and desirability of VHF drop-ins; and to study in-depth a drop-in at Knoxville and another in Albany, N.Y. The study was later amended, however, to eliminate both the general study and Albany, leaving only Knoxville. WKPT claims that the commissioning of the study, or at least its focus on Knoxville, reflected political pressure. In a letter of August 1976, Chairman Wiley stated that the selection of Knoxville as the "primary study site" reflected various technical factors, and "[t]he staff was, of course, also aware of the intense interest in the Knoxville situation expressed at our recent oversight hearings."[76] The second matter is WKPT's assertion that the Knoxville drop-in proposal received unusually favorable treatment in the proceeding, being carried forward as a rule making proposal when it should not have been and when five situations actually more favorable were rejected.[77]

86. WKPT's claims of political pressure are without merit. WKPT has not established any impropriety or injury affecting it. Clearly, the Knoxville study mentioned was within the legitimate conduct of the Commission's affairs, and selection of Knoxville as the primary subject was justified by the characteristics of that market, particularly its rough terrain. It is possible that if the ITS study had not been made concerning Knoxville, that market might have been rejected along with the five others mentioned. But further consideration has now been given, as discussed at length above, and, even discounting the affects of terrain, we are persuaded that this and the other three allotments should be made.

Other Procedural Matters

87. *Requests for oral argument or panel discussion.* In March 1978, just after the official closing date for reply comments, MST filed a "Request for Oral Argument" in this proceeding. On January 5, 1979, after the public Commission meeting of December 1978 in which instructions were given to the staff to prepare a plan for studying the effects of terrain and receiving antennas, MST filed a "Request for Panel Discussion or Opportunity to Comment" concerning the plan to be adopted. In our judgment, neither of these requests should be granted. Oral argument in rule making matters is not, of course, a matter of right, and indeed is unusual. In view of the very extensive comments filed in this proceeding oral argument would serve no useful purpose. With respect to the second request, as noted above, we have not based the conclusions we reached today on the effects of terrain shielding and directional receiving antennas. Accordingly, while the possible future use of these factors remain of interest to the Commission, there is no need to consider a panel discussion concerning the methodology for studying such factors to resolve the questions before us today.

88. *"Request to Require Documentation."* At the December 19, 1978 Commission meeting on VHF drop-ins, there was reference to the sum of $175,000 that GATS was said to have spent on its engineering work concerning the Johnstown Channel 8 drop-in, including field intensity measurements.[78] After the question was raised in a January 1979 pleading filed by Storer Broadcasting Co. (WKJW–TV, Cleveland, Ch. 8), in August, MST filed a "Request to Require Documentation of Extra-Record Statements." Both Storer and MST ask that GATS be requested to state how much its engineering expenses were; an affidavit from Storer's consulting engineer states that it would charge $15,000 for the same work. This request is denied because the matter is irrelevant to our decision. As Storer's pleading states, the relevant aspect of the GATS engineering showing is its quality, not its costs.

89. *"Petition to Separate" the Salt Lake City Proposal.* On June 25, 1979, UTECO, a potential applicant for the Salt Lake City Channel 13 drop-in assignment, filed a "Petition to Separate the Proposed Salt Lake City VHF Drop-In", etc., asking that, because of assertedly fewer problems than the other proposals, the Salt Lake City Channel 13 drop-in be separated and expedited. This petition is dismissed as moot, since we are today adopting this allotment.

90. *Motions to accept late filing and motions to strike.* After the closing date for reply comments in March 1978, there have been numerous additional filings, often accompanied by motions to accept late pleadings, and also motions to strike some of this later material. A good deal of the material since March 1978, though not all of it, relates to new developments and its filing was justified. Therefore, and in the interest of completeness, the material filed since March 1978 is accepted, the motions to accept late filing are granted, and the motions to strike are denied.

91. Applications for construction permits to build stations on these new allotments may specify any desired site. Waiver of Section 73.610 of the Commission's Rules, the minimum distance separation requirements, must be requested, and a showing of equivalent protection should be included. Equivalent protection should be demonstrated in accordance with procedures adopted in *Report and Order*, 21 RR 1695, supplemented, *Supplement*, 21 RR 1709 *recon.*, 21 RR 1710a (1961), but using current field strength predicted curves appearing in Section 73.699 of the Commission's Rules, figures 9 and 10.

92. For the changes at communities within 250 miles of the U.S.-Canada border, Canadian concurrence has been obtained.

Conclusion

93. Accordingly, under the authority of Sections 4(i), 303(f, g, r) and 307(b) of the Communications Act of 1934, as amended, it is ordered, That, effective December 4, 1980, the Television Table of Assignments (Section 73.606(b) of the Commission's Rules and Regulations) is amended by revising the listings for the following communities:

City	Channel number
Selma, Alabama	8, 29–
Little Rock, Arkansas	*2–, 4, 7–, 11, 16–, *36
New Haven, Connecticut	8, 59+, 55
Athens, Georgia	*8–, 34

[76] The technical factors mentioned in the letter were the rough terrain in this area, that Kpoxville had a UHF station, and that it was otherwise feasible as a drop-in location.

[77] The five markets referred to are Davenport, Iowa, Milwaukee, Wisconsin, Portland Spring, Maine, Sioux Falls, South Dakota, and Wichita-Hutchinson, Kansas. This argument is based on some rather involved calculations and assumptions, for example claiming as "service losses" chargeable to the Knoxville proposal the bulk of the population served by WKPT–TV, on the theory it would ultimately be forced off the air, and also claiming losses in population served by translators (62,000). The analysis ignores the data as to interference losses to populations having no other acceptable source of the same kind of service (same network, etc.), which was the reason given in the Notice for the 5 markets' exclusion, and in which respect they were much higher than the markets retained except Knoxville. Knoxville was also high in this respect in terms of conventional data (higher than two of the excluded markets); it was retained because the ITS study indicated the possibility that terrain shielding might considerably reduce the interference. See 1977 *Notice*, 63 F.C.C. 2d 872–873, 874–875, 876, 877–879, 880–882, 884–885, 886, 888, 889–890, 891–892.

WKPT also complains of the treatment in the Notice of the Jackson, Mississippi and Knoxville situations, not as to result but in the "starkly different tone" used in discussing economic impact on a station in a neighboring market (VHF in the Jackson case, UHF in the Knoxville situation).

[78] The basis of the statement apparently was a newspaper article of December 8, mentioning the sum of $150,000.

City	Channel number
Louisville, Kentucky	3−, 11, *15, 21−, 32−, 41+, *68+
New Orleans, Louisiana	4+, 6, 8−, *12, 20−, 26, *32+, 38+
Johnstown, Pennsylvania	6, 8−, 19+, *28+
Lancaster, Pennsylvania	8+, 15+
Knoxville, Tennessee	6, 8, 10+, *15−, 26−, 43+
Lexington, Tennessee	*11+
Salt Lake City, Utah	2−, 4−, 5+, *7−, 13+, 14−, 20+, *26−
Charleston, West Virginia	8+, 11+, 23, 29, *49−

*Note.—Channels designated with an asterisk are assigned for use by noncommercial educational broadcast stations only.

94. It is further ordered, That, Section 73.610(b) of the Commission's Rules is waived to the extent necessary to implement the amendments to Section 73.606(b) of the Commission's Rules ordered above.

95. It is further ordered, That, this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.**

William J. Tricarico,

Secretary.

Appendix

Parties Filing Formal Comments, Reply Comments and/or Other Pleadings After the 1977 Notice[1]

Associations and other entities filing concerning drop-ins generally

American Broadcasting Companies, Inc. (ABC)
Association of Maximum Service Telecasters, Inc. (MST)
Joint Council on Educational Telecommunications
National Association of Broadcasters (NAB)
National Association of Educational Broadcasters (NAEB)
New Jersey Coalition for Fair Broadcasting
Office of Telecommunications, United States Department of Commerce
Spanish International Communications Corporation
United Church of Christ, Geoffrey Cowan, Monroe Price, Charles Channel and Walter Baer (jointly)
United States Department of Justice

Television licensees or permittees opposing or questioning one or more drop-in assignments[2]

Bonneville International Corp. (KSL–TV, Salt Lake City, Utah)
Chicago Educational Television Association (WTTW, Chicago, Illinois, Ch. 11)
Cox Broadcasting Corp. (WIIC, Pittsburgh, Pennsylvania, Ch. 11)
Forward Tele-Productions, Inc. (WTRF–TV, Wheeling, West Virginia, Ch. 7)
Great Lakes Communications, Inc. (WICU–TV, Erie, Pennsylvania, Ch. 12)
Holston Valley Broadcasting Corp. (WKPT–TV, Kingsport, Tennessee)
Jefferson-Pilot Broadcasting Co. of Virginia (WWBT, Richmond, Virginia, Ch. 12)
KUTV, Inc. (KUTV, Salt Lake City, Utah)
Roy H. Park Broadcasting of the Tri-Cities, Inc. (WJHL–TV, Johnson City, Tennessee, Ch. 11)
John R. Powley (WOPC, Altoona, Pennsylvania)
Rust Craft Broadcasting Co. (WROC–TV, Rochester, New York, Ch. 8 and WSTV–TV, Steubenville, Ohio, Ch. 9)
Shenandoah Valley Educational Television Corp. (WVPT, Staunton, Virginia)
South Central Broadcasting Corp. (WTVK, Knoxville, Tennessee)
Southern Broadcasting Co. (WGHP–TV, High Point, North Carolina, Ch. 8)
Spartan Radiocasting Co. (WSPA–TV, Spartansburg, South Carolina)
Springfield Television of Utah, Inc. (KSTU, Salt Lake City, Utah)
Storer Broadcasting Co. (WJKW–TV, Cleveland, Ohio, Ch. 8)
United Television, Inc. (KTVX, Salt Lake City, Utah)
WBOY–TV, Inc. (WBOY–TV, Clarksburg, West Virginia, Ch. 12)
Western Broadcasting, Inc. (KTUX, Rock Springs, Wyoming, Ch. 13)
WGAL Television, Inc. (WGAL–TV, Lancaster, Pennsylvania, Ch. 8)
WHAS, Inc. (WHAS–TV, Louisville, Kentucky, Ch. 11)

Potential Applicants (including two public TV licensees)

Alta Broadcasting, Inc. (Salt Lake City, Utah)
Channel 11 Broadcasting Co. (Charleston-Huntington, West Virginia)
Community Associates (Charleston-Huntington, West Virginia)
DJ of Lake Charles, Inc. (Knoxville, Tennessee)
Group for the Advancement of Television Service (GATS, Johnstown, Pennsylvania)
Midwest Corporation (Charleston-Huntington, West Virginia)
Mohawk-Hudson Council on Educational Telecommunications, Inc. (Albany, New York)
Organizing Committee for the Establishment of a Third VHF–TV Station in Knoxville
Arthur B. Ralph, et al. (Salt Lake City, Utah)
State of West Virginia and West Virginia Educational Broadcasting Authority
Utah Television Associates Limited Partnership (UTEO, Salt Lake City, Utah)
Wasatch Broadcasting, Inc. (Salt Lake City, Utah)

Other Parties

Butterfield Communications Group
Corporation for Public Broadcasting
Prof. Franklin M. Fisher (economic analysis on behalf of AMST and some licensees)
Frederick W. Ford, Esq. (concerning Charleston-Huntington educational reservation)
Greater Kingsport Area Chamber of Commerce, Inc. (concerning Knoxville, Tennessee)
Idaho State Board of Regents of the University of Idaho and Idaho State Board of Education
Kessler Associates (engineering analysis)
Alexander Korn (economic material in reply to Prof. Fisher)
Long Island Educational Television Council, Inc., et al. (concerning Albany, New York)
Rolla E. Park, Leland L. Johnson and Barry Fishman (Rand Corporation, projections of TV growth)
Public Television Council of Central New York (concerning Albany, New York)
Steel, Andrus & Adair, Consulting Engineers (concerning Charleston-Huntington, West Virginia)

Dissenting Statement of Commissioner Robert E. Lee in Re: New VHF–TV Channels (Drop-Ins) for Knoxville, Tennessee; Johnstown, Pennsylvania; Charleston, West Virginia; and Salt Lake City, Utah

Islands of Service Amidst Seas of Interference

I strongly dissent to these waivers. With this decision, the Commission has done far more than simply waive a fundamental communications policy to push inferior television stations in four markets, it has begun the process of deteriorating television service for millions of people in this country. Because channels can be made available at standard spacing in the UHF band, these waivers are not necessary to provide additional television service in these communities.

At the risk of being considered an alarmist, I believe that this action will lead to:

1. A rash of petitions by existing UHF licensees for "bob-tailed" VHF channels;

2. A gradual deterioration of service as second-class VHF channels are placed in operation;

3. In due course, pressure from the "bob-tailed" VHF operators for equality with their competitors and further deterioration of broadcast service, particularly in rural areas, as the FCC allows additional interference to create such equality;

4. A gradual deterioration of the UHF parts of the TV receiving set as manufacturers rebel against spending money for little used UHF tuners; and

5. The reallotment of UHF channels to other services, which should be done if the FCC is going to emphasize VHF as the spectrum of choice for television.

This is the first time in the Commission's history that the Commission has waived its television standards to add inferior channels to the Table.[1] The precedent will be far reaching. Under the *Basic Media* standard,[2] the Commission will be hard pressed to hold the line in the future.

In order to grant these waivers, the Commission has dramatically changed the standards for reviewing waiver requests. The

** See attached statement of Commissioner Lee.

[1] This listing does not include material prepared by FCC staff members which is contained in the Docket.

[2] The licensees and station call letters listed are those current at the time the comments were filed. There have been a few changes since.

[1] The only exception to this policy was a short-spaced channel for the Virgin Islands. There the interference occurred over the ocean rather in communities where people would try to watch television. Charlotte Amalie, V.I., 26 F.C.C. 2d 853 (1970).

[2] Basic Media, Inc. v. FCC, 559 F.2d 830 (D.C. Cir. 1977).

equivalent protection standard being considered for a future rulemaking notice is adopted here. The necessary showing to support a waiver request is changed here to eliminate UHF impact considerations, preclusion studies, or any other demonstration of need other than a simple head count which, in this case, was done by the Commission. Indeed, because of the generalized finding that adding channels is in the public interest without regard to the quality of service which may result, the burden of proof is shifted from the waiver petitioners to any who would oppose the waiver. As is clear from the procedures followed in this case, a waiver proponent does not have to do any thing more than ask for a channel. The Commission will take it from there. If "equivalent protection" is provided, the Commission will grant the waiver.

I find it ironic that my colleagues who postponed a decision on the generic drop-in rulemaking because they lacked adequate information would, an hour or two later, take an action which achieves the purpose of that postponed rulemaking. The only real difference between that rulemaking proposal and this waiver action is the procedure for adding second-class channels. The changes in standards and policy to be considered in the rulemaking are adopted here.

The Commission has tried for more than a quarter of a century to promote UHF so that, in the long run, the public will get much more television service than ever will be possible from the VHF band, with or without bob-tailed stations providing islands of service to some people. The majority decision here repudiates that long range goal for a very short term expedient solution.

[FR Doc.80-34405 Filed 11-3-80; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1011

Commission Organization; Delegation of Authority

AGENCY: Interstate Commerce Commission.

ACTION: Final Rule (Administrative Rule Change).

SUMMARY: New rules and procedures affecting the Commission's internal organization became effective January 1, 1978, (42 FR 65181) and there have been several amendments. This document further amends the rules at 49 CFR Part 1011 to provide a rule for the implementation of Section 226 of the Staggers Rail Act of 1980. It describes the method of extending emergency service orders by the full Commission beyond the initial 30-day period, giving notice that a modified hearing procedure will be used for taking evidence. It requires the Railroad Service Board to establish and oversee specific procedures for each proceeding. Because this amendment involves the internal organization and procedures of the Commission, it is being issued in final form, and public comments are not being requested.

EFFECTIVE DATE: October 28, 1980.

FOR FURTHER INFORMATION CONTACT: Joel E. Burns, (202) 275-7849, or Melvin F. Clemens, (202) 275-7840.

It is ordered:

49 CFR 1011.6 is amended by adding paragraph (c)(6) thereto which will read as follows:

§ 1011.6 Employee Boards.

(c) *Operations Boards.* * * *

(6) The Railroad Service Board will establish and oversee modified hearing procedures associated with the implementation of Section 226 of the Staggers Rail Act of 1980, Pub. L. 96-448. Section 226 revises Section 11123(a) of Title 49, United States Code, and provides for issuance of extensions of emergency service orders by the full Commission under that Section. Each order issued pursuant to the revised Section will contain a notice of the hearing procedures to be followed with respect to any extension of that order.

This decision does not affect significantly the quality of the human environment or energy consumption. The rules are issued under the authority of 49 U.S.C. 10305.

Dated: October 23, 1980.

By the Commission: Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam. Commissioner Trantum voted to disapprove the notice. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34291 Filed 11-3-80; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 396]

49 CFR Part 1033

Emergency Car Service Orders; Policy Statement

AGENCY: Interstate Commerce Commission.

ACTION: Policy Statement.

SUMMARY: The Commission adopts a policy statement describing the standards governing railroad car service orders, 49 U.S.C. 11123(a) and their effect upon existing and future service orders issued under that section. The policy prescribes a more stringent condition for issuance of service orders and limits future orders to a 30-day initial period to be extended by the full Commission only.

EFFECTIVE DATE: October 24, 1980.

FOR FURTHER INFORMATION CONTACT: Joel E. Burns, (202) 275-7849, or Melvin F. Clemens, (202) 275-7840.

SUPPLEMENTARY INFORMATION: On October 14, 1980, the President signed into law the Staggers Rail Act of 1980, Pub. L. No. 96-448. Section 226 of that act amends 49 U.S.C. 11123(a) and limits substantially the Commission's authority to issue service orders under that section.

Under the new law, effective immediately, the Commission may issue a service order under Section 11123(a) only when it finds that a "failure in traffic movement exists which creates an *emergency situation of such magnitude as to have substantial adverse effects on rail service in the United States or a substantial region of the United States.*" (emphasis supplied). The initial period for a service order may not exceed 30 days, and the agency may extend the order only if the full Commission, after a hearing, certifies that a transportation emergency exists. Each initial authorization issued by the Railroad Service Board pursuant to the revised section will contain a notice of the modified hearing procedures to be followed with respect to any extension of the order.

The Commission believes that the new, more stringent criteria for issuing such orders will result in situations that in the past would have justified a service order no longer being able to qualify. The Commission's powers under Section 11123(a) are extraordinary and may be exercised only in genuine emergencies.

Service orders issued under Section 11123(a) prior to the amendment and currently outstanding will remain in effect until expiration by their own terms. Those orders will not be reissued or extended, however, unless the kind of transportation emergency specified in amended Section 11123(a) is shown to exist.

Dated: October 24, 1980.

By the Commission: Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis and Gilliam. Commissioner Trantum concurring in the result.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34292 Filed 11-3-80; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Part 1109

[Ex Parte No. 327]

Rate Incentives for Capital Investment

AGENCY: Interstate Commerce Commission.

ACTION: Repeal of regulations.

SUMMARY: The Interstate Commerce Act at 49 U.S.C. 10729 formerly provided special conditions under which a railroad could establish a rate, classification, rule, or practice requiring a total capital investment of a least $1,000,000. Those conditions were designed to encourage the filing of such rates and to provide an incentive for capital investment. The Staggers-Rail Act of 1980 has repealed the requirement for these regulations.

EFFECTIVE DATE: The rules are repealed effective on November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Interstate Commerce Act at 49 U.S.C. 10729 formerly provided special conditions under which a railroad could establish a rate, classification, rule, or practice requiring a total capital investment of at least $1,000,000. Those conditions were designed to encourage the filing of such rates and to provide an incentive for capital investment. In response to that provision of the Act, the Commission adopted regulations at 49 CFR 1109.20 containing requirements and special procedures governing the filing and implementation of capital incentive rates.

Section 210(a) of the Staggers Rail Act of 1980 has recently repealed 49 U.S.C. 10729.

Section 210 (b) of that Act provides for a phaseout of capital incentive rates established prior to October 1, 1980 under 49 U.S.C. 10729.

In response to Congress's repeal of 49 U.S.C. 10729, the Commission now repeals the regulations establishing requirements and special procedures relating to capital incentive rates under 49 U.S.C. 10729.

Accordingly, 49 CFR 1109.20 is deleted.

This decision does not significantly affect either the quality of the human environment or the conservation of energy resources.

(Sec. 210, Staggers Rail Act of 1980.)

Decided: October 23, 1980.

By The Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34289 Filed 11-03-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1109

[Ex Parte No. 324]

Standards and Expeditious Procedures for Establishing Railroad Rates Based on Seasonal, Regional, or Peak-Period Demand for Rail Service

AGENCY: Interstate Commerce Commission.

ACTION: Repeal of regulations.

SUMMARY: The Commission was formerly required by 49 U.S.C. 10727 to maintain standards and procedures to permit seasonal, regional, or peak-period demand rates for rail transportation. At 49 C.F.R. 1109.10, the Commission established standards and expeditious procedures designed to promote demand-sensitive railroad rates. Congress has repealed the statutory mandate to maintain these standards and procedures with the Staggers Rail Act of 1980. Accordingly, the Commission is repealing its corresponding regulations.

EFFECTIVE DATE: The rules are repealed effective November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Commission was formerly required by 49 U.S.C. 10727 to maintain standards and procedures to permit seasonal, regional, or peak-period demand rates for rail transportation. In response to this statutory mandate, the Commission adopted regulations at 49 CFR 1109.10 containing standards and expeditious procedures for establishing railroad rates based on seasonal, regional, or peak-period demand for line services.

Section 209 of the Staggers Rail Act of 1980 repealed 49 U.S.C. 10727.

In response to Congress' repeal of the Commission's statutory mandate to maintain standards and procedures for demand-sensitive rates, the Commission now repeals the regulations establishing those standards and procedures.

The regulations at 49 CFR 1109.10 are repealed effective on the date of publication of this notice in the **Federal Register.**

This decision does not significantly affect either the quality of the human environment or the conservation of energy resources.

Authority: Section 209, Staggers Rail Act of 1980.

Decided: October 23, 1980.

By the Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34319 Filed 11-3-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

Commercial Tanner Crab Fishery Off the Coast of Alaska; Amendment to Fishery Management Plan and Final Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Department of Commerce.

ACTION: Final regulations.

SUMMARY: The Director, Alaska Region, ("Regional Director"), National Marine Fisheries Service (NMFS) issues a final regulation (Field Order) applicable to fishing by vessels of the United States in the Alaska Tanner crab fishery, in accordance with the Fishery Management Plan (FMP) for the Commerical Tanner Crab Fishery off the Coast of Alaska, and regulations implementing the FMP (50 CFR Part 671). This Field Order changes the season opening dates in certain districts of registration area "J".

EFFECTIVE DATE: 12:01 a.m. AST, November 1, 1980. Public comments are invited until January 1, 1981.

ADDRESS: Comments may be sent to: Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, Juneau, Alaska 99802, Telephone (907) 586–7221.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, same address as above.

SUPPLEMENTARY INFORMATION: The FMP which was extended by amendment through October 31, 1980, (45 FR 785) provided for inseason adjustments to season and area openings and closures. The implementing regulations in 50 CFR Part 671 specify in 671.27(b) that these decisions shall be made by the Regional Director in accordance with the criteria set out in that section. On June 17, 1980, the Assistant Administrator for Fisheries, NOAA, with the approval of the Administrator, NOAA, redelegated to the Regional Director authority to

promulgate Field Orders making inseason adjustments.

This Field Order changes the opening dates of the Tanner crab season in the Fishery Conservation Zone (FCZ) in Area "J" to coincide with the opening dates established by the Alaska Board of Fisheries for State waters in Area "J". The changes in season opening dates for the districts in area "J" are as follows:

Kodiak—from January 5 to January 22

Bering Sea—from November 1 to January 15

Eastern and Western Aleutians—from November 1 to January 15

South Peninsula—from November 1 to December 1, except the area east of a line from the southernmost tip of Kupreanof Point to the easternmost point of Castle Rock, and east of a line extending southeast (135°T) from the easternmost point of Castle Rock and west of the longitude of Cape Kumlik, the opening date shall remain November 1.

The Field Order will:

(1) allow the harvest of crabs during a period that should yield the recovery of more meat of a better quality;

(2) alleviate enforcement problems encountered with an overlapping king crab fishery in the Kodiak Tanner crab district;

(3) allow orderly, uniform Tanner crab fisheries in contiguous State and FCZ waters.

The Regional Director finds that, in order to protect the resources, public comment prior to issuance of this Field Order is impracticable and contrary to the public interest. However, public comments on the necessity for, and extent of, these changes in season openings will be received by the Regional Director for a period of 60 days after the effective date of the Field Order. During this 60-day period the data and information upon which this decision is based will be available for inspection during business hours at the NMFS, Alaska Regional Office, Federal Building, Room 453, 709 West 9th Street, Juneau, Alaska. Should comments be received during the 60-day period, if appropriate, the Regional Director shall reconsider the necessity for the change in opening dates and, as soon as practicable after that reconsideration, shall publish in the **Federal Register** either: (A) a notice of continued effectiveness of the change in opening dates; or (B) a notice to modify or rescind the date changes.

An environmental impact statement was prepared for the Commercial Tanner Crab Fishery off the Coast of Alaska FMP and is on file with the Environmental Protection Agency. A regulatory analysis has been prepared in compliance with Executive Order 12044.

Signed at Washington, D.C., this 29th day of October, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

(16 U.S.C. § 1801, *et seq.*)

In accordance with 50 CFR 671.27(b), 50 CFR 671.26 (f) (3) (i), (ii), (iii), and (iv) are revised to read:

§ 671.26 [Amended]

(f) * * *

(i) * * *

(i) In the Kodiak district from January 22 through April 30 only, except that in that portion of the Kodiak district between the longitude of Kilokak Rocks (156°20′13″ W longitude) and the longitude of Cape Kumlik (157°35′ W longitude) Tanner crab may be taken from January 22 through May 15 only.

(ii) In the South Peninsula district from December 1 to 12:00 noon, May 15 only, except that in that area east of a line from Kupreanof Point (55°34′ N latitude, 159°37′ W longitude) to the easternmost point of Castle Rock (54°16′48″ N latitude, 159°29′ W longitude), and east of a line extending southeast (135°T) from the easternmost point of Castle Rock (54°16′48″ N latitude, 159°29′ W longitude) and west of the longitude of Cape Kumlik (157°35′ W longitude) Tanner crab may be taken from November 1 through 12:00 noon, May 15 only.

(iii) In the Aleutian district from January 15 to 12:00 noon, June 15 only; and

(iv) In the Bering Sea district from 12:00 noon January 15 to 12:00 noon June 15 only, except that Tanner crab other than *C. bairdi* may be taken or possessed from 12:00 noon January 15 to 12:00 noon September 3 only.

[FR Doc. 80-34245 Filed 11-03-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 215
Tuesday, November 4, 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 AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 113

Viruses, Serums, Toxins, and Analogous Products; Revision of Tetanus Toxoid Potency Test

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the potency test presently contained in the standard requirement for Tetanus Toxoid by providing for a retest in certain situations. Because of the variable response that occurs in guinea pigs when injected with Tetanus Toxoid, an efficacious serial or product may occasionally be found unsatisfactory when tested using the present single potency test for this product. The proposed provision for a repeat test would compensate for this variable response and provide greater assurance that satisfactory products are not rejected from the market.

DATE: Comments must be received on or before January 5, 1981.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to: Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, Senior Staff Veterinarian, Veterinary Biologics Staff, USDA, APHIS, VS, Room 827, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8245. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant".

The present standard requirement for Tetanus Toxoid provides for each serial of product to be tested for potency in guinea pigs using one test only. In this test, at least 10 guinea pigs are injected with 0.4 of the dose recommended on the label for horses. For product to be considered satisfactory, a response of at least two Antitoxin Units per ml must be demonstrated in a pooled sample of serum collected from these guinea pigs 6 weeks after injection. Experience from the use of this test has revealed that individual guinea pigs vary greatly in their response to injection with Tetanus Toxoid. Occasionally, one or two guinea pigs injected in a test group will produce very low levels of antitoxin compared to the remainder of the group, or they may not respond at all.

The pooled sera from such a group of guinea pigs may not contain the required two units of antixoin per ml because of the dilution effect from the sera of the poor responders. When evaluated by the present standard requirement, the product being tested would be unsatisfactory and additional testing would not be permitted. This proposed rule would provide for a retest of those serials that produced a response of at least 1.5 Atitoxin Units per ml, but less than 2.0 Antitoxin Units per ml in the initial test. The retest would be conducted in the same manner as the initial test except that at least 20 guinea pigs would be required to be injected. A response of at least 2.5 Antitoxin Units per ml would be required for product to be satisfactory. The proposed provision for the retest provides for greater flexibility than the present standard, a more accurate assessment of the true potency of a questionable serial by the use of a larger number of test animals, and greater assurance that satisfactory product is not rejected because of an abnormally wide variation in the response of the first group of test animals.

Section 113.99 would be amended by revising paragraph (c) to read:

§ 113.99 Tetanus toxoid.

* * * * *

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency. Each of at least 10 guinea pigs, weighing 500 grams ± 10 percent each, shall be injected subcutaneously with 0.4 of the dose recommended on the label for a horse.

(1) Six weeks after injection, all surviving guinea pigs shall be bled and equal portions of serum, but not less than 0.5 ml from each, shall be pooled. Serum from not less than eight animals shall be used.

(2) The pooled serum shall contain at least 2.0 Antitoxin Units (A.U.) per ml as determined by titrating it in the manner prescribed for Tetanus Antitoxin in 9 CFR 113.251. A 1:15 and a 1:20 dilution of the serum shall be made. The dilutions shall be held at 20° to 25° C for 30 minutes prior to combining with a test dose of toxin. The test dose of Standard Toxin shall be mixed in proper proportion with the diluted pooled serum, incubated at 20° to 25° C for 1 hour and injected subcutaneously into two guinea pigs.

(3) The test dose of the Standard Toxin shall be verified against 0.1 of a unit of Standard Antitoxin in two guinea pigs which serve as the control animals.

(4) Controls shall be observed until all are dead, or for 5 days, the time of death being recorded in hours. For a valid test, the controls must die with clinical signs of tetanus within 24 hours of each other and within an overall time of 60 to 120 hours. The clinical signs to be observed are increased muscle tonus, curvature of the spine, asymmetry of the body outline when the resting animal is viewed from above, generalized spastic paralysis, particularly of the extensor muscles, inability to rise from a smooth flat surface when the animal is placed on its side, or any combination of these signs. If the control guinea pigs do not respond in this manner, the test is invalid and shall be repeated. In a valid test, if the titer is at least 2.0 A.U. per ml, the serial is satisfactory. If the titer is at least 1.5, but less than 2.0 A.U. per ml, the retest provided for by paragraph (c)(5) of this section may be conducted. If the titer is less than 1.5 A.U. per ml, the serial is unsatisfactory and may not be retested.

(5) Serials with titers of at least 1.5 A.U. per ml, but less than 2.0 A.U. per ml in the initial test may be retested, but if the retest is not conducted the serial is unsatisfactory. The retest shall be conducted in the same manner as the initial test except that at least 20 guinea pigs shall be used as vaccinates and

serum from not less than 18 animals shall be pooled for the toxin-antitoxin titration. In the retest, the pooled serum from vaccinated guinea pigs is diluted 1:25. If the retest titer is less than 2.5 A.U. per ml, the serial is unsatisfactory.

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 12.7(b)).

Done at Washington, D.C., this 30th day of October 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-34401 Filed 11-3-80; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM-50-29]

Electric Utilities; Filing of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Publication of petition for rulemaking from electric utilities.

SUMMARY: The Nuclear Regulatory Commission is publishing for public comment a petition for rulemaking filed before the Commission on September 16, 1980, by Electric Utilities. This petition, which has been assigned Docket No. PRM-50-29, requests that the Commission address the issue of Anticipated Transients Without Scram (ATWS). ATWS has been designated an Unresolved Safety Issue by the Commission. An Anticipated Transient Without Scram occurs at a nuclear power plant if an abnormal operating condition ("anticipated transient") that should cause the plant's reactor protection system to initiate a rapid shutdown ("scram") of the reactor fails to function.

DATE: Comment period expires January 5, 1981.

ADDRESSES: A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All persons who desire to submit written comments concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: Petitioner Electric Utilities (a group of companies which have over sixty nuclear power reactors currently in operation, under construction, or planned) requests that the Commission initiate rulemaking on the Anticipated Transient Without Scram (ATWS) issue through one of two approaches outlined in the petition.

Petitioner first requests that the Commission use a notice-and-comment rulemaking proceeding based on the publication of a proposed rule which the petitioner sets out in a proposed new § 50.47 to 10 CFR Part 50. Petitioner's proposed new § 50.47 reads as follows:

§ 50.47 Standards for Reduction of Risk from Anticipated Transients Without Scram (ATWS)

Each boiling or pressurized light-water nuclear power reactor for which a construction permit application was filed as of the effective date of the rule shall, as provided in paragraphs (a) through (c) of this section, reduce the risk from Anticipated Transients Without Scram (ATWS). The modifications required by this rule must be completed as expeditiously as is feasible, taking into account the time needed for design development and approval, equipment availability and the regional demand for power.

a. For boiling water reactors manufactured by the General Electric Company, provide (1) a means to trip the recirculation pumps upon receipt of a signal indicative of an ATWS event; (2) an independent, redundant and diverse electrical means to initiate a reactor scram upon receipt of a signal indicative of an ATWS event; and (3) a scram discharge volume system designed and installed such that it will have sufficient capacity to receive water exhausted by a full reactor scram.

b. For pressurized water reactors manufactured by Combustion Engineering, Inc. and the Babcock & Wilcox Company, provide (1) an alternate means to shut down the reactor that is diverse from and redundant to the electrical portion of the reactor protection system up to but not including the trip breakers, and (2) an automatic initiation of auxiliary feedwater independent of the reactor protection system.

c. For pressurized water reactors manufactured by the Westinghouse Electric Corporation, provide automatic initiation of turbine trip and auxiliary feedwater independent of the reactor protection system.

The petitioner states that "These proposed modifications are straightforward and well understood by the industry and the NRC Staff. Thus, they will not require great expenditures of resources for technical analysis, and they can be adopted in short order by a notice-and-comment rulemaking. Because a substantial portion of the industry is already willing to make these modifications *if* they will resolve the aTWS issue for existing plants, there is unlikely to be much regulatory effort required to imposed them. Most important of all, the proposed modifications clearly decrease the risk of ATWS without simultaneously increasing other, competing risks."

The petitioner states that, in regard to the development of a regulatory program to resolve the ATWS issue for new plants, "The [Electric] Utilities do not believe that an ATWS rule for new plants should be developed until the results of the degraded core rulemaking are known. Because the same issues and facts are crucial to each, ATWS is simply a subpart of the degraded core matter. * * * Accordingly, there seems to be no sound reason for seeking ATWS solutions for new plants in isolation from other degraded core events."

Petitioner also states that "The second prerequisite for an ATWS rule for new plants is the definition, either by policy statement or rulemaking, of a safety goal for nuclear power plant regulation * * * ATWS involves the reduction of risks that are already small. Since it is impossible to reduce risks to zero, the philosphical question always remains 'how safe is safe enough?' Although, of necessity, the lack of a safety goal has not precluded rulemaking in the past, it would be unwise to ignore safety goal guidance that should soon be available. Recent recognition that such guidance is essential suggests that it will be available in time to guide a new-plant ATWS rule."

Petitioner further states that "A third and final prerequisite for a new-plant [ATWS] rule is further work on probabilistic analysis. The extent to which safety analyses should rely on this technique, and the methodology to be used when it is applied, must be more clearly defined. * * * Efforts to these ends are already planned. * * *"

Finallly, in regard to its recommended ATWS rulemaking approach noted above, petitioner states that "The [Electric] Utilities recognize that, after the degraded core, safety goal and probabilistic analysis efforts have been

completed, the Commission may see a need to augment the ATWS rule proposed for *existing* plants. * * * We do not belive that this will prove to be the case. But if the Commission lacks our confidence, it may prefer to adopt the Utilities' proposed rule as an "interim" measure, to be finalized in the wake of these efforts, quite possibly at the same time that ATWS requiements are set for new plants."

The petitioner requests that if the Commission decides not to proceed with the rulemaking approach outlined above, an ATWS rulemaking proceeding with formal evidentiary hearings be conducted using certain adjudicatory procedures the petitioner feels are required. The petitioner's recommended adjudicatory procedures are as follows:

1. A hearing board to be appointed from the ASLB and ASLAB panels, composed of technically qualified experts who can bring a fresh approach to the evidence.

2. All relevant documents available to the NRC Staff, including internal memoranda and working papers, to be placed in a technical data bank and made available in one or more public document rooms.

3. A statement of issues to be prepared by the hearing board after statements of contentions are filed by parties and one or more prehearing conferences are held.

4. Written statements of position to be filed by all parties.

5. Written cross-statements to be filed by any party who wishes to respond to other parties.

6. A public hearing to be held, with all parties having an opportunity to present sworn witnesses and documentary evidence in support of their statements and cross-statements.

7. Questioning of witnesses to be conducted by the hearing board, with the parties allowed to submit suggested questions for the board to ask; cross-examination to be conducted by the parties if they specify the issues on which they wish to cross-examine and satisfy the board that cross-examination is needed to explore these issues adequately.

8. A proposed rule to be recommended by the hearing board to the Commission, along with a supporting discussion that explains the evidentiary basis for the rule.

9. Oral argument by the parties before the Commission.

Dated at Washington, DC this 29th day of October 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-34377 Filed 11-3-80; 8:45 am]

BILLING CODE 7590-01-M

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

10 CFR Part 1530

Reimbursement of Costs

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Notice of proposed rulemaking.

SUMMARY: These proposed rules institute standards and procedures by which the Office of the Federal Inspector (OFI) will recover certain costs from the sponsoring companies for the Alaska Natural Gas Transportation System (ANGTS). The sponsoring companies of ANGTS are obligated to reimburse the United States for costs incurred by certain Federal agencies relative to rights-of-way across Federal lands.

While reimbursement, in some form or other, is mandatory, the mechanism for its administration is more flexible. Section 9 of the Alaska Natural Gas Transportation Act (ANGTA) requires, and Section 28(1) of the Mineral Leasing Act (MLA) allows, the OFI to employ a reimbursement mechanism different from that of the Department of the Interior (DOI). Accordingly, the OFI will seek appropriated funds for all activities in its budget, to be followed by the ANGTS sponsors making the necessary reimbursement directly to the U.S. Treasury on a quarterly, after-the-fact basis.

The OFI will not seek reimbursement for any of its permit-coordination activities related to the Department of the Interior (DOI) processing right-of-way and permit applications for use of Federal lands. Nevertheless, a portion of the OFI's enforcement activities will be reimbursable. Reimbursement is first limited to OFI enforcement actions related to ANGIS construction primarily on Federal lands. Reimbursement is further limited to the OFI enforcing Federal agencies specific authority under Section 28 of the MLA. There will be no reimbursement for enforcing the authority of Federal agencies not related to the Grant right-of-way and related permits. Reimbursement applies to the costs associated with OFI field personnel and appropriate headquarters support (engineering review, environmental review, permits and compliance, and related contractors and interagency support) associated with enforcing Section 28-related requirements.

DATES: Comments should be submitted by December 4, 1980.

ADDRESS: Comments should be in writing and sent to Mr. Ned Hengerer, Office of the Federal Inspector, Room 2413, Post Office Building, 1200 Pennsylvania Avenue. N.W., Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Mr. Ned Hengerer, General Counsel, Office of the Federal Inspector (ANGTS), Room 2413, Post Office Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044, (202) 275-1144.

SUPPLEMENTARY INFORMATION:

I. Background

The issue of reimbursement was raised by the ANGTS sponsors in the context of the Federal Inspector's July 1979 confirmation hearings. Since then the OFI has been studying the matter. Because of apparent disagreement between the sponsors and the Department of the Interior (the Federal agency primarily involved in reimbursement), the OFI found it advisable—after consultation with the sponsors and appropriate government officials—to establish a project-specific policy on reimbursement. This policy only governs operations of the OFI.

Recently, however, in a case dealing with Trans Alaska Pipeline System, the Court of Claims ruled that Section 28 (1) reimbursement could only be implemented pursuant to authorizing regulations, as required by the Independent Offices Appropriations Act. *Alyeska Pipeline Service Company v. U.S.*, No. 384-78 (CT. Cl. June 18, 1980), slip op. at 8-12. While the status of this decision is still uncertain, the OFI now, out of an abundance of action, establishes these proposed regulations. In this manner our cost reimbursement program could not subsequently be invalidated, were the *Alyeska* decision to become final and binding.

II. Discussion

A. Applicability of Reimbursement to ANGTS

ANGTS, as a natural gas pipeline project, is obligated to reimburse the U.S. for certain costs, incurred by Federal agencies, relative to rights-of-way across Federal lands. Specifically, Section 28(1) of the Mineral Leasing Act (MLA), Pub. L. 93.153, 30 U.S.C. 185, requires oil and gas pipeline applicants to reimburse the U.S. for (1)

administrative and other costs incurred in processing a right-of-way or permit application and (2) costs for monitoring construction and operation of the approved facilities on the right-of-way or permit area.

The reimbursement requirement has not been waived relative to ANGTS. The Alaska Natural Gas Transportation Act (ANGTA), 15 U.S.C. Section 719—while amending the Natural Gas Act and the National Environmental Policy Act, for example, in certain regards—did not alter Section 28(1) reimbursement. Nor has Section 28(1) been explicitly waived, under either Section 7(a)(4)(D) or 8(g) of ANGTA, by joint resolution of Congress. Furthermore, while Section 9(c) of ANGTA circumscribes the exercise of Federal agencies' discretionary authority, the reimbursement requirement itself is mandatory: Section 28(1) is written so that right-of-way applicants and holders "shall" reimburse the U.S. In addition, although Section 202(d) of Reorganization Plan No. 1 of 1979 (establishing the Office of the Federal Inspector) provides a "unified budget" for the Federal Inspector, that unified budget—meant to assist efficient management—does not obviate the reimbursement requirement. Finally, while it controls "direct charges by public authorities," Paragraph 11 of the Agreement Between The United States of America and Canada on Principles Applicable to a Northern Natural Gas Pipeline (Agreement on Principles) in fact contemplates cost reimbursement to regulatory agencies, both in Canada and in the U.S.

Section 1530.1 details the companies which must reimburse OFI monitoring and enforcement costs. This Part covers not only companies sponsoring ANGTS but also companies sponsoring facilities found to be necessary or related to ANGTS.

B. Reimbursement Mechanism

While reimbursement, in some form or other, is mandatory, the mechanism for its administration is more flexible. Section 28(1) of the MLA qualifies reimbursement to be "as determined by the Secretary (of the Interior) or agency head." DOI bills for reimbursement in advance of cost incurrence, thereby funding current right-of-way operations with reimbursed funds. While this approach is permitted by law, the OFI is not legally bound to adopt it for its own reimbursable activities, which are substantially different from those of DOI, as related to ANGTS.

The OFI has a valid legal reason for not following DOI's approach. As will be explained below, most or all reimbursable OFI activities will occur in the enforcement—as opposed to the permitting—context. And under Section 202(c) of the Reorganization Plan, the OFI is charged with meeting the mandate of Section 9 of ANGTA as it carries our each Federal agency's enforcement policies and procedures, which in the case of DOI include reimbursement procedures. This means that the OFI must endeavor to avoid delays in project completion. In this vein DOI's advance billing approach to reimbursement—while perhaps feasible in terms of processing right-of-way applications—is incompatible with the more exigent ANGTS schedule during enforcement. Specifically, the OFI's ability to enforce expeditiously and effectively DOI's right-of-way stipulations would be jeopardized if it had to rely on reimbursement payments from the ANGTS sponsors before committing resources for such enforcement. By expressly making this determination now, the OFI is also acting pursuant to Section 1–106 of Executive Order 12142 (44 FR 36927).

Section 9 of ANGTA requires, and Section 28(1) of the MLA allows, the OFI to empoly a reimbursement mechanism different from that of DOI. Accordingly, the OFI will seek appropriated funds for all activities in its budget, to be followed by the ANGTS sponsors making the necessary reinbursement directly to the U.S. Treasury on a quarterly, after-the-fact basis. This method minimizes administrative complications and operational delays inherent when funding current activities with reimbursement funds. Likewise, this method maximizes the OFI's capability to take the initiative in anticipating and thereby avoiding major compliance problems and delays during enforcement, which of course is part of its statutory responsibility.

Billing, payment, and protest procedures appear in §§ 1530.4, 1530.5, and 1530.6 respectively. These procedures are basically self-explanatory. One point of clarification concerns the right-of-way grants upon which reimbursement is predicated. In particular while the Eastern and Western Leg "pre-build" grants merely require reimbursement, the proposed Alaska Leg grant adds that appeals of disputes will be to the Federal Inspector, under procedures set forth at 43 CFR Part 4, Subpart E. While those procedures allow for agency hearings (at the discretion of the agency), the OFI does not contemplate the need for hearings. Because these Part 1530 regulations are so explicit, questions of material fact will be minimized. And most legal questions should be resolved in the promulgation of these substantive regulations.

Thus, while § 1530.6 allows for protests and full documentation of billing complaints, there is no provision for an agency hearing: Should the company remain dissatisfied, it always has recourse to judicial process for monetary claims against the government. As mentioned earlier, the OFI has the necessary authority to make such modifications of the procedures of the Federal agencies whose requirements the OFI will enforce.

C. Reimbursable Activities

Only a portion of the OFI's activities will be reimbursable. As explained below and detailed in § 1530.2, there will be no reimbursement for the OFI's role in agency permitting. But a substantial portion of its enforcement budget will require reimbursement.

1. Permitting Activities.—In terms of issuing permits and other authorizations, DOI is mainly associated with reimbursement, because it alone processes right-of-way and permit applications for use of Federal lands. The OFI does not process these applications, and thus it incurs no reimbursable costs.

It is true that the OFI has and, will continue to, consult with DOI concerning the right-of-way grants and related stipulations. Nevertheless, such OFI input comes from its duty—as set forth in Section 9 of ANGTA and Section 202(b) of the Reorganization Plan—to expedite and coordinate Federal agency decisionmaking. As a result, the OFI will not seek reimbursement for any of its permit-coordination activities related to DOI processing right-of-way and permit applications for use of Federal lands.

2. Enforcement Activities.— In terms of enforcing permits and other authorizations, the OFI replaces DOI (and the Department of Agriculture for National Forests) relative to its grants of right-of-way and permits on Federal lands. Monitoring costs are, of course, reimbursable under Section 28(1), and Section 102 of the Reorganization Plan explicitly includes monitoring in the OFI's enforcement duties. Thus, a portion of the OFI's enforcement activities will be reimbursable. The specific percentage of reimbursable enforcement activities is dictated by legal limitations, as well as by assessment of the specific logistical and personnel needs of enforcement.

a. Limits to Reimbursement. Reimbursement is first limited to OFI enforcement actions related to ANGTS construction primarily on Federal lands.

The whole right-of-way and permit program under Section 28 of the MLA is restricted to oil and gas pipelines crossing Federal lands.

Reimbursement is further limited to the OFI enforcing DOI-specific, and not merely DOI-derivative, authority under Section 28 of the MLA. In other words, while the stipulations accompanying the DOI grants of right-of-way reference grantee compliance with the laws of other Federal agencies, such reference does not make OFI enforcement of those other laws also reimbursable.

The right-of-way process under Section 28 is generally meant to protect the government's proprietary interest in Federal lands. Nevertheless, Section 28(f) clearly gives DOI broad regulatory authority over these rights-of-way. For example, Section 28(h) authorizes DOI to ensure environmental protection. Also, Section 28(g) mandates right-of-way terms and conditions to "protect the safety of workers and to protect the public from sudden ruptures and slow degradation of the pipeline."

b. Level of Reimbursement. As detailed in § 1530.3, this reimbursement will cover the appropriate share of the costs of the following OFI offices: Engineering Review, Environmental Review, Permits and Compliance, and the several field offices. The costs to be reimbursed include salaries (and cost of living adjustment in Alaska), benefits, travel, training, household moves, related contract and consultant support (to include interagency arrangements), office expenses (to include relocation, supplies, rent, utilities, communications, and machine rental), material and equipment purchases, vehicle and aircraft rental, and 15% to administer this Part.

In Alaska in particular, logistical support in the field will be provided by the sponsor companies under a detailed agreement by which the OFI will reimburse the sponsors for the costs incurred. This of course is needed because to the remoteness of the ANGTS route. A portion of the OFI payment to the sponsors will in turn be reimbursable by the sponsors, as related to enforcement of the DOI right-of-way grants and permits.

The specific dollar level of Section 28(1) reimbursement will vary year-to-year, depending on such factors as amount of Federal land being crossed, type of preconstruction or construction effort being undertaken, and extent of activity by the various OFI offices in the reimbursable enforcement effort. By way of illustration only, an early projection—voluntarily rendered by the OFI at Northwest Alaskan's request for preparation of its certificate cost estimate—showed reimbursement (in 1980 dollars) on the Alaska segment ranging from a little over $7 million to a little over $10 million per year from 1981 to 1985: The projected percentage of reimbursement to total enforcement budget would fluctuate over this same period as follows: 28%, 19%, 26%, 32%, and 39%.

In the lower 48-states, the amount of Federal land crossed by ANGTS will be much less. Thus, the amount of sponsor reimbursement will be substantially less.

The OFI's method for computing reimbursement is somewhat unique, and intentionally so. Instead of allocating every element of OFI cost between time spent on reimbursable versus non-reimbursable activities, Section 1530.4 will multiply the quarterly costs of the appropriate OFI offices by a specific percentage to determine the reimbursement due. The percentage will be determined annually by the OFI, after consulting with the sponsor companies on their work plans. The OFI recognizes that this approach does not achieve mathematical perfection, but it is fair to all concerned. The OFI cannot meet its statutory mandate to expedite ANGTS if its employees must file daily reports on their exact location and activity relative to Federal lands and DOI-related enforcement.

c. Reconciliation with DOI Practice. The OFI's reimbursement regulation is not fully consistent with DOI practice. This does not, however, represent legal error, whether on the part of the OFI or DOI. The two agencies do not rely on identical legal authority for their respective reimbursement policies. The OFI implements Section 28(1) of the MLA. So does DOI, but it also relies on Section 304 of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. Section 1734. And in promulgating reimbursement regulations for oil and gas pipelines in 1975 (40 F.R. 17842), DOI relied substantively in part on Title V of the Independent Offices Appropriation Act (IOAA), 31 U.S.C. Section 483a. Reliance on these other authorities justifies any differences between present or past DOI practices and OFI reimbursement policy.

To begin with, Section 304 of FLPMA authorizes DOI to set fees and charges to recover "reasonable costs" for applications related to public lands. In Order No. 3011 (Sept. 29, 1977) the Secretary defined "reasonable costs" as actual costs under the Section 28(1) regulations. Section 304 also authorized DOI to fund current operations through a reimbursement account. While DOI has employed this approach, the statute does not mandate it. As explained earlier, the OFI is not invoking that authority, due to the countervailing mandate of Section 9 of ANGTA.

The IOAA, referenced in DOI's 1975 regulations, authorizes Federal agencies to issue regulations establishing fees or charges to cover various costs. The IOAA leaves administration to agency discretion: Cost recovery is limited "to the full extent possible." The OFI has found that, even if applicable, the supplemental use of the IOAA—beyond reimbursement already mandated by Section 28(1)—is not practicable. In the first place, the unique mission of the OFI is not conducive to the IOAA: The OFI is overseeing one single project, not regulating an entire sector of the economy, as most agencies do. In addition, past implementation of the IOAA has led to a multitude of disputes and lawsuits. Such an eventuality is anathema to OFI's statutory duty to facilitate the expeditious completion of ANGTS. Finally, the OFI's reimbursement regulation already provides for an adequate level of cost recovery for the U.S.

Of course, as explained earlier, the recent Court of Claims *Alyeska* decision has caused the OFI to promulgate reimbursement regulations, as required under the IOAA. This precautionary measure should not, however, be confused with substantive reliance on the IOAA. In *substantive* terms, OFI reimbursement is predicated solely on the legal authority of Section 28(1) of the MLA, even though the IOAA *procedural* requirement of implementing regulations is also employed.

III. Conclusion

The OFI is requesting public comments on any provisions of this proposed reimbursement regulation or related preamble. Because the OFI will be issuing the final rule on these reimbursement regulations (after reviewing the public comments) as a final agency action pursuant to Section 9 of ANGTA and/or as a "decision on enforcement matters" pursuant to Section 202(a) of the Reorganization Plan, all interested persons are urged to comment now.

This proposed reimbursement regulation does not constitute a significant rule, requiring analysis under Executive Order 12044. Nor do the requirements of 42 U.S.C. Section 4332(2)(c) apply.

Under authority of Section 9 of ANGTA, 15 U.S.C. Section 719g; Sections 102 and 202 of Reorganization Plan No. 1 of 1979; Section 28(1) of the MLA, 30 U.S.C. Section 185; and 31 U.S.C. Section 483a, the OFI is now proposing to amend Title 10 of the Code

of Federal Regulations by adding a new Part 1530, as set forth below.

Dated: October 29, 1980.

John T. Rhett,

Federal Inspector.

PART 1530—REIMBURSEMENT OF COSTS

Sec.

1530.1 Coverage.
1530.2 Reimbursable activities.
1530.3 Costs to be reimbursed.
1530.4 Billing procedures.
1530.5 Payment procedures.
1530.6 Protest procedures.

Authority: Section 9 of the Alaska Natural Gas Transportation Act, 15 U.S.C. Section 719g; Sections 102 and 202 of Reorganization Plan No. 1 of 1979, 44 FR 33663 (made effective by Executive Order 12142 of June 21, 1979, 44 FR 36927); Section 28(1) of Title I of the Mineral Leasing Act, 30 U.S.C. Section 185; and 31 U.S.C. Section 483a.

§ 1530.1 Coverage.

(a) This Part applies to the companies sponsoring the segments of the Alaska Natural Gas Transportation System (ANGTS) in the United States, as listed in the President's *Decision and Report to Congress on the Alaska Natural Gas Transportation System* and as subsequently restructured, renamed, or otherwise changed. It also applies, where appropriate, to persons or companies acting as agents for these sponsoring companies.

(b) This Part also applies to companies sponsoring facilities which have been determined to be "necessary or related to" ANGTS, within the meaning of Section 9 of ANGTA, and thereby come within the OFI's enforcement authority.

(c) This Part governs how the OFI will obtain reimbursement from the sponsoring companies (described above in §§ 1530.1 (a) and (b)) for the costs incurred in certain of its ANGTS-related enforcement activities. It does not govern how any other Federal agency might seek similar reimbursement from the sponsoring companies for ANGTS-related nonenforcement activities.

§ 1530.2 Reimbursable activities.

(a) The sponsoring companies shall reimburse the United States for the OFI's costs incurred in enforcing ANGTS right-of-way and permit requirements on Federal lands, as directly required by Section 28 of the Mineral Leasing Act.

(b) Enforcement, the costs of which are reimbursable under § 1530.2(a) immediately above, entails monitoring and any other compliance or oversight activities reasonably related to the OFI enforcement process, as established by Section 102 of Reorganization Plan No. 1 of 1979.

§ 1530.3 Costs to be reimbursed.

(a) The OFI will require reimbursement for the activities, defined by § 1530.2 of this Part as reimbursable, of the following OFI offices:

(1) Engineering Review;
(2) Environmental Review;
(3) Permits and Compliance; and
(4) Field offices located in
(i) Anchorage, Alaska,
(ii) Fairbanks, Alaska,
(iii) San Francisco, California,
(iv) Irvine, California, and
(v) Omaha, Nebraska.

(b) The specific costs of reimbursable activities are limited to the following:

(1) Employee costs for
(i) Salaries,
(ii) Cost-of-living allowance (but only in Alaska),
(iii) Benefits,
(iv) Travel,
(v) Training, and
(vi) Household moves;
(2) Outside support costs for
(i) Contractors,
(ii) Consultants, and
(iii) Interagency arrangements, whether pursuant to a
(A) Delegation under Section 202(a) of Reorganization Plan No. 1 of 1979, or
(B) Formal cooperative work sharing agreement under the Economy Act;
(3) Office expenses for
(i) Relocation,
(ii) Supplies,
(iii) Rent,
(iv) Utilities,
(v) Communications, and
(vi) Machine rental;
(4) Material and equipment purchase or rental;
(5) Vehicle and aircraft purchase or rental;
(6) Any of the above or other support services provided by the sponsoring companies in the field on a cost recovery basis under logistical support agreements between the OFI and the sponsoring companies; and
(7) Costs to administer this Part equal to 15% of the total costs under § 1530.3(b) (1) thru (6).

§ 1530.4 Billing procedures.

(a) The OFI will present the sponsoring companies with a bill within 30 calendar days of the end of each calendar-year quarter for reimbursable costs incurred over that quarter for that segment of ANGTS or other facilities determined to be related to ANGTS.

(b) The bill will include the following:

(1) Total OFI expenditures incurred for the quarter, broken down by object class per OFI office;

(2) A brief description of reimbursable activities undertaken for the quarter, broken down by OFI office;

(3) The percentage of reimbursable to non-reimbursable activities for that segment of ANGTS, broken down by OFI office; and

(4) A calculation of the reimbursement due for that quarter, computed by multiplying the total OFI expenditures, as per § 1530.4(b)(1), by the reimbursable percentage, as per § 1530.4(b)(3).

(c) The reimbursable percentage used in § 1530.4(b)(3) above is determined as follows:

(1) Prior to the commencement of each calendar year, the OFI will consult with the sponsoring companies to ascertain their project activities for the coming year, with special identification of activities requiring reimbursable OFI enforcement activities.

(2) The OFI will then determine the reimbursable percentage for each OFI office by project segment.

(i) That percentage will apply for the entire upcoming calendar year. It will not be adjusted unless extraordinary and unanticipated events materially and dramatically alter the OFI's reimbursable enforcement activities.

(ii) The OFI will determine that percentage based upon the following factors:

(A) Amount of Federal land to be crossed;

(B) Types of pre-construction or construction activities to be undertaken during that year;

(C) Proportionate amount of time each OFI office will need to monitor those activities; and

(D) Level of intensity for monitoring on Federal lands as opposed to non-Federal lands.

(3) If a sponsor company intends to contest any of the reimbursable percentages, it may not do so until, but must do so when, it receives its first quarterly bill for the calendar year at issue. It must then follow the procedures set out below in §§ 1530.5 and 1530.6.

§ 1530.5 Payment procedures.

(a) Payment of reimbursable costs should be made, as billed, to the OFI specifically identified for U.S. Treasury Account Number 2469.

(b) Payment should be made within 30 calendar days of receipt of billing.

(c) The sponsoring company making payment under this Section should simultaneously notify the OFI Director of Financial Management of that payment.

(d) If the sponsoring company contests any part of the bill, rendered pursuant to § 1530.4, it must nonetheless

pay the uncontested balance, and then proceed under § 1530.6 immediately below.

§ 1530.6 Protest procedures.

(a) If and when a sponsoring company contests any part of an OFI bill, as per § 1530.5(d) immediately above, it shall act pursuant to this section.

(b) The contesting company must append to its partial payment a petition fully justifying its action, including the following items:

(1) A clear description of the contested amount, with detailed reference, by cost category and office, to the OFI bill;

(2) A full explanation of the legal basis for contesting payment; and

(3) Where relevant, a counterstatement of the facts at issue.

(c) In its sole discretion the OFI may orally or in writing request further support for the petition contesting reimbursement, including convening an informal conference to explore the matter further.

(d) After reviewing the petition, along with any further information, the OFI, through its Director of Administration, will rule on the petition within thirty calendar days, notifying the petitioner in writing of the decision.

(1) If the Director accepts the contesting company's position and thus grants the petition, the partial payment previously rendered under § 1530.5(d) will be deemed to satisfy fully the quarterly bill rendered under § 1530.4.

(2) If the Director rejects the contesting company's position and thus rejects the petition, the petitioner:

(i) Shall make payment of the contested and previously withheld amount within ten calendar days, and

(ii) May within five calendar days after payment appeal the Director's adverse finding to the Federal Inspector, pursuant to § 1530.6(e) immediately below.

(e) The Federal Inspector or designee will render a final decision on any appeal of the Director's adverse finding within sixty calendar days of receipt, unless the appellant has failed to make full payment to the OFI, as per § 1530.6(d)(2)(i).

(1) If the Federal Inspector or designee grants the appeal, the OFI will either return to the appellant the contested payment within thirty calendar days or credit the appellant's next quarterly bill.

(2) If the Federal Inspector denies the appeal, the appellant may institute appropriate judicial action to recover the contested payment.

(f) If and when a contesting company refuses to make full payment following the Director's adverse finding on its petition (in contravention of § 1530.6(d)(2)(i)), the OFI may stop work on any applications for regulatory approval submitted by the company and pending before the OFI under Reorganization Plan No. 1 of 1979. The schedule and cost consequences will be attributed to the noncompliant company.

(g) Notwithstanding § 1530.6 (a) thru (f) immediately above, the company making full payment of reimbursable costs may undertake the following:

(1) Within seventy-five calendar days of receipt of the OFI quarterly bill, as per § 1530.4, the company may request to conduct an audit of the bill.

(2) The company will complete that audit within ninety calendar days of the request and at its own expense.

(3) If, based on that audit, the company contests any part of the bill already paid and not previously contested, it may petition for the return of the contested payments pursuant to the procedures set forth above in §§ 1530.6 (b) thru (e), where appropriate.

[FR Doc. 80-34325 Filed 11-3-80; 8:45 am]

BILLING CODE 6820-AW-M

CIVIL AERONAUTICS BOARD

14 CFR Part 204 and 291

[Economic Regulation Docket 38904; EDR-411]

Data to Support Fitness Determinations and Domestic Cargo Transportation; Limitation on Fitness Determination

Dated: October 29, 1980.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The CAB is proposing to impose a 2-year limit for starting service or continuing service after a fitness determination. Carriers that did not begin service or operate within that time period would be required to resubmit fitness data and obtain re-authorization before beginning service. This rulemaking is at the Board's own initiative.

DATES: Comments by: December 15, 1980.

Reply comments by: December 30, 1980.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: November 19, 1980.

The Docket Section prepares the Service List and sends it to persons listed, who then serve their comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 38904, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Terri Smith, Special Authorities Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5088.

SUPPLEMENTARY INFORMATION:

In this notice the Board is asking for public comment on a proposed rule to limit to 2 years the duration of a finding of fitness for nonoperating air carriers. Newly certificated passenger carriers, international cargo carriers, domestic all-cargo carriers, and commuter carriers proposing to serve an eligible point (as defined in section 419 of the Federal Aviation Act), that did not begin operations within 2 years after being found fit, willing and able by the Board, or that ceased operations for 2 years, would have to re-file, as applicable, the data in 14 CFR 204.5 (certificated carriers), 14 CFR 204.7 (Commuter carriers), or 14 CFR 291.11 (all-cargo carriers), before beginning or resuming service. The Board tentatively believes that this limitation is necessary to enable it to meet its obligations to assure continuing fitness of carriers under section 401(r) of the Act. The proposed rule would apply to those carriers that have not begun operation or have stopped operations at the time a final rule is made effective.

Under sections 401 and 418 of the Act, the Board is required to determine whether an applicant is fit, willing, and able to perform air transportation properly and to conform to the provisions of the Act, and to the rules, regulations, and requirements issued under it. The Board is also required to find a commuter carrier fit to provide service to an eligible point under section 419. The Board has adopted two rules that require these carrier applicants to submit data so that it can make determinations (14 CFR Parts 204 and 291). There are three areas that the Board examines to determine an applicant's fitness: 1) the applicant's managerial skills and technical ability, 2) its financial resources as related to its operating proposal, and 3) its compliance disposition. The data requirements in Parts 204 and 291 are based on the assumption that carriers will begin service relatively soon after

authorization. This has not always been the case. Since passage of the Airline Deregulation Act, only one-half of the newly certificated carriers have started service.

Although a carrier's failure to provide authorized service is not inconsistent with the flexible management policies fostered under deregulation, it raises a question about how the Board can meet its obligation to assure the continuing fitness of carriers under its jurisdiction. When a carrier does not begin service for several years after a certificate or acquisition proceeding, it is reasonable to assume that the plans and facts on which the Board premised its fitness determination have changed considerably, particularly in the areas of management personnel and financing. The Board has no assurance that the applicant found fit is essentially the same applicant that begins service years later.

The Board is now working with the FAA to develop a system to monitor the continuing fitness of operating carriers. This program will rely upon information about the carriers' actual performance, financial condition, and compliance record. For non-operating carriers, however, there are no similar current data to put into such a system.

The Board must ensure both that an applicant is able to operate safely and without undue financial risk to consumers before it holds itself out to the public as an air carrier, and that it continues to be fit to perform as an air carrier. We believe that, where a fair amount of time has elapsed since an inactive carrier was found fit and was authorized to perform air transportation, or since a carrier has stopped operation, we should re-evaluate its fitness before it finally begins or restarts service. This re-evaluation would include a new inquiry to the FAA for a safety report on the dormant carrier. It is our tentative view that 2 years is the longest time that we can reasonably assume that a fitness finding remains valid. Midway Airlines, a newly certificated scheduled carrier, for example, commenced service within 1½ years of its certification. Beyond a 2-year period, however, we believe that there is sufficient reason to question whether the plans, as proposed initially, can be implemented, justifying further evaluation of the applicant before it is permitted to offer its services to the public. If necessary, the fitness of a carrier could be reassessed before the 2-year period had elapsed. The authority conferred under the original fitness finding would not be automatically revoked if service had ceased or had not been started for a 2-year period. Rather, the carrier could not implement the authority previously conferred until the Board had the opportunity to assess its current or continuing capability to provide service.

This proposed amendment to Parts 204 and 291 would require inactive certificated, commuter, and all-cargo carriers to re-file the data requested in their initial application. This information includes the carrier's proposed management, its historical and current financial position, the proposed financing plans to provide the service and obtain the necessary aircraft, the compliance history of the carrier and proposed management personnel, and a description of the proposed services. If the data had not changed, the carrier would have to send the Board a statement, signed by one of its officers, stating that fact. After evaluation of the current information provided by the carrier, the Board would notify the carrier whether it could start operations. The proposed re-filing requirement would apply to those carriers that have been found fit by the Board, but that have not started operations within 2 years, or ceased to operate for a period of 2 years. It would be applicable to any such situation that exists at the time a final rule is made effective, as well as to those that may arise thereafter. For example, if a carrier had not been operating for 6 months at the time the rule was made effective, and did not begin operations by 1½ years after that time, it would then have to resubmit data under this rule. The rule would apply, however, only when the carrier has not operated at all for the 2-year period. It would not apply if the carrier stops operations on a particular route of its system, but continues other operations.

Proposed Rule

For these reasons, the Board proposes to amend 14 CFR Chapter II as follows:

1. A new § 204.8 would be added to Subpart A of 14 CFR Part 204, *Data to Support Fitness Determinations*, to read:

Subpart A—General Provisions

* * * * *

§ 204.8 Delay in start of initial service.

A carrier that has not begun initial operations within 2 years of the date it was found fit, willing and able by the Board, or that has ceased operations for a period of 2 years, shall re-file data required by § 204.5 or § 204.7, as applicable, and shall not begin service until it is found fit, willing, and able by the Board. If there has been no change in the data previously submitted, the carrier shall submit a statement to that effect signed by one of its officers.

2. A new § 291.15 would be added to Subpart B of 14 CFR Part 291, *Domestic Cargo Transportation*, to read:

Subpart B—All-Cargo Air Service Certificates

* * * * *

§ 291.15 Delay in start of initial service.

A carrier that has not begun initial operations within 2 years of the date certificated by the Board or that has ceased operations for a 2-year period, shall resubmit data required by § 291.11, and shall not begin service until it is found fit, willing, and able by the Board. If there has been no change in the data previously submitted, the carrier shall submit a statement to that effect signed by one of its officers.

(Secs. 204, 401, 407, 416, 418, 419 of P.L. 85–726, as amended, 72 Stat. 743, 754, 766, 771; 91 Stat. 1284, 92 Stat. 1732; 49 U.S.C. 1324, 1371, 1377, 1386, 1388, 1389)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-34370 Filed 11-3-80; 8:45 am]

BILLING CODE 6320-01-M

---

14 CFR Part 298

[Economic Reg. Docket 38907; EDR-413; Dated: October 29, 1980]

Classification and Exemption of Air Taxi Operators

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing to amend its rules governing commuter air carriers to conform with its new data submission requirements for fitness determinations and with the requirements of the Federal Aviation Act. This rulemaking is at the Board's own initiative.

DATES: Comments by December 4, 1980.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: November 14, 1980.

The Docket Section prepares the Service List and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 38907, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple

copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Patricia Szrom, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5088.

SUPPLEMENTARY INFORMATION: The CAB, by ER–1180, 45 FR 42593, June 25, 1980, required that certain data be submitted (14 CFR Part 204) for use in determining the fitness of passenger air carriers. This rule also imposed new reporting requirements on commuter air carriers serving or proposing to serve a point eligible for subsidy, as defined in 14 CFR 325.3.

Under deregulation, commuter air carriers have substantially increased their passenger operations by expanding into small markets abandoned as unprofitable by trunk carriers. To help maintain essential service and adequate safety levels in these markets, Congress added a new section 419 to the Federal Aviation Act of 1958 (49 U.S.C. 1389). Paragraph (c)(2) of that section states that a commuter air carrier cannot serve an eligible point unless it is found fit, willing, and able by the Board. Part 204 enables us to make section 419(c)(2) fitness determinations by requiring commuter air carriers to submit the necessary data. The fitness requirement applies only to those commuters that provide scheduled passenger service to an eligible point.

The Board is proposing to amend its rules governing commuter air carriers in § 298.21 to conform to section 419's fitness determination requirement, and in § 298.61 to conform to the new reporting requirements in Part 204. To avoid disrupting current operations while the Board conducts these initial fitness determinations, this amendment would permit a currently registered commuter air carrier to continue present service or begin new service at a point eligible for subsidy pending the determination. However, a commuter air carrier that the Board finds unfit would have to stop service. The proposed rule would also amend Part 298 to clarify that, after this amendment becomes effective, no company would be allowed to register as a new passenger commuter air carrier unless the Board first finds that carrier fit. This would be consistent with the intent of Part 204 and section 419 to ensure that before a new carrier is allowed to hold itself out to the public as a common carrier, it is able to operate safely and without undue financial risk to its customers.

The CAB is allowing only 30 days to comment on this rulemaking after publication in the **Federal Register**, because the fitness rule, Part 204, is already in effect and it is important for new carriers to know as soon as possible the requirements for entry.

Accordingly, the Board proposes to amend 14 CFR Part 298, *Classification and Exemption of Air Taxi Operators*, as follows:

1. In § 298.21, a new paragraph (d) would be added to read:

§ 298.21 Filing for registration by air taxi operators.

* * * * *

(d) No air carrier, except a commuter air carrier that registered with the Board on or before [the effective date of the final rule] shall provide scheduled service at an eligible point until it has been found fit, willing, and able to conduct such service by the Board. A commuter air carrier that registered with the Board on or before [the effective date of the final rule] and that is serving or proposing to provide scheduled passenger service may continue or commence service at an eligible point while the Board makes its fitness findings. If the Board finds a commuter air carrier not to be fit, willing, and able to serve an eligible point the carrier shall not conduct such service.

2. In § 298.61, a new paragraph (h) would be added to read:

§ 298.61 Reporting of scheduled operations by commuter air carriers.

* * * * *

(h) Commuter air carriers serving or proposing to serve an eligible point shall comply with the applicable requirements in Part 204 of this chapter.

(Secs. 204, 416, 419 of Pub. L. 85–726, as amended, 72 Stat. 743, 771, 92 Stat. 1732; 49 U.S.C. 1324, 1386, 1389)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–34371 Filed 11–3–80; 8:45 am]

BILLING CODE 6320–01–M

---

14 CFR Part 298

[Economic Regs Docket: 38906; EDR–412; Dated: October 29, 1980]

Classification and Exemption of Air Taxi Operators; Dual Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: Airlines that use only small aircraft are already exempt from many regulatory requirements of the Federal Aviation Act. The CAB proposes to grant similar exemptions to certificated airlines (which usually operate large aircraft) for their small aircraft operations, in order to promote competition. The CAB is also proposing to eliminate an obsolete restriction on competition with certificated helicopter service. These proposals are at the CAB's initiative.

DATES: Comments by: January 5, 1981.

Reply comments by: January 26, 1981.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: November 19, 1980.

Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 38906, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 29428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 29428; (202) 673–5442.

SUPPLEMENTARY INFORMATION:

Background

In order to provide passenger air transportation or international cargo air transportation, airlines must ordinarily obtain certificates from the Board under section 401 of the Federal Aviation Act of 1958. They must also file tariffs under section 403 and comply with a variety of other provisions of the Act, subjecting them to the full scheme of route, rate, consumer, and antitrust regulation.

Airlines that use only small planes, however, can operate in the largely unregulated environment established by the Board's air taxi rule, 14 CFR Part 298. That rule defies "air taxi operator" essentially as an airline that uses only small aircraft, does not have a section 401 certificate, and meet certain other conditions. Part 298 exempts air taxi operators from section 401, section 403, and a variety of other provisions of the Act. The exemption is conditioned on compliance with registration, liability insurance, reporting, and other requirements.

Although the Part 298 air taxi exemption is by its terms unavailable to airlines holding section 401 certificates, the Board has in several cases granted

exemptions from those terms to individual airlines to allow them to conduct dual operations. These airlines perform flights along their certificated routes with large or small airplanes, and fly elsewhere with small planes under Part 298. The first grant of dual authority was to Air New England, a certificated carrier that wished to operate as an air taxi in order to test service in new markets, with a view toward possible certification in the future (*Air New England, Inc.*, Order 78–8–63; August 14, 1978, Docket 31233). Since then, in addition to similar awards to other small certificated carriers that wanted to begin air taxi operations, the Board has also granted dual authority to some air taxis that would otherwise have lost their air taxi status upon obtaining as few as one certificated route under the Act's unused authority provision, section 401(d)(5).

In the Air New England order, the Board announced that it would consider the larger question of dual authority for all certificated carriers in a future rulemaking proceeding. This is that proceeding. We have tentatively decided that a general authorization of dual operations would be in the public interest, and now propose to broaden the exemptions in Part 298 accordingly. There are two main benefits that should result from this approach. First, dual authority would permit the certificated carriers, especially the small ones, to compete on a more equal basis with the largely unregulated air taxi operators. It would let the level and quality of service in many markets be determined by market forces rather than by the less relevant consideration of which among competing airlines happen to hold certificates. Second, it would standardize our treatment of air taxis that grow into certificated carriers.

Our earlier objections to dual authority were based on four concerns: the possibilities of diversion of management resources away from certificated operations, cross-subsidization, subsidy leakage, and public confusion caused by the two types of service. In *Air New England*, we dismissed those concerns in favor of the benefits of freer competition. Although our reasoning was based in part on the special character of that carrier's certificated service, we now believe that the conclusons are relevant to all certificated operations. We will address those conclusions one at a time.

Diversion of management resources. We were once concerned that allowing certificated carriers to engage in air taxi operations might divert managerial talent and resources away from the carrier's certificated operations. We felt that that would be contrary to the public interest. In a more closely regulated regime of entry and exist, carriers had a greater statutory responsibility for the provision of service in particular markets. This was especially true of markets served on a subsidized basis. In *Air New England*, however, we noted that the local service carriers had already expanded their operations to include extensive subsidy-ineligible service while continuing to devote enough managerial attention to their subsidized service. Since then, moreover, we have observed no problems of diversion with dual authority carriers. In the less regulated environment carriers are redeploying their resources, as might be expected. Under the Airline Deregulation Act of 1978, however, we now have important regulatory tools available to maintain levels of essential air service, and are no longer relying on restrictive exit policies. For small or isolated communities that require subsidized service, we rely principally on carriers that devote their entire efforts to the provision of small community service.

Cross-subsidization. This objection to dual authority was based on the idea that a carrier would use profits from its certificated routes to subsidize losses in its air taxi markets, in order to drive its competitors from those markets and ultimately realize excessive profits. This investment would only be worthwhile, however, if the carrier could be confident of long-term operations at higher prices after eliminating the competition. But since air taxis can enter and exist markets at will, that is extremely unlikely. Driving out competitors through cross-subsidization would therefore be uneconomic, and need not be feared.

Subsidy leakage. We described this phenomenon in *Air New England* as follows:

> There is a real danger that in the case of a carrier with both subsidy eligible and subsidy ineligible operations, the Board will be unable to separate the activities sufficiently to assure that subsidy is granted for only the former. No doubt, many common costs are difficult to allocate nonarbitrarily between eligible and ineligible operations, and this creates the potential for subsidy leakage.

Even then the issue was not new, since many local service carriers performed both types of operations. With properly tailored reporting requirements, we concluded that our subsidy staff could reasonably allocate costs and revenues. With the special reporting requirements for dual authority carriers discussed below, it appears that we can continue to avoid appreciable subsidy leakage.

Public confusion. The final objection to dual authority was that passengers might be confused about whether they were receiving certificated or uncertificated service. The legal basis of a carrier's authority to perform any particular flight, however, would in itself be of little interest to passengers. For example, it does not affect which Federal Aviation Administration safety standards apply. The only difference that appears to be important is in the degree of consumer protection provided. We propose to avoid the problem by making the rules in this area largely the same for both types of operations, as discussed in more detail in the following section.

Consumer Protection

The rules on denied boarding compensation (14 CFR Part 250), smoking aboard aircraft (Part 252) and baggage liability (Orders 77–2–9, 77–4–94 and 77–9–80) apply, by their terms, primarily to certificated carriers. In the individual dual authority cases, we have avoided problems of public confusion by requiring the carriers to comply with all three rules for all their air taxi operations as well as their certificated operations. In December 1979, we began to make exceptions for the denied boarding compensation rules. We propose the same solution here.

Until recently, passenger air taxi operations were limited to aircraft with 30 or fewer seats, while the consumer protection rules applied only to certificated carriers, which operated mostly larger aircraft. In the rulemaking proceeding on increasing the air taxi size limit to 60 seats, a major issue was the extent, if any, to which these protection should be applied to air taxi service with aircraft in the 31–60 seat range. In ER–1123 (44 FR 30080; May 24, 1979), we decided to extend the smoking rules to cover this service, but not the denied boarding and baggage liability rules. We are reexamining the entire question of consumer protection in small aircraft operations, regardless of type of air carrier, with a view to more uniform requirements. Further extension of the smoking rules is already an issue in Docket 29044 (EDR–377; 44 FR 29486; May 21, 1979). The applicability of the denied boarding rules is an issue in Docket 38108 (EDR–401; 45 31413; May 13, 1980). We are similarly reexamining the baggage liability rules. Until these proceedings are completed, the course that appears least likely to confuse passengers is to continue the existing policy.

Thus, the proposed rule would require dual authority carriers to extend the protections of the baggage liability, smoking, and with the exception discussed below, denied boarding rules to their Part 298 operations. The denied boarding and baggage liability rules, in addition to defining certificated carriers' obligations, require the carriers to file tariffs setting out the terms of those obliagations. Since air taxi operators ordinarily do not file tariffs, however, we have left out the tariff requirements when extending the consumer protection rules to the air taxi operations of dual authority carriers in the individual cases up to now. We propose to continue this approach. The carriers would still have to post signs and include statements on tickets, in accordance with 14 CFR 221.176 (baggage liability) and § 250.11 (denied boarding). The sign-posting requirement of § 298.30 would be redundant and would not apply.

The denied boarding rules present a special problem. Until December 1979, they were applied to all flights of all dual authority carriers. In Orders 79–12–161 and 80–5–9 we exempted certain dual authority carriers, for some or all of their small-aircraft flights, while our reexamination (Docket 38108) was in progress, and encouraged others to apply for similar exemptions. If the proceeding in Docket 38108 is completed before this one, we would simply incorporate the resulting denied boarding scheme in the final rule on dual authority. If this proceeding is completed first, the final rule would use the text proposed today—applying the denied boarding rules to all dual authority carriers—but we would continue our existing practice of exempting those carriers on a case-by-case basis. Depending on what our denied boarding approach turns out to be, we might eventually codify it in the rule.

Details

The current scheme of Part 298 is as follows: Air taxi operators' basic exemptions from the Federal Aviation Act are set out in Subpart B. These exemptions are conditioned on compliance with registration, reporting, and other requirements set out in Subparts C through H. The proposed rule would add a new Subpart I to govern air taxi operations by certificated carriers. "Certificated carrier" would be defined as one holding a section 401 certificate. A carrier holding only a section 418 all-cargo certificate would not be affected by the proposed rule. Dual operations by such a carrier are already permitted by § 298.5.

Certificated passenger carriers would not become air taxi operators, but Subpart I would give them the exemptions set out in Subpart B *as if they were* air taxi operators. The exemptions would be limited to operations with small aircraft. To prevent confusion and circumvention of tariff-filing and other requirements for certificated carriers, the exemptions would also be limited to operations that are outside the carrier's certificated route system.

As with true air taxi operators, the Subpart I exemption for certificated carriers would be conditioned on compliance with Subparts C through H. It would be conditioned further on the terms of Subpart I itself. Thus, for example, dual authority carriers would have to register under Subpart C for their Part 298 operations. On the other hand, Subpart I would provide that these carriers have no exemption from section 407 of the Act, relating to the disclosure of stock ownership, since there is not meaningful way to limit such an exemption to a carrier's Part 298 operations.

Through service options. Since tariff filing is required for a dual authority carrier's certificated operations but would not be for its Part 298 operations, a question concerning tariffs might arise in cases where a single journey includes both types of air transportation. We propose to give carriers two options: They could file a tariff for through service, or charge the sum of the applicable local fares. If the carrier did file a tariff for through service, it would not be exempt from section 403 of the Act (requiring observance of tariffs) or section 404(b) (prohibiting unjust discrimination) for that service.

Large aircraft reporting. Since Part 298 authorizes air transportation only with small aircraft, air taxi operators are required by § 298.32 to report to the Board any proprietary interests in and operations with, large aircraft, which would presumably be used by them only for contract or private carriage. This reporting requirement is of course inappropriate for certificated carriers, most of whose large aircraft operations are authorized by their certificates. Proposed § 298.96 therefore excludes from the requirement a certificates carrier's aircraft that are used only in its section 401 operations.

Mail. The carriage of mail by air taxi operators is governed by § 298.35. Since the standard of that section differs from the standards applicable to certificated service, proposed § 298.97 specifies that for dual authority carriers § 298.35 applies only to the carriage of mail in their Part 298 operations.

Names. Names of certificated carriers are already governed by 14 CFR Part 215. Proposed § 298.98 therefore excludes dual authority carriers from § 298.36, which governs air taxi operators' names.

Helicopters. Section 298.33 contains restrictions on air taxi service in competition with a certificated carrier that provides helicopter or similar service. As of now, there are no such carriers. For that reason, and in light of the statutory and Board policies favoring competition, we propose to eliminate the restrictions entirely.

Insurance. Liability insurance requirements for air taxi operators currently appear in Subpart E of Part 298. We have proposed to revoke Subpart E in connection with establishing a new Part 205 that would contain insurance requirements for all types of carriers (EDR 395; 45 FR 7566; Docket 37531; February 4, 1980). If Part 205 is adopted as proposed, the final rule on dual authority would not address insurance requirements. If this rulemaking on dual authority is completed first, we would apply the Subpart E insurance requirements as follows: Aircraft that are used in Part 298 operations, whether or not they are also used in certificated service, would have to be covered. Those used only in certificated or other non-Part-298 operations would not have to be covered.

Antitrust. Part 298 exempts air taxi operators from the prior approval requirements of section 408 of the Act, which governs mergers and acquisitions of control.[1] The exemption has been limited to situations where no party to the transaction operates large aircraft for compenasation or hire. It has also been limited to the air taxi operators themselves, because until the Deregulation Act was passed we did not have authority to grant exemptions to persons other than air carriers. To avoid unnecessary regulatory intrusion in the activities of small carriers and implement full the policy of letting certificated carriers conduct small aircraft operations, we propose to expand the exemption for air taxi operators and to make it available to all parties whenever it is available to one.[2] We also propose to apply the expanded exemption to air taxi operators that have become dual authority carriers by

[1] In general, section 408 provides that no air carrier, person controlling an air carrier, other common carrier, or person sustantially engaged in the business of aeronautics shall acquire control of an air carrier in any manner whatsoever without obtaining prior Board approval.

[2] The transaction would still be subject to Justice Department scrutiny under the antitrust laws.

obtaining an unused authority or automatic entry certificate under the provisions of section 401(d)(5) or (7) of the Act. Thus, the proposed rule would allow air taxis, certificated carriers, and other persons (including persons in control of air carriers and those substantially engaged in the business of aeronautics) to enter into transactions with each other without obtaining prior Board approval, as long as the result does not include common control relationships among any of the following: air carriers holding certificate authority under section 401(d)(1), (2) or (3) of the Act, persons controlling such air carriers, non-air common carriers, or persons (other than air carriers) substantially engaged in the business of aeronautics. Stated more directly, if section 408 applies to the transaction only because of the involvement of air taxi, unused authority, or automatic market entry operations, all parties to the transaction would be exempted from section 408 and oprior approval would be unnecessary. If section 408 would apply even when those operations were ignored, however, the exemption would not be available and prior approval would be required. For example, an air taxi operator (or an air taxi operator that had become a dual authority carrier by obtaining an unused authority certificate) could acquire a certificated carrier, without prior Board approval, and vice versa. A section 401(d)(1) certificated carrier, however, would need Board approval under section 408 to acquire an air taxi operator that had already acquired another section 401(d)(1) carrier, because of the involvement of two section 401(d)(1) carrier, because of the involvement of two section 401(d)(1) carriers. Similarly, andy other person substantially engaged in the business of aeronautics could, without prior approval, acquire an air taxi operator, but not if that operator had already acquired a certificated carrier.

The proposed rule would similarly expand the exemption from section 409 (interlocking relationships), and would eliminate, as no longer necessary, the exemption from section 412 (contracts and agreements.) The filing of contracts and agreements under section 412 is already voluntary, under the Deregulation Act and the International Air Transportation Competition Act, Pub. L. 96 192. The grant of a blanket exemption from these filing provisions could be construed as precluding altogether the filing of contracts or agreements involving air taxis. Since it is not our intent to deprive parties of the opportunity to seek Board approval of such documents if they so choose, the exemption from section 412 (currently contained in section § 298.11(i)) would be removed. We would anticipate, especially with respect to agreements that were formerly exempted from section 412 requirements, that parties would only file for approval if they also sought antitrust immunity.

Reporting requirements. Reporting requirements for air taxi operators are in Subpart F of Part 298. That subpart (§ 298.60) requires commuter air carriers to file their flight schedules and statements of rates and fares. This proposal would apply that requirement to dual authority carriers, but only to their small-plane Part 298 operations. We propose not to apply the rest of the Subpart F reporting requirements (flight and traffic statistics) to dual-authority carriers, because as certificated carriers they must report this information on CAB Form 41 under Part 241, *Uniform System of Accounts for Certificated Air Carriers.*

Joint fares and 90-day notice of service suspensions. Section 37(c) of the Airline Deregulation Act (49 U.S.C. 1482a) entitles commuter air carriers—air taxi operators that perform at least five scheduled round trips per week between a pair of points—to participate in any uniform joint fare system established by the Board. It also requires that a participating commuter give 90 days' notice before terminating its service to a market in which point fares are offered. Failure to give the notice makes the commuter ineligible to participate in the joint fare system. A question arises about the applicability of this notice provision to dual authority carriers. A commuter should not be excused from the requirement merely because it has become a dual authority carrier by acquiring a certificated route. A certificated carrier, on the other hand, should not have to provide the notice for all its service suspensions merely because it has become a dual authority carrier by beginning some air taxi operations. We would therefore interpret the section 37(c) notice requirement, with respect to dual authority carriers, as applying only to air taxi operations. And if such a carrier failed to provide the notice, only its air taxi operations would be disqualified from participation in the joint fare system.

Miscellaneous. Since the proposed amendments would make the dual authority exemptions already given in individual cases unnecessary, those exemptions would be revoked upon adoption of the final rule. The denied boarding exemptions discussed above, however, would continue.

Invironment and Energy

We have tentatively decided that the proposed authority for certificated carriers to perform air taxi operations would not have a significant impact on the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). The primary result of this proposal would be to allow certificated carriers to provide service in markets outside their route systems, using small, propeller-driven planes. Our experience has shown that operations with propeller-driven aircraft, whether small planes or larger turbo-prop aircraft like the Convair 580, are not a major noise contributor and have a minimum environmental impact on surrounding communities. This subject is discussed further in *Application of Colonial Airlines, Inc.*, Order 78–6–183, June 27, 1978. Even an expansion of service with these planes should not have a significant environmental effect. It does not appear that use of these aircraft would result in any significant increase in air pollution or land congestion. These small planes are not heavy polluters. In some cases, the replacement of jet flights that have many empty seats should actually reduce pollution. In addition, the Airline Deregulation Act specifies that airport proprietors can adopt nondiscriminatory plans to mitigate environmental impacts at particularly sensitive airports.

We have also tentatively decided that this proposed new authority would not have a significant adverse impact on energy efficiency and consumption within the meaning of the Energy Policy and Conservation Act of 1975 (EPCA)(42 U.S.C. 6201 *et seq.*). The use of propeller-driven aircraft in markets with small traffic demand or in new markets to test demand would have a beneficial impact on fuel efficiency as a whole, both in existing and planned operations. The increased competition that this expanded authority should bring discourages the use of fuel—inefficient aircraft and results in increased productivity, since fuel costs make up a large part of carriers' costs. As with any expansion of authority, this proposed rule could possible result in an increase in air traffic. But it is not clear how much, if any, increase there would be. Although we have granted substantial new authority in implementing the Deregulation Act, the primary reason for overall traffic increases, when they have occurred, has been an increase in load factors. Even if this rule does result in more traffic, however, the increase in

fuel consumption is likely to be less than proportional, because of improvements in the overall efficiency of aircraft operations and the savings in fuel that would otherwise be used for ground transportation. Even if there is a net increase in consumption, it does not appear likely to be significant.

Finally, the environmental and energy effects of this proposed rule could be mitigated by the carriers, the airport owners, and the Board. The carriers will take needed measures for economic and competitive reasons. Airport owners have the authority, in cooperation with the Federal Aviation Administration, to use nondiscriminatory measures to lessen the environmental consequences of aircraft operations, and have taken an active role in this area in many communities. The Board itself would continually watch this particular aspect of deregulation as it looks at deregulation as a whole for any changes or fine-tuning that may be needed. We would like to have specific comment on both the environmental and energy impacts of this proposal, however, in order to have as many facts as possible before making a final decision on dual authority.

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 298, *Classification and Exemption of Air Taxi Operators,* as follows:

1. In § 298.1, a sentence would be added at the end, to read:

§ 298.1 Applicability of party.

* * * This part also authorizes certificated carriers to provide service with small aircraft as if they were air taxi operators.

2. In § 298.2, a definition would be added, in alphabetical order, to read:

§ 298.2 Definitions.

* * * * *

"Certificated carrier" means an air carrier holding a certificate issued under section 401 of the Act.

* * * * *

3. In § 298.11, paragraph (g), (h), and (i) would be replaced by a revised paragraph (g) to read:

298.11 Exemption authority.

Air taxi operators are exempt from the following provisions of Title IV of the Act:

* * * * *

(g) Sections 408(a) and 409, for transactions and relationships to which those sections apply only because of the involvement of operations under this part, or under section 401(d)(5) (unused authority) or 401(d)(7) (automatic entry) of the Act.

4. Section 298.12 would be amended to read:

§ 298.12 Effect of exemptions on antitrust laws.

The exemptions granted in §§ 298.11(g), 298.14, and 298.92 do not constitute orders, within the meaning of section 414 of the Act, and confer no immunity or relief from the "antitrust" laws or any other statute except the Act.

5. Section 298.14 would be retitled and amended to read:

§ 298.14 Exemptions for persons other than air taxi operators.

The exemptions from sections 408(a) and 409 of the Act that are granted to air taxi operators by § 298.11(g) and to certificated carriers by § 298.92 are hereby granted to all other parties to the transaction or relationship.

6. Section 298.33, *Prohibition and limitations concerning regular service in markets served or authorized to be served by certificated helicopter carriers, and limitation on use of helicopert, STOL, or VTOL aircraft,* would be revoked and reserved as follows:

§ 298.33 [Revoked and reserved]

7. A new Subpart I would be added, to read:

Subpart I—Air Taxi Operations by Certificated Carriers

Sec.

298.90 Exemption for certificated carriers.
298.91 No exemption from section 407.
298.92 Antitrust exemptions.
298.93 Through service options.
298.94 Joint fares and 90-day notice of service modifications, suspensions or terminations.
298.95 Consumer protection.
298.96 Special reporting requirements relating to large aircraft.
298.97 Carriage of mail.
298.98 Use of name.
298.99 Scope of filing and reporting requirements.

Subpart I—Air Taxi Operations by Certificated Carriers

§ 298.90 Exemption for certificated carriers.

Each certificated carrier is exempted from the Act in the manner set forth in Subpart B, subject to the terms of this subpart and Subparts C through H, as if it were an air taxi operator, for operations that are:

(a) Not along a route authorized by the carrier's section 401 certificate; and

(b) Performed with aircraft other than large aircraft.

§ 298.91 No exemption from section 407.

Notwithstanding § 298.11(f), certificated carriers operating under this part are not exempted from section 407 of the Act.

§ 298.2 Antitrust exemptions.

Certificated carriers operating under this part are exempted from sections 408(a) and 409 of the Act for transactions and relationships to which those sections apply only because of the involvement of operations under this part, or under section 401(d)(5) (unused authority) or 401(d)(7) (automatic entry) of the Act.

§ 298.93 Through service options.

If a certificated carrier provides air transportation that includes a segment operated by it under its section 401 certificate and a segment operated by it under this part, the carrier has the option of filing a tariff for through service or charging the sum of the applicable local rates, fares, or charges. If the carrier files a tariff for through service, it is not exempt from section 403 or section 404(b) of the Act for that air transportation.

§ 298.94 Joint fares and 90-day notice of service modifications, suspensions or terminations.

The 90-day notice requirement in section 37(c) of the Airline Deregulation Act of 1978, 49 U.S.C. 1482a, applies to a certificated carrier's operations under this part that are covered by an agreement to provide interline service. Failure to provide the required notice will disqualify those operations from participation in any Board-prescribed uniform method of establishing and dividing joint fares.

§ 298.95 Consumer protection.

(a) Except for tariff-filing requirements, the Board's rules on denied boarding compensation (Part 250 of this chapter), smoking aboard aircraft (Part 252), and baggage liability apply to a certificated carrier's operations under this part as if those operations were performed under the carrier's section 401 certificate.

(b) Section 298.30, *Public disclosure of policy on consumer protection,* does not apply to certificated carriers that operate under this part.

§ 298.96 Special reporting requirements relating to large aircraft.

The reporting requirements of § 298.32 do not apply to a certificated carrier's interests in, or operations with, aircraft that are used only in operations authorized by that carrier's section 401 certificate.

§ 298.97 Carriage of mail.

The limitations on the carriage of mail set out in § 298.35 apply to the carriage

of mail by a certificated carrier only for its operations under this part.

§ 298.98 Use of name.

Names of certificated carriers that engage in operations under this part are governed by Part 215 of this chapter and not by § 298.36.

§ 298.99 Scope of filing and reporting requirements.

(a) The requirements of § 298.60, *Filing of flight schedules by commuter air carriers*, apply only to a certificated carrier's operations under this part.

(b) Reporting of a certificated carrier's scheduled operations is governed by Part 241 of this chapter, not by §§ 298.61 through 298.65 of this part.

8. The Table of Contents would be amended accordingly,

(Secs. 204 and 416 of Pub. L. 85–726, as amended, 72 Stat. 743, 771; 49 U.S.C. 1324, 1386.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–34374 Filed 11–3–80; 8:45 am]

BILLING CODE 6320–01–M

---

14 CFR Part 300

[Procedural Regulation. Docket: 38905; PDR–73; Dated: October 29, 1980]

Rules of Conduct in Board Proceedings

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing to amend its rules of conduct to include a civil penalty for violation of those rules. It is also amending the authority line for its rules of conduct to include sections of Title IV omitted from the original issuance. This rulemaking is at the Board's own initiative.

DATES: Comments by: January 5, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: November 14, 1980.

The Docket Section prepares the Service List and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 38905, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Richard B. Dyson, Associate General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: The rules of conduct governing Board proceedings (14 CFR Part 300) are designed to prevent improper influence and unethical behavior in the conduct of Board activities. Section 300.20 provides that the Board can deny to a party the privilege of appearing before it, or, if it is in the public interest, can deny a proposal of a party before it after finding (following notice and hearing) that the party violated the provisions of Part 300. The section makes no reference to evil penalties.

Section 901, the civil penalty authority, applies only to violations of certain sections of the Act [1] and associated regulations, including Title IV but not Tile II. When Part 300 was issued, the Title IV sections that are the basic authority for almost all of the Board's activities were omitted, probably inadvertently, from the "authority line," the list of statutory provisions that authorize the issuance of the part. It is, therefore, not clear that the section 901 civil penalty extends to violations of Part 300. The Board, however, promulgated the rules of conduct to ensure the proper conduct of Board proceedings that are required by various sections of Title IV. For example, section 401(e)(7)(B) of the Act directs the Board to conduct an oral evidentiary hearing or alternate simplified procedures to consider an air carrier's application to modify the terms of its certificate; section 40(p) of the Act directs the Board to issue rules for processing applications for certification, including those governing oral evidentiary hearings. Our Part 300 rules of conduct are an integral part of those proceedings.

The § 300.20 penalties mentioned above may be insufficient to prevent or deter improper conduct. We believe that our remedies should not be so limited. In some cases, we may prefer to impose a civil penalty rather than deny the violator's proposal or prohibit the violator from practicing before the Board. We therefore are proposing to add section 901 civil penalties to the available sanctions. We also propose to amend the authority line of Part 300 to include the applicable Title IV sections, 401–419. This proposed amendment is not intended to affect the current § 300.20 penalties.

Accordingly, the Board proposes to amend Part 300, *Rules of conduct in Board proceedings*, as follows:

1. In § 300.20, a new paragraph (d) would be added to read:

§ 300.20 Violations.

* * * * *

(d) In the case of any violation of the provisions of this part, the violator may be subject to civil penalties under the provisions of section 901 of the Act. The violator may also be subject to a proceeding brought under sections 1002 and 1007 of the act before the Board or a U.S. district court to compel compliance with civil penalties which have been imposed.

Authority Citation [Amended]

2. The authority line would be amended to read as follows:

Authority: Secs. 204, 401–419, 901, 1001 and 1002 of Pub. L. 85–726, as amended; 72 Stat. 743, 754–771, 76 Stat. 145; 91 Stat. 1284, 92 Stat. 1732; 72 Stat. 783, and 788, (49 U.S.C. 1324, 1371–1389, 1471, 1481, and 1482.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–34375 Filed 11–3–80; 8:45 am]

BILLING CODE 6320–01–M

---

[1] ". . . title III, IV, V, VI, VII or XII, or section 1114, of this Act, or any rule, regulation, or order issued thereunder, or under section 1002(i), or any term, condition or limitation of any permit or certificate issued under title I, or any rule or regulation issued by the Postmaster General under this Act, . . ."

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Food and Drug Administration

21 CFR Part 161

[Docket No. 80N–0384]

Canned Sardines and Sardine-Type Products; Intent To Establish Standards

AGENCY: Food and Drug Administration.

ACTION: Advance Notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Canned Sardines and Sardine-type Procucts" and to comment on the desirability and need for U.S. standards of identity, quality, and/or fill of container for these foods. The Codex standard was submitted to the Unite States for consideration for acceptance. If the comments received do not support the

need for U.S. standards for these foods, FDA will not propose standards.

DATE: Comments by January 5, 1981.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1155.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for canned sardines and sardine-type products.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distrbuted freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there are no U.S. standards for canned sardines and sardine-type products.

Under the procedure prescribed in 21 CFR 130.6(b)(3), FDA is providing an opportunity for review and informal comment on the need for, and desirability of, standards for these foods, on the specific provisions of the Codex standard and additional or different requirements that should be included in U.S. standards, if established, and on any other pertinent points.

FDA advises that, in keeping with the current policy to limit the number of new regulations, if the comments received do not support the need for U.S. standards for these foods, no U.S. standards will be preposed. If this decision is reached, the Codex Commission will be informed that an imported food which complies with requirements of the Codex standard may move freely in interstate commerce in this country it complies with applicable U.S. laws and regulations.

It should be recognized that due to the large number of countries, often with diverse food regulations, which are associated with Codex, certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminents, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, certain provisions of this Codex standard are potentially confusing to U.S. consumers. For example, Codex (6.1.1(i)) states for canned sardines and sardine-type products, the unqualified term "sardines" is reserved for product prepared from *Sardina pilchardus*. Product derived from other species (2.1(a)) must be labeled as "x sardines", where "x" is the name of the country, geographic area, species, or the common name of the species in the country in which the product is to be sold. FDA does not consider the unqualified term "sardines" to be limited to product prepared from *Sardina pilchardus*. The agency advised interested individuals that it would not take objection to a product prepared from *Clupea harengus, Sardina pilchardus, Sardinella aurita, Sardinella longiceps, Sardinops melanosticta, Sardininops sagax melanosticta)*, or *Sprattus sprattus* (*Clupea sprattus*) being labeled as "sardines" for sale in the U.S., provided the product is of the appropriate size and canned in the customary manner. Other species having established common or usual names in the U.S. must be designated by their common or usual names and may not be labeled as "x sardines", as provided for in Codex (6.1.1(ii)). For example, the species *Engraulis mordax* is recognized in the U.S. as "anchovy" or "Northern anchovy" and must be so labeled; it may not be labeled as "Northern sardine" or any other designation utilizing the term "sardine" as the name of the food.

Interested individuals should be advised that similar inconsistencies between U.S. policies and regulations and Codex provisions may be found in Codex sections 2.2.1, 3.3.2, 4, 6.4, 6.5, and 7.3.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

CAC/RS 94–1978

Recommended International Standard for Canned Sardines and Sardine-Type Products

1. *Scope.* This standard applies to canned sardines and sardine-type products packed in water or oil or other suitable packing medium. It does not apply to speciality products where the fish products constitute less than 50% m/m of the net contents of the can.

2. *Description.*

2.1 *Product Definition.* Canned sardines and sardine-type products are the products:

(a) Prepared from small fish. The following species shall be used: *Engraulis mordax, Sardinella fimbriata, Sardinella gibbosa, Sardinella longiceps, Sardinella sirm,* were approved for inclusion in this standard at the 13th Session of the Codex Alimentarius Commission (Rome, December 3–14, 1979). *Sardina pilchardus* (Walbaum); *Sardinops melanosticta, neopilchardus, ocellate, sagax or caerules; Sardinella aurita, anchovia, brasiliensis, or maderensis; Clupea harengus; Clupea antipodum, bassensis, or fuegensis; Sprattus sprattus (Clupea sprattus); Hyerlophus vittatus; Nematalosa vlaminghi; Etrumeus microps; Ethmidium maculatus; Engraulis anchoita; Engraulis ringens.*

The pack may contain a mixture of species of the same genus which have similar organeleptic qualities;

(b) Packed in water or oil or other suitable packing media in hermetically sealed containers;

(c) Processed by heat so as to prevent spoilage.

2.2 *Presentation.*

2.2.1 Forms of Packed Fish. The fish pre-cooked or not, smoked or unsmoked shall be neatly arranges within the can. At least 2 fish shall be contained in each can.

2.2.2 Forms of Packing Media. The product shall be presented in one of the following packing media with or without permitted optional ingredients.

2.2.2.1 Own juice.

2.2.2.2 Brine or water.

2.2.2.3 Edible oil.

2.2.2.4 Edible oil with own juice.

2.2.2.5 Sauce.

2.2.2.6 Marinades with or without wine.

2.2.3 Other Presentations. Any other presentation of the product shall be permitted provided that it:

(i) is sufficiently distinctive from other forms of presentation laid down in this standard;

(ii) meets all the other requirements of this standard;

(iii) is adequately described on the label to avoid confusing or misleading the consumer.

3. *Essential Composition and Quality Factors.*

3.1 *Raw Material.* The product shall be prepared from clean, wholesome and sound fish belonging to one of the species listed under sub-section 2.1(a). The raw material may be either fresh, frozen or smoked and shall be of a quality suitable for human consumption.

3.2 *Packing Media.* Own juice, brine, water *, edible oil with or without own juice, sauce, marinades with or without wine, other packing media, and optional ingredients in accordance with the requirements of 2.2.2. and 2.2.3. The packing medium used shall be suitable for human consumption.

3.3 *Optional Ingredients.*

3.3.1 Salt.

3.3.2 Natural starches.

3.3.3 Spices, herbs, vegetable seasonings, vinegar and wine; vegetables and fruits for decorative and flavouring purposes only. The ingredients shall be suitable for human consumption and shall be free from abnormal taste, flavour or odour.

3.4 *Processing.* Head and gills shall be completely removed; scales and/or tail may be removed.

The fish may be gutted. If gutted, it shall be practically free from visceral parts other than roe, milt or kidney. If ungutted, it shall be practically free from undigested feed or vent feed.

The fish shall be well washed.

The fish may be cooked or smoked and shall be well packed in accordance with the form of pack desired.

After sealing the containers shall be heat processed and cooled.

3.5 *Final Product.*

3.5.1 Appearance.

3.5.1.1 The product in a can shall comprise fish:

(i) reasonably uniform in size;

(ii) of an appearance and colour characteristic of the species proceesed and packed in the manner indicated (2.2.1);

(iii) neatly cut to remove the head;

(iv) without excessive ventral breaks (unsightly rupture of the ventral area), or breaks and cracks in the flesh.

3.5.1.2 The packing medium shall be of normal colour and consistency for the type.

3.5.1.3 The can shall be well filled with fish.

3.5.1.4 The final product shall be free from foreign matter.

3.5.2 Odour and Flavour. The product shall have an odour and flavour characteristic of the species and type of packing medium, and be free from objectionable odours and flavours of any kind.

3.5.3 Texture and Colour. The fish shall be reasonably firm, free from mushiness, with soft bones. The colour of the flesh shall be characteristic of the species and type of pack (3.5.1.1(ii)).

3.5.4 Defects and Tolerances. The product shall comply with the definition and essential quality factors as set forth in this standard, subject to tolerance allowances as defined and set out in Annex A.

4. *Food Additives.*

Additive	Maximum level in the final product
Thickening or jellifying agents (for use in packing medium only):	
Sodium carboxymethy cellulose (CMC); pectin; pectin (amidated);* modified starches; agar agar; carrageenan; guar gum; carob bean gum; alginic acids and its calcium, potasium and sodium salts; xanthan gum 10 g/kg.	20 g/kg singly or in combination in the packing medium.
Acidifying agents:	
Acetic acid, citric acid, lactic acid.	Limited by good manufacturing practices.
Natural flavours, e.g.:	
Spice oils, spice extracts	Limited by good manufacturing practices.
Smoke flavours (natural smoke solutions and their extracts).	Limited by good manufacturing practices.

* Temporarily endorsed.

5. Hygiene and Handling.

5.1 It is recommended that the products covered by the provisions of this standard be prepared and handled in accordance with the following Codes:

(i) the appropriate sections of the *Recommended International Code of Practice—General Principles of Food Hygiene* (CAC/RCP 1–1969).

(ii) the *Recommended International Code of Practice for Canned Fish* (CAC/RCP 10–1976).

(iii) the *Code of Practice for Smoked Fish* (under elaboration);

(iv) the *Code of Hygienic Practice for Low Acid Canned Foods* (under elaboration).

5.2 To the extent possible in good manufacturing practice, the product shall be free from objectionable matter.

5.3 When tested by appropriate methods of sampling and examination, the product:

a. shall be free from micro-organisms capable of development under normal conditions of storage; and

b. shall not contain any substances originating from micro-organisms in amounts which may represent a hazard to health.

5.4 Products with an equilibrium pH above 4.6 shall have received a processing treatment sufficient to destroy all spores of *Clostridium botulinum*, unless growth of surviving spores is permanently prevented by product characteristics other than pH.

6. *Labeling.* In addition to Sections 1, 2, 4 and 6 of the *Recommended International General Standard for the Labelling of Prepackaged Foods* (CAC/RS 1–1969) the following specific provisions apply:

6.1 *Name of the Food.*

6.1.1 The name of the product shall be:

(i) "Sardines" (to be reserved exclusively for *Sardina pilchardus* (Walbaum)); or

(ii) "X sardines", where "X" is the name of a country, a geographic area, the species, or the common name of the species in accordance with the law and custom of the country in which the product is sold, and in a manner so as not to mislead the consumer.

6.1.2 The name of the packing medium used shall form part of the name of the food.

6.1.3 If the fish has been smoked or smoke flavoured, this information shall appear on the label in close proximity to the name.

6.1.4 Where in a product containing oil the exuded water exceeds 12%, the product shall be declared as "X processed in own juice with oil added" ("X" shall be the name of the food).

* Portable water of properties in accordance with the requirements contained in the WHO "International Standards for Drinking Water".

6.1.5 If the product is produced in accordance with subsection 2.2.3, the label shall contain in close proximity to the name of the food such additional words or phrases that will avoid misleading or confusing the consumer.

6.2 *List of Ingredients.* A complete list of ingredients shall be declared on the label in descending order of proportion; subsections 3.2 (b) and (c) of the *Recommended International General Standard for the Labelling of Prepackaged Foods* (CAC/RS 1–1969) are applicable.

6.3 *Net Contents.*

6.3.1 The total net contents shall be declared by weight in either the metric system ("Système international" units) or avoirdupois or both systems of measurement as required by the country in which the product is sold.

6.3.2 The drained weight of the fish and/or the range of the number of fish in the can may be declared.

6.4 *Name and Address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

6.5 *Country of Origin.* The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.6 *Lot Identification.* Each container shall be embossed or otherwise permanently marked in code or in clear to identify the producing factory and the lot.

7. *Methods of Analysis and Sampling.* The methods of analysis and sampling described hereunder are international referee methods.[1]

7.1 *Sampling for Destructive Examination.* Sampling of lots for examination of the product shall be in accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (AQL 6.5) CAC/RM 42–1969).

7.2 *Organoleptic Assessment.* Organoleptic assessment of the product shall be made only by persons trained in such assessment.

7.3 *Determination of Net Contents.* Compliance with net contents declaration shall be determined by averaging the results from all containers of a sample representing a lot.

Procedure. (1) Weigh the unopened container.

(2) Open the container and remove the contents, wash the container and cover and dry with absorbent paper or cloth.

(3) Weigh the empty container, including the top.

(4) Subtract the mass of the empty container from the mass of the unopened container. The resultant figure shall be considered to the net content.

8. *Classification of "Defectives".* A container which fails to meet the final product requirements specified in subsection 3.5 shall be considered a "defective".

9. *Lot Acceptance.* A lot will be considered as meeting the final product and weight requirements of this standard when the total number of "defectives" as classified according to Annex A, does not exceed the acceptance number (c) of the appropriate sampling plan in the *Sampling Plans for Prepackeaged Foods* (AQL–6.5) (CAC/RM 42–1969), and when the average net contents of all containers examined is not less than the declared weight provided there is no unreasonable shortage in individual containers.

Annex A.—Defects Table for Sardines and Sardine-Type Products

Definition of defect	Classification		
	Serious	Major	Minor
Removal of head: Head incompletely removed:			
(a) A can containing more than 10 fish:			
More than 20% of fish		2	
Up to 20% of fish			1
(b) A can containing 10 or fewer fish:			
More than 2 fish		2	
2 fish			1
Ventral breaks:			
More than 40% of fish in a can having ventral breaks of half the length or more of the abdominal cavity	4		
30–40% of fish in a can with ventral breaks		2	
Broken or cracked flesh:			
>45% of the fish with broken or cracked flesh greater than ½ the width of the fish at the point of occurrence		4	
>25–45%		2	
15–25%			1
Colour of packing oil:			
Very brown (except smoked products)		2	
Slightly brown (except smoked products) or cloudy			1
Odour and flavour:			
Distinctly objectionable odour and flavour (e.g. metallic, rancid)	6		
Texture:			
Excessively mushy flesh (i.e. if the fish does not retain its shape after draining on a screen)		6	
Excessively tough or fibrous flesh		4	
Hard bones (not easily friable using thumb and forefinger)			1
Discoloration:			
Severe		2	
Slight or localized			1
Exuded water (oil packs only): Water content (expressed as % of net contents of can:			
>10–12% (if above 12% Section 6.1.4 applies)		4	
>8–10%		2	

Annex A.—Defects Table for Sardines and Sardine-Type Products—Continued

Definition of defect	Classification		
	Serious	Major	Minor
Defective Unit: A can shall be considered a defective if it has: (a) More than 4 points for defects classified as Serious; or (b) More than 8 points (oil packs) or 6 points (other packs) for defects classified as Major; or (c) More than a total of 10 points (oil packs) or 8 points (other packs) for defects in the combined classifications (including Minor)			

Interested persons may, on or before January 5, 1981, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 28, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80–34280 Filed 11–3–80; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 161

[Docket No. 80N–0385]

Frozen Lobsters, Rock Lobsters, Spiny Lobsters, and Slipper Lobsters; Intent To Establish Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Quick Frozen Lobsters" and to comment on the desirability and need for a U.S. standard of identity and/or quality for these foods. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for U.S. standards for these foods, FDA will not propose standards.

DATE: Comments by January 5, 1981.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA–305), Food and Drug

[1] See last paragraph of the section of this publication entitled "Introduction".

Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1155.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for frozen raw or cooked lobsters, rock lobsters, spiny lobsters, and slipper lobsters.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there are no U.S. standards for frozen lobsters, rock lobsters, spiny lobsters, or slipper lobsters.

Under the procedure prescribed in 21 CFR 130.6(b)(3), FDA is providing an opportunity for review and informal comment on the need for, and desirability of, standards for these foods, on the specific provisions of the Codex standard and additional or different requirements that should be included in U.S. standards, if established, and on any other pertinent points.

FDA advises that, in keeping with the current policy to limit the number of new regulations, if the comments received do not support the need for U.S. standards for these foods, no U.S. standards will be proposed. If this decision is reached, the Codex Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

It should be recognized that due to the large number of countries, often with diverse food regulations, which are associated with Codex, that certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, certain provisions of this Codex standard are potentially confusing to U.S. consumers. For example, Codex (6.1.1(i)) states that product derived from the genus *Homarus* shall be designated as "Lobsters." In 6.1.1(ii), Codex permits the use of the term "Crawfish" for species of the family *Palinuridae*. Furthermore, Codex (6.1.1(iii)) provides for the use of the terms "Slipper Lobster", "Bay Lobster", or "Sand Lobster" for product derived from species of the family *Scyllaridae*. Through long usage in this country, the unqualified term "Lobster" has become associated with a single species, namely *Homarus americanus* (sometimes referred to as "Maine lobster"). Therefore, contrary to the provisions of the Codex standard, other species of the genus *Homarus*, such as *Homarus gammarus* (*Homarus vulgaris*), would not be permitted to be marketed in the U.S. as "lobster", but must be designated by its common or usual name in this country. In the case of *Homarus gammarus*, the common or usual name in the U.S. would be "European lobster." Similarly, the unqualified term "Crawfish" is associated in the U.S. with certain freshwater crustaceans and, therefore, would not be permitted in the U.S. for labeling species of the marine family Palinuridae. With regard to the use of the terms "Bay Lobster" and "Sand Lobster", the agency does not have any information that these common names would be correctly associated with species of the family Scyllaridae by U.S. consumers. The common or usual name in the U.S. for species of this family is "Slipper Lobster", and in accordance with section 403(i)(1) of the act (21 U.S.C. 343(i)(1)), the product must be so designated on its label.

Interested individuals should be advised that similar inconsistencies between U.S. policies and regulations and Codex provisions may be found in Codex sections 6.2.2, 6.5, 6.6.1, and Annex A.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

CAC/RS 95–1978

Recommended International Standard for Quick Frozen Lobsters *

1. *Scope.* This standard applies to quick frozen raw or cooked lobsters, rock lobsters, spiny lobsters and slipper lobsters and to tails, and meat therefrom offered for direct consumption. It does not apply to specialty packs where the flesh of the lobsters, rock lobsters, spiny lobsters or slipper lobsters constitutes only a portion of the edible contents.

2. *Description.*

2.1 *Product Definition.*

2.1.1 Quick frozen lobsters, rock lobsters, spiny lobsters and slipper lobsters are obtained from the genus *Homarus* of the family Nephropidae and from the families Palinuridae and Scyllaridae.

2.1.2 Lobsters, rock lobsters, spiny lobsters and slipper lobsters of different varieties and products thereof shall not be packed together.

2.2 *Process Definition.*

2.2.1 The products can be: (i) "Raw"—not exposed to temperatures sufficiently high to coagulate the protein at the surface.

(ii) "Cooked"—heated for a period of time such that the thermal centre of the

* The title of this Standard in French and Spanish reads: "Langoutes, homards et cigales de mer surgelés" "Langostas, bogavantes y escilaros congelados rápidaments".

product reaches a temperature adequate to coagulate the protein.

2.2.2 The product, after any suitable preparation, shall be subjected to a freezing process and shall comply with the conditions laid down hereafter. The freezing process shall be carried out in appropriate equipment in such a way that the range of temperature of maximum crystallization is passed quickly. The quick freezing process shall not be regarded as complete unless and until the product temperature has reached −18°C (0°F) at the thermal centre after thermal stabilization. The product shall be maintained under such conditions as will maintain the quality during transportation, storage and distribution up to and including the time of final sale.

The recognized practice of repacking quick frozen products under controlled conditions followed by the reapplication of the quick freezing process as defined is permitted.

2.2.3 The product shall be quick frozen either in mass or in individual units. If individually quick frozen, the units shall be packed in such a way as to maintain their individual separation until the time of final sale.

2.3 *Presentation.* The products shall be presented in one of the following forms:

2.3.1 Whole.

2.3.2 Whole, split with head on. Split into two approximately equal halves down the centre line of the back. Clean with viscera removed.

2.3.3 Tail shell on. Intestinal tract removed and the cavity clean.

2.3.4 Tail meat. Shell off, intestinal tract removed. Each piece comprising:

(a) The whole of the tail; or

(b) A piece obtained by dividing the meat in a tail longitudinally into two pieces; or

(c) A piece obtained by dividing the meat in a tail transversely into not more than four pieces.

2.3.5 Meat. The meat, without shell, of any part of the lobster, rock lobster, spiny lobster or slipper lobster.

2.3.6 *Other Presentation.* Any other presentation of the product shall be permitted provided that it: (i) is sufficiently distinctive from other forms of presentation laid down in this standard;

(ii) meets all the other requirements of this standard;

(iii) is adequately described on the label to avoid confusing or misleading the consumer.

3. *Essential Composition and Quality Factors.*

3.1 *Raw Material.* Quick frozen lobsters, rock lobsters, spiny lobsters and slipper lobsters shall be prepared from clean, sound lobsters of species of the designated families (2.1.1) which are alive immediately prior to the commencement of processing and of a quality suitable for human consumption.

3.2 *Optional Ingredients.* Water utilized either for glazing, cooking or for freezing may contain:

(a) Salt.

(b) Lemon Juice.

(c) Spices and Herbs.

3.3 *Final Product.*

3.3.1 Appearance.

—Easily separated without thawing when labelled as individually quick frozen.

—Colour generally uniform and characteristic of the species and habitat or areas from which harvested.

—In the case of the raw product, the flesh shall be white or pink as appropriate and translucent rather than opaque.

—In the case of the cooked product, the flesh shall be white or pink as appropriate with no translucence indicating undercooking.

—In the case of products in the shell, the shell shall be firm and unbroken as appropriate for the style of presentation.

—Tail meat and meat shall be practically free from shell, intestinal tract, viscera, blood or other extraneous material.

—All forms of presentation shall be free from foreign material and practically free from dehydration (freezer-burn), blackening or other abnormal discoloration.

3.3.2 Odour and Flavour. After thawing and, where applicable, cooking by steaming or boiling as set out in sub-section 7.5, the products shall have a good characteristic odour and flavour and shall be free from objectionable odours or flavours of any kind.

3.3.3 Texture. The meat of lobsters, rock lobsters, spiny lobsters and slipper lobsters shall be relatively firm and not mushy or gelatinous. Texture will be assessed only after thawing in accordance with the procedure as set out in sub-section 7.4 or where appropriate after cooking as set out in sub-section 7.5.

3.3.4 Glazing. The products may be glazed either individually or in bulk. When glazed the coating of ice shall cover the lobster so as to minimize dehydration and oxidation. The water used in glazing shall be of potable quality. Standards for potability shall be not less than those contained in the "International Standards for Drinking Water", World Health Organization (latest edition) or shall be clean sea water with the same microbiological standards as potable water and free from objectionable substances. Any ingredient or additive as listed in sub-section 3.2 and section 4 respectively used for glazing shall fulfill the hygienic requirements of section 5.

3.3.5 Defects and Tolerances. The products in the various forms of presentation shall comply with the definition and essential quality factors as set forth in this standard, subject to tolerance allowances as defined in Annex B and set out in Annex C–I to III.

4. *Food Additives.*

	Maximum level in the final product
Salts (drip-loss prevention): Triphosphate, pentasodium or pentapotassium or calcium (Na, K or Ca tripolyphosphates) singly or in combination.	5 g/kg expressed as P_2O_5.
Polyphosphate, sodium (Na hexametaphosphate) singly or in combination.	Do.
Preservatives: Sulphite, bisulphite or metabisulphite, sodium or potassium for use in the raw product only, singly or in combination.	100 mg SO_2/kg raw product; or 30 mg SO_2kg cooked product.
Antioxidants: Ascorbates, sodium or potassium salts.	0.1% m/m expressed as ascorbic acid.

5. *Hygiene.*

5.1 It is recommended that the products covered by the provisions of this standards be prepared and handled in accordance with the following Codes: (i) the appropriate sections of the *Recommended International Code of Practice—General Principles of Food Hygiene* (CAC/RCP 1–1969);

(ii) the *Recommended International Code of Practice for Frozen Fish* (CAC/RCP 16–1978);

(iii) the *Code of Practice for Lobsters* (under elaboration).

5.2 To the extent possible in good manufacturing practice, the product shall be free from objectionable matter.

5.3 When tested by appropriate methods of sampling and examination, the *raw* product:

a. Shall be free from micro-organisms in amounts which may represent a hazard to health;

b. Shall be free from parasites which may represent a hazard to health; and

c. Shall not contain any substances originating from micro-organisms in amounts which may represent a hazard to health.

5.4 When tested by appropriate methods of sampling and examination, the *heat treated* product:

a. Shall not contain any pathogenic micro-organisms; and

b. Shall not contain any substances originating from micro-organisms in

amounts which may represent a hazard to health.

6. *Labelling.* In addition to Sections 1, 2, 4 and 6 of the *Recommended International General Standard for the Labelling of Prepackaged Foods* (CAC/RS 1–1969) the following specific provisions apply:

6.1 *Name of the Food*

6.1.1 The product shall be designated: (i) Lobster if derived from the genus *Homarus;*

(ii) Rock Lobster, Spiny Lobster or Crawfish if derived from species of the family Palinuridae;

(iii) Slipper Lobster or Bay Lobster or Sand Lobster if derived from species of the family Scyllaridae.

6.1.2 The form of presentation shall be declared as follows:

(i) *whole:* lobster, rock lobster, spiny lobster, crawfish, slipper lobster, bay lobster, sand lobster;

(ii) *whole, split with head on:* split lobster, split rock lobster, split spiny lobster, split crawfish, split slipper lobster, split bay lobster or split sand lobster;

(iii) *tail:* lobster tail, rock lobster tail, spiny lobster tail, crawfish tail, slipper lobster tail, bay lobster tail, or sand lobster tail;

(iv) *tail meat:* lobster tail meat, rock lobster tail meat, spiny lobster tail meat, crawfish tail meat, slipper lobster tail meat, bay lobster tail meat, or sand lobster tail meat. (If tail in one piece, product may be designated lobster tail meat (whole), rock lobster tail meat (whole), spiny lobster tail meat (whole), crawfish tail meat (whole), slipper lobster tail meat (whole), bay lobster tail meat (whole), or sand lobster tail meat (whole));

(v) *meat:* lobster meat, rock lobster meat, spiny lobster meat, crawfish meat, slipper lobster meat, bay lobster meat, or sand lobster meat.

6.1.3 If cooked the word "cooked" shall appear on the label.

6.1.4 (i) In addition there shall appear on the label the term "quick frozen" or "frozen" [1] whichever is customarily used in the country of sale to describe a product subjected to the freezing process as defined in sub-section 2.2.2.

(ii) Lobsters, rock lobsters, spiny lobsters and slipper lobsters in any form of presentation may be individually quick frozen, and in such case the labeling may be "individually quick frozen" or "individually frozen".[1]

6.1.5 In addition to the specified labelling designations above, the usual or common trade names of the variety may be used as an alternative so long as it is not misleading to the consumer in the country in which the product will be distributed.

6.1.6 If the product is produced in accordance with subsection 2.3.6 the label shall contain in close proximity to the name of the food such additional words or phrases that will avoid misleading or confusing the consumer.

6.2 *Weight and Count.*

6.2.1 If the product is labelled according to weight, all lobsters or tails in the container so designated must be within the declared weight range subject to the tolerance provided in the Annex C–II (page 14).

6.2.2 The product may be labelled by count provided that the actual count is in accordance with the number declared.

6.3 *List of Ingredients.* A complete list of ingredients shall be declared on the label in descending order of proportion; subsections 3.2(b) and (c) of the *Recommended International General Standard for the Labelling of Prepackaged Foods* (CAC/RS 1–1969) are applicable. When the product is glazed no specific label declaration shall be required unless the cooking and/or glazing water contains additives.

6.4 *Net Contents.*

6.4.1 The net contents shall be declared by weight in either the metric system ("Système international" units) or avoirdupois or both systems as required by the country in which the product is sold.

6.4.2 Where products have been glazed the declaration of net contents of the product shall be exclusive of the glaze.

6.5 *Name and Address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

6.6 *Country of Origin.*

6.6.1 The country of origin of the food shall be declared if its omission would mislead or deceive the consumer.

6.6.2 When the product undergoes further processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

6.7 *Lot Identification.* Each container shall be permanently marked in code or in clear to identify the producing factory and the lot.

7 *Methods of Sampling, Analysis and Examination.* The methods of sampling and analysis described hereunder are international referee methods.[2]

7.1 *Sampling for Destructive Examination* (to be endorsed by the Codex Committee on Methods of Analysis and Sampling).

Sampling of lots for examination of the product shall be in accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (AQL–6.5) (CAC/RM 42–1969).

(i) The sample unit for examination of the deglazed products in forms of presentation 6.1.2 (i), (ii) and (iii) for tolerances for physical defects in accordance with Annex C shall be one whole lobster or lobster tail.

In the case of forms of presentation 6.1.2 (i), (ii) and (iii), the lot size (N) on which the number of sample units (n) and the acceptance number (c) will be based, will comprise the total number of units, whether whole lobsters or tails, or in the case of splits, half lobsters, and shall be arrived at by multiplying the total number of containers in the lot by the average number of units in each container.

The number of containers from which these sample units will be taken will be established in accordance with the Sampling Plan, and shall equate to the recommended sample size which would apply to the actual number of containers comprising the lot, had the container been regarded as the sample unit.

(ii) The sample unit size for examination of tail meat, or meat in forms of presentation 6.1.2 (iv) and (v) shall be 500 g (1 lb) of meat or tail meat.

7.2 *Sampling for Non-Destructive Physical Examination.* (To be endorsed by the Codex Committee on Methods of Analysis and Sampling).

This alternative method of sampling, analysis and examination may be applicable to forms of presentation 6.1.2 (ii) and (iii) where physical defects as outlined in Defect Table III of Annex C can be determined without the need to examine destructively by thawing the product. The sample unit shall be one split lobster or lobster tail.

Sampling of lots for examination of the product shall be in accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (AQL–6.5) (CAC/RM 42–1969).

The lot size (N) will comprise the total number of units, whether splits or tails, and shall be arrived at by multiplying the total number of containers in the lot by the average number of units in each container. The number of sample units (n) and the acceptance number (c) will be derived from the Sampling Plan but will relate to the numbers given for the next higher lot size. The number of containers from which these sample units will be taken will be established in accordance with the Sampling Plan, and

[1] "Frozen": This term is used as an alternative to "quick frozen" in some English speaking countries.

[2] See last paragraph of the section of this publication entitled "Introduction".

shall equate to the recommended sample size which would apply to the next higher lot size above the actual number of containers comprising the lot, had the container been regarded as the sample unit.

In addition, one sample unit (subsection 7.1(i) above) from each container shall be subject to destructive analysis as set out in Defect Table I of Annex C. Furthermore, any sample unit being subjected to non-destructive physical examination as set out in Defect Table III not classed as a defective but which scores more than 2 points for defects classified as serious, major or minor, singly or combined, shall be subject to destructive analysis as set out in Defect Table I of Annex C.

Sample units classed as defectives after either examination will be so classified in determining whether the lot meets the final product requirements of this standard.

7.3 *Determination of Net Contents of Products Covered by Glaze.* As soon as a package is removed from low temperature storage open immediately and place the contents under a gentle spray of cold water. Agitate carefully so that the product is not broken. Spray until all ice glaze that can be seen or felt is removed. Remove adhering water by the use of a paper towel and weigh the product in a tared pan.

Note: Storage of the product may cause or contribute to a low net weight (whether or not the product has been glazed).

7.4 *Thawing of Meat* (CAC/RM 40–1971). A sample is thawed by enclosing it in a film type bag and immersing in an agitated water bath held at approximately 20°C (68°F). The complete thawing of the product is determined by gently squeezing the bag occasionally, so as not to damage the texture of the product, until no hard core or ice crystals are felt.

7.5 *Cocking Procedures.*

7.5.1 Steaming—Steam the sample in a closed dish of an appropriate size over boiling water until the internal temperature of the product reaches 70°C (160°F). The dish should be covered and should be kept in a water bath at 60°C (140°F) during testing.

7.5.2 Boiling in Bag—Place the sample into a boilable film-type pouch and seal. Immerse the pouch and its contents into boiling water and cook until the internal temperature of the product reaches 70°C (160°F). Remove the boiled product from the pouch and drain.

7.6 *Examination of Physical Defects.* Subject to the provisions of sub-section 7.1 each sample unit shall be examined for physical defects set out in Annex C.

7.7 *Sensory Examination.* Sensory assessment shall be made only by trained persons and shall take place after the sample has been thawed in accordance with sub-section 7.4 or where applicable cooked in accordance with sub-section 7.5.

8. *Classification of Infectives.* A sample unit which fails to meet one or more of the following requirements shall be considered a "defective":

(a) The quality requirements for the final product subject to the tolerance for physical defects per sample unit as shown in Annex C.

(b) Appearance (sub-section 3.3.1).

(c) Odour and flavour (sub-section 3.3.2).

(d) Texture (sub-section 3.3.3).

9. *Lot Acceptance.* A lot will be considered as meeting the final product requirements of this standard when the total number of "defectives" does not exceed the acceptance number (c) of the appropriate Sampling Plan (AQL–6.5) in the Sampling Plans for Prepackaged Foods (CAC/Rm 42–1969) when the average net contents of all sample units examined are not less than the specified minimum, and when the size of the lobsters complies with the declared count.

Annex A

The traditional practice followed in several countries of designating *Nephrops norvegicus* as Norway lobster and similarly qualified names is recognized and nothing in the standard shall prevent this practice continuing provided due precautions are taken in the labelling of the product to ensure that the consumer in those countries will not be misled.

Annex B

Definitions of Defects of Lobsters

Damaged—broken telson, cuts or scars penetrating the shell, crushed or cracked shell.

Dehydration—exposed surface areas of meat which have a whitish appearance or dryness affecting texture or palatibility.

Abnormal colouration—colouration of meat or of the menbrane on the underside of the tail that deviates from the natural colour.

Soft shell—the shell is easily flexed by hand.

Opacity—the raw meat is not characteristically translucent.

Incomplete removal of intestines—any portion of intestine or content remaining.

Shell fragments—perceptible pieces of shell.

Annex C-I—*Defect Table I—Whole, Split, Tail-shell on Destructive Analysis*

[A sample unit is 1 whole lobster, 1 half lobster, or 1 lobster tail]

Defect	Serious	Major	Minor
Damaged:			
(i) Crushed		2	
(ii) Other than crushed			1
Dehydration:			
10–20% of exposed surface area		2	
>20% of exposed surface area	4		
Abnormal colour (area affected):			
(i) Whole lobsters <900 g (2 lb), or tail units <300 g (10):			
(a) 1–2.25 cm^2		2	
(b) Over 2.25 cm^2	6		
(ii) Whole lobsters over 900 g (2 lb), or tail unit over 300 g (10 oz):			
(a) 1–2.25 cm^2			1
(b) 2.25–5 cm^2		2	
(c) Over 5 cm^2	6		
Soft shell		2	
Opacity		2	
Incomplete removal of intestine	4		
Texture (cooked state):			
(i) Tough or fibrous	4		
(ii) Mushy or gelatinous	6		
Objectionable odour—raw	4		
Objectionable odour/flavour—cooked	6		

A sample unit shall be considered a defective if it has:

(a) More than 4 points for defects classified as serious; or

(b) More than a total of 6 points for defects in the combined classifications of serious and major; or

(c) More than a total of 8 points for defects in the combined classifications including minor.

Annex C-II.—*Defect Table II—Tail Meat and Meat Destructive Analysis*

[A sample unit is 500 g of meat or tail meat]

Defect	Serious	Major	Minor
Dehydration—cooked and raw meat (percent affected by weight):			
10–20		2	
>20	4		
Abnormal colour of meat (percent affected by weight):			
(i) Light discolouration:			
10			1
>10		2	
(ii) Dark discolouration 10% or more	4		
Incomplete removal of intestine, blood, and viscera (percent affected by weight):			
Tail meat only 10		2	
Tail meat only >10	4		
Shell fragments and extraneous material (No. of pieces/sample unit):			
1 piece			1
2–3 pieces		2	
>3 pieces	4		
Opacity—raw tail meat only (percent affected by weight):			
5		2	
>5	4		
Texture—cooked meat only (percent affected by weight):			
(i) Tough or fibrous—10		2	
Tough or fibrous >10	4		
(ii) Mushy or gelatinous meat 5	4		
Mush or gelatinous meat >5	6		

Annex C-II.—*Defect Table II—Tail Meat and Meat Destructive Analysis*—Continued

[A sample unit is 500 g of meat or tail meat]

Defect	Serious	Major	Minor
Objectionable odour—raw meat only		4	
Objectionable flavour or odour—cooked meat only		6	

A sample unit shall be considered a defective if it has:

(a) More than 4 points for defects classified as serious; or

(b) More than a total of 6 points for defects in the combined classifications of serious and major; or

(c) More than a total of 8 points for defects in the combined classifications including minor.

Tolerance for Uniformity—Applicable to Forms of presentation 2.3.1, 2.3.2 and 2.3.3.

The average weight of lobsters in a container determined by dividing total weight of lobster by number, must be within designated weight range. No more than 10% of lobster by number may be outside the designated size range.

Annex C-III.—*Defect Table III—Split, Tail-Shell on Non-Destructive Physical Analysis*

[A sample unit is 1 half lobster or 1 lobster tail]

Defect	Serious	Major	Minor
Damaged:			
(i) Crushed		2	
(ii) Other than crushed			1
Dehydration:			
10–20% of exposed surface area		2	
20% of exposed surface area	4		
Abnormal colour (area affected):			
(i) Split lobsters<450 g (1 lb), or tail units <300 g (10 oz):			
(a) 1–2.25 cm^2		2	
(b) Over 2.25 cm^2	6		
(ii) Split lobsters over 450 g (1 lb), or tail units over 300 g (10 oz):			
(a) 1–2.25 cm^2			1
(b) 2.25–5 cm^2		2	
(c) Over 5 cm^2		2	
Opacity: A sample unit shall be considered a defective if it has: (a) More than 4 points for defects classified as serious; or (b) More than a total of 6 points for defects in the combined classifications of serious and major; or (c) More than a total of 8 points for defects in the combined classifications including minor.			

Interested persons may, on or before January 5, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 28, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80–34281 Filed 11–3–80; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF STATE

22 CFR Part 11

[Docket No. SD–157]

Appointment of Foreign Service Officers

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes to amend the regulations on appointment of Foreign Service Officers.

The current regulations, published at 22 CFR Chapter I, Part 11 have become obsolete in several respects. Because the next written examination for Foreign Service Officer Career Candidates will be given on December 6, 1980, the public comment period will be limited to 25 days from the date of publication in the **Federal Register.**

DATE: Comments must be received on or before November 27, 1980.

ADDRESS: Send written comments to: Richard G. Johnson, Deputy Examiner, Board of Examiners, Office of Recruitment, Examination and Employment, Bureau of Personnel, Department of State, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Richard G. Johnson, (202) 235–9230.

SUPPLEMENTARY INFORMATION: The proposed amendments relate primarily to the eligibility of candidates to take the oral examination, and to procedures for background investigation and medical examination of candidates who pass both the written and oral examinations.

22 CFR § 11.3(b) now provides that if a candidate's weighted average on the written examination is 70 or higher, the candidate will be eligible, and will be given an opportunity, to take the oral examination within a specified time. This provision is unduly rigid as to both passing score and entitlement to oral examination. The resources of the Department may be inadequate to provide oral examinations to all who achieve a passing score on the written examination, or the number of candidates passing the written examination may so far exceed the needs of the Foreign Service that it would be fruitless to offer all of them oral examinations. The proposed amendment would eliminate this rigidity. No decision has been made at this time whether any distinction will be made as between the written examination scores of minority and non-minority candidates in establishing eligibility for the oral examination or the assessment center (hereinafter referred to as the oral examination). The amendment, however, would permit this to be done if that decision is made after consideration of public comment and consultation with the organization representing Foreign Service employees of the Department.

22 CFR § 11.3(c)(4) now provides that a background investigation shall be conducted of candidates who have been recommended for appointment by an oral examination panel to determine loyalty to the United States and attachment to the principles of the Constitution. Under current practice, the investigation also considers a candidate's suitability for appointment to the Foreign Service. Investigation of all recommended candidates may not be feasible within available resources, and there may be more recommended candidates than are necessary to meet the needs of the Foreign Service. The proposed amendment would describe the investigation more accurately and make clear that not all recommended candidates will necessarily be investigated.

22 CFR § 11.4(a) now provides that any candidate recommended as a result of oral examination will be eligible for a physical examination. Since not all recommended candidates will necessarily be given physical examinations because of resource limitations and possible excess of candidates over openings, the proposed amendment would make clear that eligibility for medical examination (the current term) is based upon the needs of the Foreign Service

Finally, sections 206(a) and 301(b) of the Foreign Service Act of 1980, enacted October 17, 1980, restate the authority for these regulations as presently contained in sections 302 and 517 of the Foreign Service Act of 1946. These new provisions of law will provide the authority for these regulations from and after February 15, 1981. Since anyone who takes the Foreign Service written examination after the effective date of these regulations will be appointed

under the new Foreign Service Act, these regulations provide notice of the appointment process that will be applicable on and after February 15, 1981.

Accordingly, it is hereby proposed, under the authority of sections 302 and 517 of the Foreign Service Act of 1946, as amended (22 USC § 842 and § 911), and section 4 of the Act of May 26, 1949 (22 USC § 2658), to amend 22 CFR Part 11 to read as follows:

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICER CAREER CANDIDATES

Sec.

11.1. Eligibility for appointment as Junior Foreign Service Office Career Candidate.
11.2. Written examination for appointment to class 6, 5 or 4.
11.3. Oral examination for appointment to class 6, 5 or 4.
11.4. Medical examination for appointment to class 6, 5 or 4.
11.5. Final review panel.
11.6. Certification for appointment to class 6, 5 or 4.
11.7. Termination of eligibility.
11.8. Travel expenses.
11.11. Mid-Level Foreign Service Officer Career Candidate Program. (To be supplied later.)
11.12. Senior Foreign Service. (To be supplied later.)

Authority: Foreign Service Act of 1946, as amended, § 302, § 517 (22 U.S.C. § 842, § 911); Act of May 26, 1949, 4 (22 U.S.C. § 2658).

Note.—Effective February 15, 1981, the above-cited sections of the Foreign Service Act of 1946 will be superseded by sections 206(a) and 301(b) of the Foreign Service Act of 1980.

§ 11.1 Eligibility for appointment as Junior Foreign Service Officer Career Candidate.

(a) *General considerations.* Junior Foreign Service Officer Career Candidates must be citizens of the United States, and must pass such written, oral, physical, foreign language and other examinations as the Secretary may prescribe. The fact that an applicant is a veteran or a disabled veteran shall be given affirmative consideration. Appointments shall be made in accordance with merit principles as defined in section 102(8) of the Foreign Service Act of 1980. Applicants shall be free from discrimination on the basis of race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation, in accordance with section 2302(b)(1) of Title 5, United States Code. An appointee must complete a trial period of service, not to exceed five years, in Career Candidate status, and be found by a Commissioning and Tenure Board established under section 306(b) of the Foreign Service Act of 1980 to have the requisite fitness and aptitude for the work of the Foreign Service before being given a career appointment. Career Foreign Service Officer appointments are conferred by the President, by and with the advice and consent of the Senate.

(b) *Entry levels.* At the time of initial appointment, a Junior Foreign Service Officer Career Candidate will be assigned by the Secretary to an appropriate salary class. Assignments will be to class 6, 5 or 4 of the Foreign Service Schedule prescribed pursuant to section 403 of the Foreign Service Act of 1980.

§ 11.2. Written examination for appointment to class 6, 5 or 4.

(a) *When and where given.* The written examination will be given at least annually in designated cities in the United States and at Foreign Service posts on dates established by the Board of Examiners and publicly announced.

(b) *Designation to take written examination.* Prior to each written examination, the Board of Examiners will establish a closing date for the receipt of applications for designation to take the examination. No person will be designated for the examination who has not, as of that closing date, filed an application with the Board. To be designated for the written examination, an applicant, as of the date of the examination, must be a citizen of the United States and at least 20 years of age.

(c) *Content.* The written examination is designed to permit the Board of Examiners to test the applicant's intelligence, breadth and quality of knowledge, and understanding.

(d) *Grading.* The several parts of the written examination are weighted in accordance with the criteria established by the Board of Examiners.

§ 11.3. Oral examination for appointment to class 6, 5, or 4.

(a) *When and where given.* The oral examination cycle will be held each year in Washington, D.C., and in selected cities in the United States.

(b) *Eligibility.* (1) *Through Written Examination:* If the candidates's weighted average on the written examination is at or exceeds the passing level set by the Board of Examiners on the basis of the needs of the Foreign Service, including Affirmative Action requirements, and the number of anticipated openings, the candidate will be eligible for selection for the oral examination. Candidates who are found by the Board of Examiners to be eligible for the oral examination will be notified of the period of time after the date of the written examination, as determined by the Board of Examiners, within which the oral examination must be conducted. That period will normally be 1 year but may be extended or shortened in special circumstances. The candidacy of anyone whose candidacy has not been extended, and who has not again passed the written examination in the meantime, will be terminated 2 years after the end of the month in which the written examination was held. Time spent outside the United States and its territories, for reasons acceptable to the Board of Examiners, will not be counted against this 2-year period. The candidacy of anyone for whom the 2-year period is extended because of being abroad will be terminated automatically if the candidate fails to appear for the oral examination within 3 months after first returning to the United States. If a candidate fails to appear for the oral examination on an agreed date within the period of eligibility, the candidacy will automatically terminate.

(2) *Through Affirmative Action:* Members of the minority and groups specified by the Equal Employment Opportunity act of 1972, as ameded, may be selected by the Board of Examiners for admission to the oral examination without having taken the written examination, in accordance with the Department's Affirmative Action Program. Such candidates must be at least 21 years of age and citizens of the United States and must have earned at least a bachelor's degree from an accredited college or university.

(c) *Examining Panel.* The oral examination will be given by a panel of deputy examiners approved by the Board of Examiners from a roster of Foreign Service Officers, officers from the Department of State, and other Government agencies, and qualified private citizens who by prior service as members of selection boards or through other appropriate activities have demonstrated special qualifications for this work. Service as deputy examiners shall be limited to a maximum of 5 years, unless a further period is specifically authorized by the Board. Examination panels shall be chaired by a career officer of the Foreign Service.

(d) *Purpose.* The oral examination will be designed to determine the candidate's competence to perform the work of a Foreign Service Officer at home and abroad, potential for growth in the Foreign Service, and suitability to serve as a representative of the United States abroad. Determinations of duly constituted panels of deputy examiners

are final, unless modified by specific action of the Board of Examiners.

(e) *Grading.* Candidates appearing for the oral examination will graded numerically according to standards established by the Board of Examiners. These grades will be advisory to the Final Review Panel in determining the candidate's standing on the rank-order register of eligibles. The candidacy of anyone who fails the oral examination is automatically terminated and may not be considered again until the candidate has passed a new written examination. An Affirmative Action candidate who fails the oral examination may not be considered again until 1 year after that date.

(d) *Background Investigation.* On the basis of the combined written examination and oral examination scores and the needs of the Foreign Service, including Affirmative Action requirements and the number of anticipated openings, the Board of Examiners will establish which candidates who have passed the earlier phases of the examination process will be selected for background investigation. The background investigation shall be conducted to determine suitability for appointment to the Foreign Service.

§ 11.4. Medical examination for appointment to class 6, 5 or 4.

(a) On the basis of the combined written examination and oral examination scores and the needs of the Foreign Service, including Affirmative Action requirements and the number of anticipated openings, the Board of Examiners will establish which candidates who have passed the earlier phases of the examination process will be selected for medical examination.

(b) The medical examination is designed to determine the candidate's physical fitness to perform the duties of a Foreign Service Officer on a worldwide basis and, for candidates and dependents, to determine the presence of any physical, nervous, or mental condition of such a nature as to make it unlikely that they would be able to function on a worldwide basis.

(c) The medical examination will be conducted by medical officers of the Armed Forces, the Public Health Service, the Department, accredited colleges and universities, or by private physicians.

(d) The Deputy Assistant Secretary for Medical Services will determine, on the basis of the report of the physician(s) who conducted the medical examination, whether the candidate and the candidate's dependents have met the standards set forth in paragraph (b) of this section.

(e) An Employment Review Committee, established under the Department's Affirmative Action Program for the handicapped, will review the case of any candidate or dependent who has been denied medical clearance for appointment and determine by majority vote whether or not the candidate should be appointed despite the medical disqualification.

§ 11.5. Final review panel.

After the results of the medical examination and background investigation are received, the candidate's entire file will be reviewed by a Final Review Panel, consisting of two or more deputy examiners of the Board of Examiners. Candidates who have passed the oral examination, have passed their medical examination, and who, on the basis of background investigation have been found to be suitable to represent the United States abroad, will have their names placed on a rank-order register for the functional specialty or specialties for which they have qualified. The candidacy of any candidate who is determined by the Final Review Panel to be unqualified for appointment shall be terminated and the candidate so informed.

§ 11.6. Certification for appointment to class 6, 5, or 4.

(a) A candidate will not be certified as eligible for appointment as a Foreign Service Officer Career Candidate of class 6 unless the candidate is at least 21 years of age, and a citizen of the United States. A candidate may be certified as eligible for direct appointment to class 5 or class 4 if the Board of Examiners determines that, in addition to meeting these requirements, the candidate has particular experience and education which demonstrate special ability and skills for which there is a need in the Foreign Service. Recommended candidates who meet these requirements will be certified for appointment, in accordance with the needs of the Foreign Service, in the order of their standing on their respective registers.

(b) The Board of Examiners may maintain separate rank-order registers for Career Candidates in administrative, consular, economic, and political affairs of the Department of State, as well as for Information Officer Career Candidates of ICA, Commercial Officer Career Candidates of the Department of Commerce and Career Foreign Service Officer Candidates of other agencies of the Federal Government. Appointments from each register will be made according to the needs of the Foreign Service.

(c) Qualified minority candidates who apply under the Affirmative Action Program may be placed on a separate rank-order register and offered appointments from that register to meet Affirmative Action hiring goals established by the Secretary.

(d) Postponement of entrance on duty for required active military service, or required alternative service, civilian Government service abroad (to a maximum of 2 years of such civilian service), or Peace Corps volunteer service, will be authorized.

(e) A candidate may be certified for appointment to class 6, 5 or 4 without first having passed an examination in a foreign language, but the appointment will be subject to the condition that the newly-appointed Career Candidate may not receive more than one promotion unless, within a specified period of time, adequate proficiency in a foreign language is achieved.

§ 11.7. Termination of eligibility.

(a) Candidates who have qualified but have not been appointed because of lack of openings will be dropped from the rank-order register 18 months after the date of placement on the rank-order register.

(b) Time spent in required active military service, or required alternative service, civilian Government service abroad (to a maximum of 2 years of such civilian service) or Peace Corps volunteer service, will not be counted as part of the 18-month eligibility period.

(c) The Board of Examiners may extend the eligibility period when such extension is, in its judgment, justified in the interests of the Foreign Service.

§ 11.8. Travel expenses.

The travel and other personal expenses of candidates incurred in connection with the written and oral examinations will not be borne by the Government, except that the Department may issue round-trip invitational travel orders to bring candidates to Washington, D.C. at Government expense when it is determined that this is necessary in ascertaining a candidate's qualifications for appointment.

October 27, 1980.

Clint A. Lauderdale,

Deputy Assistant Secretary for Personnel.

[FR Doc. 80-34378 Filed 11-3-80; 8:45 am]

BILLING CODE 4710-15-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[Army Reg. 340-21]

Personal Privacy and Rights of Individuals Regarding Personal Records

AGENCY: Department of the Army.

ACTION: Notice of proposed rule making.

SUMMARY: The Army proposes to amend the exemption rule for system of records A0201.08aDACS, entitled: Central Files, Office of the Chief of Staff (DACS-DAS), to delete the general exemptions claimed under the provisions 5 U.S.C. 552a(j)(2).

EFFECTIVE DATE: Comments must be received by December 4, 1980.

ADDRESS: Comments should be sent to Headquarters, Department of the Army, The Adjutant General's Office, Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Christian; telephone: (area code 202) 693-0973.

SUPPLEMENTARY INFORMATION: This proposed exemption rule will replace the existing rule for system of records A0201.08aDACS. The exemption rules for the Army are contained in 32 CFR 505.9.

Accordingly, it is proposed to amend § 505.9(b) of Title 32 of the Code of Federal Regulations by revising the exemption for system A0201.08aDACS to read as follows:

§ 505.9 Exemption rules for Army systems of records.

* * * * *

(b) * * *

EXEMPTED RECORD SYSTEMS

(Specific Exemptions)

ID—A0201.08aDACS.

SYSNAME—Central Files, Office of the Chief of Staff (DACS-DAS).

EXEMPTION—Portions of this system of records which fall within 5 U.S.C. 552a(k) are exempted from the following provisions of Title 5 U.S.C. Section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f).

AUTHORITY—5 U.S.C. 552a(k) (1), (2), (3), (4), (5), (6), (7).

REASONS—This system contains documents pertaining to any function or subject which may require involvement of the Department of the Army. Documents are generated by other elements of the Army or are received from other agencies and individuals. Because of the broad scope of the contents of this file and, since the introduction of documents included are largely unregulatable, the specific portions or documents in the system which may require an exemption cannot be predetermined. Therefore, and to the extent that such material is necessary to be maintained, selected individual documents may be exempted from disclosure under any of the provisions of subsection (k)(1) through (7), Title 5 U.S.C. 552a.

* * * * *

October 29, 1980.

M. S. Healy,

OSD Federal Register Liaison Office, Washington, Headquarters Services, Department of Defense.

[FR Doc. 80-34328 Filed 11-3-80; 8:45 am]

BILLING CODE 3710-08-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Rates; Rates to Argentina

AGENCY: Postal Service.

ACTION: Proposed international express mail rates to Argentina.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service proposes to begin International Express Mail Service with Argentina at rates indicated in the tables below. The proposed rates are scheduled to become effective on January 1, 1981.

DATE: Comments must be received on or before December 4, 1980.

ADDRESS: Written comments should be directed to the General Manager, Expedited Mail Services Division, Customer Services Department, U.S. Postal Service, Washington, DC 20260. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m. Monday through Friday in Room 5913, 475 L'Enfant Plaza West, SW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: George W. Screws (202) 245-5624.

SUPPLEMENTARY INFORMATION: Although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments and the Postal Service is exempted by 39 U.S.C. 410(a) from the advance notice requirement of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 533), the Postal Service invites interested persons to submit written data, views, or arguments concerning the proposed rates of postage for International Express Mail set out in the following tables (designated 8-18 and 8-19 for inclusion in Publication 42, International Mail, incorporated by reference, 39 CFR 10.1).

(39 U.S.C. 401, 403, 404(2), 407, 410(a) Universal Postal Convention, Lausanne, 1974, T.I.A.S. No. 8231, Art. 6)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

BILLING CODE 7710-12-M

ARGENTINA

INTERNATIONAL EXPRESS MAIL

Table 8-18

CUSTOM DESIGNED SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$29.04	$29.09	$29.14	$29.24	$29.34	$29.44	$29.54
2	31.88	31.96	32.05	32.19	32.33	32.48	32.63
3	34.72	34.83	34.96	35.14	35.32	35.52	35.72
4	37.56	37.70	37.87	38.09	38.31	38.56	38.81
5	40.40	40.57	40.78	41.04	41.30	41.60	41.90
6	43.24	43.44	43.69	43.99	44.29	44.64	44.99
7	46.08	46.31	46.60	46.94	47.28	47.68	48.08
8	48.92	49.18	49.51	49.89	50.27	50.72	51.17
9	51.76	52.05	52.42	52.84	53.26	53.76	54.26
10	54.60	54.92	55.33	55.79	56.25	56.80	57.35
11	57.44	57.79	58.24	58.74	59.24	59.84	60.44
12	60.28	60.66	61.15	61.69	62.23	62.88	63.53
13	63.12	63.53	64.06	64.64	65.22	65.92	66.62
14	65.96	66.40	66.97	67.59	68.21	68.96	69.71
15	68.80	69.27	69.88	70.54	71.20	72.00	72.80
16	71.64	72.14	72.79	73.49	74.19	75.04	75.89
17	74.48	75.01	75.70	76.44	77.18	78.08	78.98
18	77.32	77.88	78.61	79.39	80.17	81.12	82.07
19	80.16	80.75	81.52	82.34	83.16	84.16	85.16
20	83.00	83.62	84.43	85.29	86.15	87.20	88.25
21	85.84	86.49	87.34	88.24	89.14	90.24	91.34
22	88.68	89.36	90.25	91.19	92.13	93.28	94.43
23	91.52	92.23	93.16	94.14	95.12	96.32	97.52
24	94.36	95.10	96.07	97.09	98.11	99.36	100.61
25	97.20	97.97	98.98	100.04	101.10	102.40	103.70
26	100.04	100.84	101.89	102.99	104.09	105.44	106.79
27	102.88	103.71	104.80	105.94	107.08	108.48	109.88
28	105.72	106.58	107.71	108.89	110.07	111.52	112.97
29	108.56	109.45	110.62	111.84	113.06	114.56	116.06
30	111.40	112.32	113.53	114.79	116.05	117.60	119.15
31	114.24	115.19	116.44	117.74	119.04	120.64	122.24
32	117.08	118.06	119.35	120.69	122.03	123.68	125.33
33	119.92	120.93	122.26	123.64	125.02	126.72	128.42

NOTES: 1) Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a Designated Post Office.
2) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.
3) If tendered at origin airport mail facility, deduct $3.00 from these rates.

[FR Doc. 34279 Filed 11-3-80; 8:45 am]
BILLING CODE 7710-12-C

Table 8-19

ON DEMAND SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$18.74	$18.79	$18.89	$18.94	$19.04	$19.14	$19.24
2	21.58	21.66	21.80	21.89	22.03	22.18	22.33
3	24.42	24.53	24.71	24.84	25.02	25.22	25.42
4	27.26	27.40	27.62	27.79	28.01	28.26	28.51
5	30.10	30.27	30.53	30.74	31.00	31.30	31.60
6	32.94	33.14	33.44	33.69	33.99	34.34	34.69
7	35.78	36.01	36.35	36.64	36.98	37.38	37.78
8	38.62	38.88	39.26	39.59	39.97	40.42	40.87
9	41.46	41.75	42.17	42.54	42.96	43.46	43.96
10	44.30	44.62	45.08	45.49	45.95	46.50	47.05
11	47.14	47.49	47.99	48.44	48.94	49.54	50.14
12	49.98	50.36	50.90	51.39	51.93	52.58	53.23
13	52.82	53.23	53.81	54.34	54.92	55.62	56.32
14	55.66	56.10	56.72	57.29	57.91	58.66	59.41
15	58.50	58.97	59.63	60.24	60.90	61.70	62.50
16	61.34	61.84	62.54	63.19	63.89	64.74	65.59
17	64.18	64.71	65.45	66.14	66.88	67.78	68.68
18	67.02	67.58	68.36	69.09	69.87	70.82	71.77
19	69.86	70.45	71.27	72.04	72.86	73.86	74.86
20	72.70	73.32	74.18	74.99	75.85	76.90	77.95
21	75.54	76.19	77.09	77.94	78.84	79.94	81.04
22	78.38	79.06	80.00	80.89	81.83	82.98	84.13
23	81.22	81.93	82.91	83.84	84.82	86.02	87.22
24	84.06	84.80	85.82	86.79	87.81	89.06	90.31
25	86.90	87.67	88.73	89.74	90.80	92.10	93.40
26	89.74	90.54	91.64	92.69	93.79	95.14	96.49
27	92.58	93.41	94.55	95.64	96.78	98.18	99.58
28	95.42	96.28	97.46	98.59	99.77	101.22	102.67
29	98.26	99.15	100.37	101.54	102.76	104.26	105.76
30	101.10	102.02	103.28	104.49	105.75	107.30	108.85
31	103.94	104.89	106.19	107.44	108.74	110.34	111.94
32	106.78	107.76	109.10	110.39	111.73	113.38	115.03
33	109.62	110.63	112.01	113.34	114.72	116.42	118.12

NOTES: 1) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRC 1649-8]

Approval and Promulgation of State Implementation Plans: Nebraska

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability and Advance Notice of Rulemaking.

SUMMARY: The State of Nebraska submitted State Implementation Plan (SIP) revisions for the Omaha carbon monoxide (CO), and Douglas, Cass and Sarpy County total suspended particulate (TSP) nonattainment areas, as required by the Clean Air Act Amendments of 1977, on September 25, 1980. Interested persons are invited to examine the Nebraska SIP revisions and submit comments. Comments are also solicited on what EPA's final action should be.

EPA's proposed action on the submitted SIP revisions will appear in a Notice of Proposed Rulemaking, to be published at a later date.

DATES: The period for receiving comments on the state's submittal and what EPAs final action should be will extend from this date of publication until 30 days after publication of the proposed rulemaking.

ADDRESSES: Comments should be addressed to Eloise Reed, Air Support Branch, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.

The Nebraska submittals may be examined during normal business hours at the above address and also at the following locations:

Environmental Protection Agency, Public Information and Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20460.

Nebraska Department of Environmental Control, 301 Centennial Mall, Lincoln, Nebraska 68509

Lincoln-Lancaster County Air Pollution Control Agency, 2200 St. Mary's Avenue, Lincoln, Nebraska 68502

Permits and Inspection Division, Housing and Community Development Department, 1819 Farnam, Room 402, Omaha, Nebraska 68102

Lincoln-Lancaster County Planning Commission, 55 South Tenth Street, Lincoln, Nebraska 68508

Omaha-Council Bluffs Metropolitan Area Planning Agency, 7000 West Center Road, Omaha, Nebraska 68106

FOR FURTHER INFORMATION CONTACT: Eloise Reed, (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: The SIP revisions were submmitted, as required by Section 172 of the Clean Air Act Amendments of 1977, to provide for the attainment of the National Ambient Air Quality Standards (NAAQS) in areas which are currently nonattainment.

This notice supersedes the Notice of Availability on the original final SIP submission for Omaha CO which was published on August 15, 1979, (44 FR 47777). No comments were received. A withdrawal notice appears separately in the **Federal Register.** The Omaha CO plan was originally submitted on May 8, 1979, and supplemented with a schedule for further plan develoment and air quality dispersion modeling on July 9, 1979. On September 20, 1979, Governor Charles Thone informed EPA that the plan was being revised further and requested that EPA take no formal action on the original plan. The purpose of this notice is to announce that the revisions have been formally submitted and are available for public inspection. The public is encouraged to make written comments. A description of the revisions and the proposed EPA action on the revisions will appear in the **Federal Register** as a notice of proposed rulemaking at a later date.

Dated: October 22, 1980.

Kathleen Camin,

Regional Administrator.

[FR Doc. 80-34332 Filed 11-3-80; 8:45 am]

BILLING CODE 6560-38-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 358 (Sub-No. 1)]

Change of Policy, Railroad Contract Rates; Standards and Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Withdrawal of proposed standards and termination of proceeding.

SUMMARY: On April 29, 1980 the Commission published for public comment (see 49 FR 28381) proposed standards and procedures for rail contract rates. Because recent legislation has rendered such standards unnecessary, they are being withdrawn and this proceeding is being terminated.

EFFECTIVE DATE: November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: In Ex Parte No. 358F, *Change of Policy, Railroad Contract Rates* (not printed), served November 9, 1978, and in a decision on reconsideration printed at 361 I.C.C. 205 (1979), the Commission adopted a policy of encouraging contract rates by rail carriers and shippers in appropriate circumstances. These decisions made clear that rail contract rates were not considered illegal *per se*, contrary to *dicta* in earlier proceedings.

By notice published in the **Federal Register** on April 29, 1980 the Commission invited comments on major contract rate issues. However, the Staggers Rail Act of 1980 provides for the filing of contract rates and provides appropriate guidelines. The legislation obviates the need for resolution of many of the issues raised in the notice. Accordingly, it is terminated and the request for comments published at 49 FR 28381 is withdrawn. The contract rates portion of the Act, Section 208, resolves many of the questions which have arisen concerning the filing of contracts. The Commission's rules at 49 C.F.R. §§ 1039.1–1039.4 concerning contract rates will be modified by separate notice.

This is not a significant action adversely affecting the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10321 and 10713, 5 U.S.C. 553)

Decided: October 23, 1980.

By the Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34321 Filed 11-3-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1109

[Ex Parte No. 324 (Sub-1)]

Standards and Expeditious Procedures for Establishing Railroad Rates Based on Seasonal, Regional, or Peak-Period Demand for Rail Service

AGENCY: Interstate Commerce Commission.

ACTION: Withdrawal of proposed rules.

SUMMARY: The Commission withdraws its earlier notice of proposed rulemaking at 45 Fed. Reg. 11142 (1980), which proposed changes in the Commission's rules at 49 C.F.R. 1109.10, which established standards and expenditious procedures designed to promote demand-sensitive railroad rates. The

proposed rules encouraged demand-sensitive rates to be filed. The Staggers Rail Act of 1980 has repealed the requirements for these regulations.

EFFECTIVE DATE: The earlier notice of proposed rulemaking is withdrawn effective November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The commission was formerly required by 49 U.S.C. 10727 to maintain standards and procedures to permit seasonal, regional, or peak-period demand rates for rail transportation. In response to this statutory mandate, the Commission adopted regulations at 49 CFR 1109.10 containing standards and expeditious procedures for establishing railroad rates based on seasonal, regional, or peak-period demand for rail service. However, these regulations did not encourage demand-sensitive rates to be filed. In recognition of that problem, the Commission issued a notice of proposed rulemaking at 45 Fed. Reg. 11142 (1980). The notice proposed several changes in the regulations at 49 CFR 1109.10.

Section 209 of the Staggers Rail Act of 1980 has recently repealed 49 U.S.C. 10727.

In response to Congress's repeal of the Commission's statutory mandate to maintain standards and procedures for demand-sensitive rates, the Commission now withdraws the earlier notice of proposed rulemaking which proposed changes in the regulations establishing these standards and procedures. The Commission is repealing the regulations themselves in a separate notice.

The notice of proposed rulemaking published at 45 Fed. Reg. 1142 (1980) is withdrawn effective November 4, 1980.

This decision does not significantly affect either the quality of the human environment or the conservation of energy resources.

Authority: Section 209, Staggers Rail Act of 1980.

Decided: October 23, 1980.

By the Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34320 Filed 11-3-80; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1109

[Ex Parte No. 327 (Sub-No. 1)]

Capital Incentive Rate Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Withdrawal of proposed rules.

SUMMARY: The Commission withdraws its earlier revised notice of proposed rulemaking at 44 FR 48732 (1979), which proposed changes in the Commission's rules at 49 CFR 1109.20, which established requirements and special procedures relating to railroad rate incentives for capital investment. The withdrawal is due to a repeal of the statutory requirement for these rules.

EFFECTIVE DATE: The earlier revised notice of proposed rulemaking is withdrawn effective on November 4, 1980.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 175–7656.

SUPPLEMENTARY INFORMATION: The Interstate Commerce Act at 49 U.S.C. 10729 formerly provided special conditions under which a railroad could establish a rate, classification, rule, or practice requiring a total capital investment of at least $1,000,000. Those conditions were designed to encourage the filing of such rates and to provide an incentive for capital investment. In response to that provision of the Interstate Commerce Act, the Commission adopted regulations at 49 CFR 1109.20 containing requirements and special procedures governing the filing and implementation of capital incentive rates.

The Commission later proposed extensive changes in the regulations at 49 CFR 1109.20. The changes were proposed in a revised notice of proposed rulemaking at 44 FR 48732 (1979).

Section 210(a) of the Staggers Rail Act of 1980 has recently repealed 49 U.S.C. 10729.

Section 210(b) of that Act provides for a phaseout of capital incentive rates established prior to October 1, 1980 under 49 U.S.C. 10729.

In response to Congress repeal of 49 U.S.C. 10729, the Commission now withdraws the earlier revised notice of proposed changes in the regulations establishing requirements and special procedures relating to capital incentive rates under 49 U.S.C. 10729. The Commission is repealing the regulations themselves in a separate notice.

The revised notice of proposed rulemaking published at 44 FR 48732 (1979) is withdrawn effective on November 4, 1980.

This decision does not significantly affect either the quality of the human environment or the conservation of energy resources.

(Sec. 210 of the Staggers Rail Act of 1980)

Decided: October 23, 1980.

By the Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34290 Filed 11-3-80; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1128

[Ex Parte No. 395]

Feeder Railroad Development Program

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In accordance with the provisions of Section 401 of the Staggers Rail Act of 1980, Pub. L. No. 96–448, October 14, 1980 (Rail Act), the Interstate Commerce Commission (Commission) is issuing these proposed regulations to establish guidelines concerning the implementation of the feeder railroad development program. This program requires railroads to sell certain rail lines under specific circumstances to a financially responsible person who applies for the acquisition of these lines. The purpose of this program is to provide shipper groups and communities with an alternative to inadequate rail service or abandonment and with an opportunity to preserve feeder lines prior to the total downgrading of such lines.

DATES: Comments on the proposed rules are due December 4, 1980. No extensions of time will be granted since the Act requires that regulations and procedures be promulgated within 60 days.

ADDRESS: An original and 15 copies of comments should be submitted to: Section of Finance, Room 5417, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard J. Schiefelbein, (202) 275–0826 or Ellen Hanson, (202) 275–7245.

SUPPLEMENTARY INFORMATION: These proposed rules establish procedures under which a financially responsible person may apply to the Commission to acquire certain rail lines pursuant to the requirements of section 401 of the Staggers Rail Act of 1980. This provision is restricted until October 1983 to lines that carried less than three million gross tons per mile the past year. The rules provide that when the Commission finds that either the public convenience and necessity permit or require the sale of the rail line, or the line appeared in Category 1 or 2 of a carrier's System Diagram Map, the Commission will

require the owning railroad to sell that line to a financially responsible applicant for not less than the greater of its net liquidation value or its going concern value. However, this selling price may not include the costs of employee protective arrangements which will be borne by the selling carrier. Additionally, the Commission shall, at the request of the acquiring party, and subject to payment of reasonable compensation, require the selling carrier to provide trackage rights to the acquiring party to allow reasonable interchange, or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by the acquiring party. For certain lighter density lines, the Commission will also, upon petition of the acquiring carrier, require the establishment of reasonable joint rates and divisions between the parties. While the Commission must require the selling carrier to protect the interests of employees, the acquiring party will be required to use, to the maximum extent practicable, the employees who normally worked on the line. The acquiring carrier may elect to be exempt from any of the provisions of Title 49 of the U.S. Code, except with respect to joint rates, but may not seek further exemptions once the sale has been ordered by the Commission. Further, this exemption election shall apply to any line abandoned during the 18 months prior to October 1, 1980 and subsequently acquired. If the purchasing carrier proposes to sell or abandon the line in the future, the original selling carrier shall have the right of first refusal to purchase the line. The owner of the acquired line may determine preconditions, such as subsidy payments, which the shippers must meet in order to obtain service. No additional preconditions to service may be imposed after the sale.

In accordance with the provisions of Section 401 of the Staggers Rail Act of 1980, Pub. L. No. 96–448, October 14, 1980 (Rail Act), the Interstate Commerce Commission (Commission) is issuing these proposed regulations to establish guidelines concerning the implementation of the feeder railroad development program. This program requires railroads to sell certain rail lines under specific circumstances to a financially responsible person who applies for the acquisition of these lines. The program covers: (1) any line of railroad for which the applicant can demonstrate that the special public convenience and necessity standards contained in section 401 permit or require the sale; or (2) any line of railroad that appears in category 1 or 2 of the carrier's System Diagram Map as potentially subject to abandonment but for which the carrier has not filed an application to abandon. For the first three years after the effective date of the Rail Act, however, the program is limited to those lines carrying less than 3 million gross ton miles of traffic per mile in the preceding calendar year. The purpose of this program is to provide shipper groups and communities with an alternative to inadequate rail service or abandonment and with an opportunity to preserve feeder lines prior to the total downgrading of such lines.

Notice

The financially responsible person proposing to acquire the railroad shall, at least 90 days prior to filing an application to acquire, notify the Commission, the Designated State Agency in the state(s) in which the line is located, the owning railroad, and the significant users of the line, of its intent to file an application. The term "significant users" means the 10 largest rail shippers on the line and any other rail users who shipped 50 or more carloads during the 12-month period preceding the notice. The notice must identify the applicant, summarize the essential terms to be contained in the application, state the reasons for proposing to acquire the line, and contain preliminary evidence of the financial responsibility of the applicant. The essential terms summary must include an estimate of the net liquidation value of the properties, including any appraisals. The applicant also must indicate that it is prepared to offer at least this amount to the owning railroad. The notice shall also state that interested parties may submit comments or recommendations to the Commission with respect to the notice and application, and further, that other interested and financially responsible parties may also propose to acquire the line. Finally, service of the notice shall be made by certified mail to the Commission, Designated State Agency, owning railroad, and significant users on the line, posted in each station on the line, and published in a local newspaper for 3 weeks. An affidavit must be filed with the notice certifying compliance with these notice procedures. The Commission will publish a summary of this notice in the **Federal Register.**

During the 90-day period between the notice and the application, the potential applicant and the carrier are required to meet and commence negotiations to acquire the subject property. It is the Commission's intention that both parties use this period to settle as many issues as possible between them, including willingness of the railroad to sell and the terms of the sale, or to reach any other resolution of the problems leading to the applicant's desire to purchase the line.

The notice period is also intended to alert potential participants to the proceeding about issues such as the quality of service on the line. This process assures that affected persons other than the one(s) seeking to buy the line are alerted to a possible change in the status of the line and have a voice in its disposition.

Finally, we anticipate that this program may affect the railroad's policy concerning how and when it places a line on its System Diagram Map. If a line is in category 1 or 2 on the map, but no application to abandon it has been filed, the Commission must require the railroad to sell the line to any financially responsible person wishing to buy it. We note that only a line that falls into categories 1 or 2 qualifies as a line placed on the System Diagram Map for purposes of this program. The Rail Act provides for this limitation by defining an eligible line as one which "has been placed on a system diagram map as required under section 10904 of this title". Section 10904 requires that a System Diagram Map include (1) a detailed descriptioin of those lines which are potentially subject to abandonment and (2) identification of those lines for which a carrier intends to file an abandonment application. Categories 1 and 2 are inclusive of these lines; lines for which a railroad intends to file an abandonment application fall under caterory 2. In addition, the Rail Act specifically excludes lines for which a railroad has filed an application to abandon. These lines fall under categories 3 and 4 of the railroad's System Diagram Map and accordingly are excluded.

Application

An application for acquisition of a railroad line shall include the name and address of the applicant and the proposed operator; the names and addresses of applicant's officers and directors; a list of any affiliations it has with a rail carrier; and information sufficient to establish applicant's financial responsibility. The application must also set out: the duration of proposed operation of the line; the transportation service to be provided, including a description of the line and all interline connections; the extent of applicant's and operator's liability insurance; and any precondition that shippers must meet to receive service.

No further preconditions on service may be imposed after the sale has been ordered without Commission approval, since parties to the proceeding may well have relied on the application in this regard in deciding what position to take.

The name and address of any person who will subsidize the operation must also be included. Information demonstrating the applicant's financial responsibility must substantiate that the applicant is capable of paying the Constitutional minimum value of the line. Therefore, not only must the applicant demonstrate an ability to pay the net liquidation value (NLV) of the line, but evidence must also be presented estimating the going concern value of the line and proving applicant's ability to pay that amount if necessary. This may be documented by income statements, balance sheets, and any other supporting information. The second criterion for proving financial responsibility is for the applicant to be able to assure that adequate transportation will be provided over the line for not less than a 3-year period, as required by the Act. Thus, an operating plan must be submitted that demonstrates the applicant's ability to meet this requirement. In addition, the applicant must demonstrate an ability to cover anticipated expenses associated with the operation of the line for the first three years of the line's proposed operation. Such expenses include, but are not limited to, operating costs, rents, and taxes. The application must also show that the applicant has attempted to negotiate the purchase of the line with the owning railroad, and the results of those negotiations. The applicant must also summarize the essential terms of its proposed offer to acquire, which shall include assurance that the Constitutional minimum value will be paid.

In addition, the applicant must indicate whether the line is in category 1 or 2 of the System Diagram Map (in which case a copy of the relevant portion of the map must be attached), or whether it will ask the Commission to find that the public convenience and necessity (PC&N) permit or require the sale of the line. If a finding of PC&N will be sought, the applicant must submit sufficient documentation and evidence to permit the Commission to make the following determinations:

(1) The rail carrier operating the line refused within a reasonable time to make the necessary efforts to provide adequate service to shippers who transport traffic over the line;

(2) The transportation over the line is inadequate for the majority of shippers who transport traffic over the line;

(3) The sale of the line will not have a significantly adverse financial effect on the rail carrier operating the line;

(4) The sale of the line will not have an adverse effect on the overall operational performance of the rail carrier operating the line; and

(5) The sale of the line will be likely to result in improved railroad transportation for shippers who transport traffic over the line.

We will also require applications to contain all the relief the applicant seeks from the Commission. Therefore, an application must contain, where desired, a request for trackage rights over the owning railroad that the acquiring party needs to allow reasonable interchange or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by the acquiring party. The application must also request any joint rates or divisions the Commission needs to establish. The regulations further require the application to indicate the extent to which the applicant will utilize the employees who normally perform the work associated with the line.

Finally, since the Rail Act permits the applicant to elect to exempt itself from any rail regulations (except those governing joint rates), the application must state from which provisions of Title 49, United States Code, applicant contemplates electing exemption. If a railroad line was abandoned between April 1, 1979 and October 1, 1980, and is subsequently acquired by a financially responsible person, that person may also elect an exemption from any rail regulations, other than those governing joint rates.[1] In either case, the regulations state that the acquiring party may not, subsequent to acquisition, elect exemptions not contained in the application, since parties to the proceeding may well have relied on the application in this regrd in deciding their position.

It must be emphasized that the Rail Act clearly states that "the burden of proving that the public convenience and necessity require or permit the sale of a particular railroad line is on the person filing the application to acquire such line." Therefore, the procedures established in these rules will permit the railroad, at its discretion, to respond to the evidence submitted by the applicant, but do not require the railroad to do so. Additionally, the regulations permit the applicant to make use of the Commission's discovery procedures for data or information essential to the applicant's case and exclusively in the carrier's control. (The Commission's procedures for discovery are set out in its General Rules of Practice, 49 CFR 1100.55). We recognize that applicant's burden is a difficult one. That is one reason why we provide a 90-day negotiating period, and we hope that this time will be used by both parties to settle many or all of the issues. If the parties cannot agree, or the railroad will not voluntarily sell the line, then we believe it fair and appropriate to impose such a burden on the applicant. We, of course, seek comment on this matter.

Additionally, the Commission reserves jurisdiction to issue a show cause order as to why the application should not be summarily dismissed if it believes the application constitutes harassment of the carrier. While we would expect to use this power sparingly, some circumstances may suggest a pattern of litigation that clearly constitutes harassment. Carriers should not be forced to bear the expense of defending themselves against such actions. Finally, if more than one application is filed to acquire the same properties, the Commission reserves the right to consolidate the conflicting applications, and render a single decision.

ICC Finding and Order

The procedures followed to arrive at the Commission's findings will vary depending on the circumstances reflected by the application. A simplified procedure will be followed when the applicant demonstrates that the line was placed in ctegory 1 or 2 of the System Diagram Map and that it carried less than 3 million gross ton miles of traffic per mile in the preceding calendar year. The Commission's determination will rest on verifying that: (1) the line is in category 1 or 2 of the railroad's System Diagram Map; (2) its volume in the preceding calendar year was less than 3 MGTM per mile; (3) it has not been filed for abandonment; and (4) the applicant is a financially responsible person. The Commission will accept or reject the application (with respect to its completeness), in 15 days. Comments on such matters as applicant's financial responsibility or the amount of traffic carried on the line shall be submitted within 30 days. Replies shall be filed within 30 days. Competing applications, which must comply with the same information

[1] This provision affects the exemption granted in Finance Docket No. 28990, *Common Carrier Status of States, State Agencies and Instrumentalities, and Political Subdivisions*, 363 I.C.C. 132 (1980). There, we exempted the operators of rail lines that had been abandoned (or approved for abandonment) and acquired by a State, from the statutory and regulatory requirements regarding start up and termination of operations. We will issue a separate notice explaining the impact of the Rail Act on that proceeding.

requirements as are imposed on the initial applicant, shall be filed within 30 days.

On the other hand, if the applicant seeks to acquire the line based on an assertion that PC&N require or permit the sale, the Commission will accept or reject the application for completeness within 30 days, and will conduct a hearing in order to substantiate, on the record, the facts in the case. The Commission believes that the hearing requirement of the statute may be satisfied by conducting either an oral or a "written hearing" (modified procedure). The proposed and interim rules reflect this flexibility. In order for the Commission to make a finding of PC&N, it must find first that each of the five statutory criteria have been proven. This burden of proof rests with the applicant.

Parties wishing to comment on the application must file a verified statement within 60 days after the application is filed. These verified statements must be served on the applicant, the railroad, the Commission, and any other parties of record. Verified replies to these statements must be filed no later than 75 days after the application date (that is, within 15 days of the close of the 60-day period for verified statements). After considering all the evidence, the Commission will either determine whether the applicant has successfully carried the burden of proving PC&N or, in the event that the statements do not contain sufficient evidence to allow a decision on the merits, set the proceeding for further oral or written hearing. If the Commission finds that PC&N require or permit the sale, or that the line fits the System Diagram Map requirements set out above, the Commission will order the line to be sold upon payment of the Constitutional minimum value. The Commission's order will also set forth the selling railroad's obligations regarding employee protection, and the purchaser's obligations concerning use of employees who would normally perform work associated with the line. The order will also contain decisions on any trackage rights, or related applications, including reasonable compensation, and on joint rates and divisions. The order will also reflect any preconditions that shippers must meet in order to be served by the acquiring carrier. If the Commission sets joint rates or division, we will follow the policy of setting such rates and divisions (as between the acquiring party and the owning railroad) at a level not lower than the level described in section 202 of the Rail Act that limits the Commission's jurisdiction to rates above certain cost/price ratios.

Whichever course is pursued—proof of PC&N or evidence that the line is on the System Diagram Map—the Commission may be asked to set the Constitutional minimum value of the line, which will be its selling price. This issue is discussed below.

Constitutional Minimum Value

The only guidance offered the Commisssion by the statute with respect to the purchase price of the line is that the price must be "not less than the Constitutional minimum value." The statute further says that that minimum value is presumed to be "not less than the net liquidation value [NLV] of such line or the going concern value [GCV] of such line whichever is greater." We invite comments on what methodology, if any, should be used to determine NLV and GCV, or whether parties should be free to submit whatever information they think persuasive in that regard.

As we have set up these regulations, we envision two different litigation paths by which the Commission may be required to set the selling price. If the line to be acquired has been placed on the carrier's System Diagram Map, then the only issue remaining is that of the selling price. If the parties cannot agree on the price, they may ask the Commission to set the price. If the line is not in category 1 or 2 on the System Diagram Map, then the acquiring party must bear the burden of proving that PC&N permit or require the sale. If the acquiring party successfully carries that burden, then the issue of the selling price again arises. Under this scenario, it is likely the Commission will be asked to set the price. We propose to fulfill this responsiblity in exactly the same way no matter which of the two paths is followed.

Specifically, we propose offering the parties a choice between two methods. As one option, either party may attempt to prove the net liquidation and going concern values of the line. The second option is for both parties to select "final offer arbitration." Each process is decribed below.

If the acquiring party chooses the route of proving the Constitutional minimum value, it must persuade the Commission of the accuracy and reliability of its data. The railroad may, but is not under the rules required to, reply to the assertions in this regard made by the applicant. However, the railroad would be required to respond to valid discovery requests designed to elicit information crucial to the applicant's case and not otherwise available to the applicant. We understand that this is a difficult burden for the applicant, but under the circustances we think it an appropriate one. Given the possiblity that this process may lead to the railroad being forced to sell a line it does not wish to sell, and given the further fact that the acquiring party has an option to pick the arbitration method instead, we think this difficult burden is fair. At the conclusion of the hearing process, the Commission's decision will, based on the evidence of record, set the Constitutional minimum value of the line and condition the sale on applicant's willingness and ability to pay that amount.

The other option—final offer arbitration—as we envision using it here, would, if selected, be binding on both parties. That means that the sale price selected by the Commission under the arbitration process must be accepted by both parties and, further, that the sale must be consummated at that price, unless both parties agree that the application should be withdrawn. The prospective buyer may not, without the consent of the owning railraod, back out of the process at this stage if the price set is higher than he hoped.

Before selecting the arbitration route, each party will be required to give the other a signed final offer. Only after the parties thus know the boundaries of the risk they assume by selecting binding arbitration do our rules require them to select arbitration or assume the burden of proving the Constitutional minimum value. Again, once the arbitration route is selected, the parties must consummate the sale at the amount picked by the Commission (who will act as the arbitrator). We think this is fair, given that unde the arbitration process both parties will know in advance of selecting the arbitration path what the other's final offer will be, and again, given that the applicant chose arbitration in lieu of assuming the burden of proving the Constitutional minimum value. If either party refuses to go to arbitration, the urden will, for the reasons discussed above, be on the applicant to prove the net liquidation and going concern values of the line.

The arbitration process itself is simple, and requires each party to submit one and only one final offer. That offer must be the same as the one exchanged prior to the arbitration process being selected, unless both parties agree to a change. In addition, each party must: (1) state its belief that the offer satisfies the statutory Constitutional minimum value requirements; (2) explain to what factors the difference in the amount of the two

bids is attributable; and (3) explain why its figure better meets the statutory requirements. As arbitrators, the Commission will pick one of the two numbers submitted by the parties. It will not modify them or pick some number in between. This process creates strong incentives for both parties to settle between themselves as many differencies as possible prior to the arbitration stage. By doing so, they reduce the discrepancy between their respective offers as much as possible, and define the boundaries of the risk they assume by going to binding arbitration.

The Commission invites comments on all of the issues raised by these rules.

(49 U.S.C. 10910)

It does not appear that this decision will significantly affect the quality of the human environment, or the conservation of energy resources. Comments on this subject are, however, invited.

Issued at Washington, D.C., October 23, 1980.

By the Commission: Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix A

Proposed Rules

Chapter X of Title 49 of the Code of Federal Regulations would be amended by adding the following Part 1128:

PART 1128—FEEDER LINE DEVELOPMENT PROGRAM

Sec.

1128.1 Purpose and scope.
1128.2 Notice of intent to purchase.
1128.3 Application to purchase.
1128.4 Procedures for handling an application for a line contained in category 1 or 2 of the Owning Carrier's System Diagram Map.
1128.5 Procedures for handling an application seeking a finding of public convenience and necessity.
1128.6 Commission order.

Authority: 49 U.S.C. 10910.

§ 1128.1 Purpose and scope.

(a) Section 401 of the Staggers Rail Act of 1980 provides for the purchases by a financially responsible person of certain rail lines. The requirements are that either the line appear in category 1 or 2 of the owning railroad's System Diagram Map (but the railroad has not filed an application to abandon it), or the public convenience and necessity, as specifically defined in Section 401, permit or require the sale of the line. Until October 1, 1983 the applicability of Section 401 is limited to lines that carried less than 3 million gross ton miles per mile in the preceding calendar year.

(b) Section 401 directs the Commission to prescribe within 60 days of enactment such regulations and procedures as are necessary to carry out the provisions of this Section.

This part sets forth rules as required by Section 401.

§ 1128.2 Notice of intent to purchase.

(a) A financially responsible person, as defined in 49 U.S.C. 10910(a)(1), who wishes to acquire a rail line pursuant to these procedures shall, at least 90 days prior to applying to the Commission for such purpose, notify the following persons or entities of its intent to purchase a line of railroad: the Interstate Commerce Commission; the Designated State Agency in the state(s) in which the property is located; the owning railroad; and all significant users of rail services located on the line. "Significant user" means (1) each of the 10 rail patrons who originated and/or received the largest number of carloads on the line (or each patron if there are less than 10), and (2) any other rail patron who originated and/or received 50 or more carloads on the line proposed for acquisition during the 12-month period preceding the month in which the Notice is filed.

(b) The Notice shall contain the following information: identity of the applicant, identification of the properties that the applicant wishes to purchase; the applicant's reasons for wishing to acquire the properties; and preliminary evidence of the applicant's financial responsibility. Additionally, the Notice must contain a summary of the essential terms to be contained in the application, including an estimate of the net liquidation value of the property (with appraisal, if available), and an indication that the acquiring party is prepared to offer at least that amount to the owning railroad. The Notice shall also state that any interested party may submit comments or recommendations to the Commission with respect to the Notice and application, and that other interested and financially responsible persons may also propose to acquire the property.

(c) Service of the Notice shall be made by certified mail to each party identified in subparagraph (a) above, and shall be posted in each station on the line and published in a local newspaper for 3 weeks. An affidavit shall be filed with the Notice stating that the service requirements of this subparagraph have been met. The Commission will publish a summary of the Notice in the **Federal Register.**

§ 1128.3 Application to purchase.

(a) Not less than 90 days after filing the Notice required § 1128.2 of these regulations, the party wishing to acquire the line may file an application with the Commission for the purchase of the rail properties described in the Notice.

(b) The Application shall contain the following information:

(1) The name and address of the proposed purchaser.

(2) The names and addresses of its officers and directors.

(3) A description of any affiliation with any railroad.

(4) Information sufficient to establish that the applicant is a financially responsible person as defined in 49 U.S.C. 10910(a)(1). In this regard, the applicant must demonstrate its ability:

(i) To pay the higher of the net liquidation value or going concern value of the line; and

(ii) To cover expenses associated with providing service over the line such as, but not limited to, operating costs, rents, and taxes for the first three years after acquisition of the line.

With regard to item (i) above, estimates of net liquidation and going concern values, and complete descriptions of the methods by which such calculations were made, must be included. An appraisal by a qualified person of the net liquidation value of the line must also be included.

(5) A copy of the offer to purchase the line at the higher of the two estimates submitted pursuant to sub-paragraph (4).

(6) The dates for the proposed period of operation of the line covered by the application.

(7) An operating plan that identifies the proposed operator; attaches any contract that the applicant may have entered into with the proposed operator; describes in detail the service that is to be provided on the line, including all interline connections; and demonstrates that adequate transportation will be provided over the line for at least three years from the date of acquisition.

(8) The extent of the applicant's and the operator's liability insurance.

(9) Any preconditions, such as assuming a share of any subsidy payments, that will be placed on shippers in order for them to receive service, and a statement that if the application is approved, no further preconditions will be placed on shippers without Commission approval.

(10) The name and address of any person(s) that will subsidize the operation of the line.

(11) A statement that the applicant has negotiated with the owning railroad for the purchase of the properties and a

report on the status of those negotiations.

(12) A statement that the applicant will seek a finding by the Commission that public convenience and necessity (PC&N) permit or require the acquisition or a statement that the line is currently in category 1 or 2 of the owning railroad's System Diagram Map. If the latter, a copy of the relevant portion of the map must be attached to the application. If the applicant seeks a finding of PC&N from the Commission, then the application must contain evidence sufficient to permit the Commission to find that:

(i) The rail carrier operating the line refused within a reasonable time to make the necessary efforts to provide adequate service to shippers who transport traffic over the line;

(ii) The transportation over the line is inadequate for the majority of shippers who transport traffic over the line;

(iii) The sale of the lines will not have a significantly adverse financial effect on the rail carrier operating the line;

(iv) The sale of the line will not have an adverse effect on the overall operational performance of the rail carrier operating the line; and

(v) The sale of the line will be likely to result in improved railroad transportation for shippers who transport traffic over the line.

With regard to item (i) above, the applicant's evidence should detail the nature of the claimed service inadequacy, the specific complaints of shippers on the line, the type of service requested, the owning railroads' responses to those requests, and the time period involved.

With regard to item (ii) above, the applicant should include identification of all significant users of the line, with estimates of the tonnage and carloads shipped or received by each, and statements from a majority of the users explaining why the present service is inadequate.

(13) The extent to which the applicant intends to elect exemption from any of the provisions of Title 49, United States Code, and a statement that if the application is approved, no further exemptions will be elected.

(14) A description of any trackage rights required over the owning railroad that are needed to allow reasonable interchange or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by the applicant, and an estimate of the reasonable compensation for such rights including a full explanation of how the estimate was reached.

(15) A description of any joint rates and divisions agreements that must be established, including a list of the railroads involved.

(16) The extent to which the owning railroad's employees who normally service the line will be used.

(17) If the application is filed before October 1, 1983, information sufficient to allow the Commission to determine that the line sought to be acquired carried less than 3,000,000 gross ton miles of traffic per mile in the preceding calendar year.

(c) The Commission may, if it finds that the circumstances of the application suggest a pattern of litigation that constitutes unfair harassment of the owning railroad, issue an order requiring applicant to show cause why that application should not be summarily dismissed.

§ 1128.4 Procedures for handling an application for a Line contained in category 1 or 2 of the Owning Carrier's System Diagram Map.

(a) Applications filed before October 1, 1983 seeking to acquire a line contained in category 1 or 2 of the owning carrier's System Diagram Map shall be subject to the following procedures:

(1) The Commission shall accept or reject an application with respect to its completeness within 15 days of its receipt.

(2) The railroad and other interested parties shall have 30 days to file comments on the application.

(3) Replies shall be filed within 15 days after comments are received.

(4) Competing applications, which must meet all the information requirements imposed on the initial applicant, shall be filed within 30 days of the application's receipt.

(5) When the Commission finds: (i) the information submitted demonstrates that the traffic level on the properties sought to be acquired was less than 3 million gross ton miles of traffic in the preceding calendar year; (ii) the line has been verified as currently classified in category 1 or 2 of the owning railroad's System Diagram Map; and (iii) the applicant is a "financially responsible person" as defined in 49 U.S.C. 10910(a)(1), it shall issue an order requiring that the rail properties in the application be sold to the applicant, upon payment by the applicant of the Constitutional minimum value of the properties, established in accordance with section 1128.7 of these regulations.

(b) For applications filed after October 1, 1983, the Commission shall follow the procedure described in (a) above, except that the requirement that the line have carried less than 3 million gross ton miles per mile in the preceding calendar year shall no longer apply.

§ 1128.5 Procedures for handling an application seeking a finding of public convenience and necessity.

(a) An application filed with the Commission seeking a public convenience and necessity finding shall be subject to the following procedures:

(1) The Commission shall accept or reject an application with respect to its completeness within 30 days of its receipt.

(2) The railroad and other interested parties wishing to comment shall file within 60 days of the filing date of the application their verified statements commenting on the application.

(3) Verified reply statements shall be filed no later than the 75th day after the filing date of the application.

(4) The applicant shall bear the burden of proving the following:

(i) the rail carrier operating the line covered by the application has refused within a reasonable time to make the necessary efforts to provide adequate service to shippers who transport traffic over the line;

(ii) the transportation over the line is inadequate for the majority of shippers who transport traffic over the line;

(iii) the sale of the line will not have a significant adverse financial effect on the rail carrier operating the line;

(iv) the sale of the line will not have an adverse effect on the overall operational performance of the rail carrier operating the line; and

(v) the sale of the line will be likely to result in improved railroad transportation for shippers who transport traffic over such line.

(5) If the Commission determines that the statements and the reply statements do not contain sufficient evidence to permit a decision on the merits, the Commission will set the proceeding for further oral or written hearing.

(6) If the Commission finds that the applicant has not successfully carried the burden of proof with respect to one or more of the matters covered by (A) through (E) above, the Commission shall deny the application.

(7) If the Commission finds that the applicant has successfully carried the burden of proof with respect to each of the matters covered by (A) through (E) above, it shall order the properties covered by the application to be sold to the applicant upon payment by the applicant of the Constitutional minimum value of these properties, established in accordance with section 1128.7 of these regulations.

§ 1128.6 Commission order.

(a) In any Commission decision that orders a line to be sold, the Commission will also address any related issues raised in the application.

(b) If trackage rights are sought in the application, the Commission shall, based on the evidence of record, set the adequate compensation for such rights, if the parties have not agreed to a price.

(c) If the application requires the Commission to set joint rates or divisions, the Commission shall do so, based on the evidence of record in the proceeding. Unless specifically requested to do so by the selling carrier, the Commission will not set the rate for the selling railroad's share of the joint rate at less than the level set by section 202 of the Staggers Rail Act of 1980 (for the year in which the acquisition is made) that limits Commission maximum ratemaking jurisdiction to rates above certain cost/price ratios.

§ 1123.7 Acquisition cost.

(a) If the applicant and the owning railroad agree between themselves on an acquisition price, that price shall be the final price and not subject to any of the requirements of this subpart.

(b) If the Commission has issued an order requiring the rail properties covered by an application to be sold to the applicant, and the owning railroad and the applicant cannot agree on a sale price, the Commission will, upon a request by the applicant, determine the value of the properties which shall not be less than the Constitutional minimum value, as that term is defined in 49 U.S.C. 10910(b)(1)(B).

(c) A request by the applicant that the Commission set the Constitutional minimum value of the properties to be sold shall be made within 60 days of the Commission's order requiring the properties to be sold, and must be accompanied by a statement by the applicant that it has attempted unsuccessfully to negotiate with the railroad during that period and describing the status of the negotiations.

(d) The Commission shall make available to the parties two separate procedures under which the Constitutional minimum value may be set. In its petition asking the Commission to set the Constitutional minimum value, the applicant must state its preferred method.

(1) If the applicant chooses to submit evidence sufficient to prove both the net liquidation value (NLV) and the going concern value (GCV) of the rail properties approved for sale, the following procedures shall apply:

(i) If this option is selected, applicant must submit information and evidence proving NLV and GCV with its petition asking the Commission to set the Constitutional minimum value.

(ii) The appraisal submitted with the application shall be a sufficient submission as to NLV, but must be broken into the constituent parts of NLV (for example, land, track, material, facilities and equipment).

(iii) Applicant shall be free to submit whatever evidence it deems persuasive of GCV, and may seek to use the Commission's discovery procedures for information that is vital to applicant's case and is exclusively in the control of the owning railroad.

(iv) The owning railroad may submit evidence within 30 days of applicant's petition regarding NLV and GCV. If it wishes to challenge applicant's evidence of NLV, the railroad must submit an appraisal by a qualified appraiser that meets the requirements of (ii) above. If it wishes to challenge applicant's evidence of GCV, the railroad shall submit whatever evidence it deems persuasive.

(v) Upon the failure of the applicant to prove the Constitutional minimum value, the Commission shall determine the acquisition cost based on the record of the proceeding, and such determination shall be final.

(vi) The applicant shall have 60 days (or whatever other period the parties agree to) from the date of the Commission's decision to consummate the sale at the price set by the Commission or, within 30 days, notify the owning railroad of its decision not to acquire the line.

(2) As an alternative to the procedure in subparagraph (1) above, the parties may choose final offer arbitration. This method, if selected, shall be binding on both parties, and the sale shall be consummated at that price, unless both agree to a withdrawal of the petition to acquire.

(i) Under this option, the applicant shall, in its petition asking the Commission to determine the Constitutional minimum value of the properties, state its preference for the arbitration option. Final selection of the arbitration option shall not occur until after the exchange of offers described in subparagraphs (iv) and (v) below.

(ii) The petition must attach a signed statement by the railroad agreeing to final offer arbitration as described in these regulations.

(iii) If the railroad does not agree to final offer arbitration, then the applicant must bear the burden of proving the Constitutional minimum value of the line in accordance with the procedures described in subparagraph (1) above.

(iv) Upon receiving such a petition, the Commission shall require the applicant and the owning railroad to exchange, within 15 days, offers for the purchase and sale of the properties.

(v) Within 15 days of the exchange, the applicant shall indicate to the Commission that it and the owning railroad have decided to accept final offer arbitration. If arbitration is not used, the procedures in section 1128.7(d)(1) above will be followed. If arbitration is used, the Commission will act as arbitrator.

(vi) As arbitrator, the Commission will require the applicant and the owning railroad to submit to it the same final offers they previously exchanged (unless they have both agreed to a modification), along with: (a) a statement by each that it believes the offer satisfies the Constitutional minimum value requirement of the Staggers Rail Act of 1980; (b) an explanation by each of the factors to which the difference between the two offers is attributable; and (c) an explanation by each of why its figure better meets the statutory requirements.

(vii) The Commission shall select whichever of the two offers better meets the statutory requirement of Constitutional minimum value. The Commission will pick one of the two offers, and will not select a different amount.

(viii) The applicant shall have 60 days (or whatever period the parties agree to) from the date of the Commission's decision to consummate the sale at the price set by the Commission, unless both parties agree to a withdrawal of the application.

[FR Doc. 80-34288 Filed 11-3-80; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 45, No. 215
Tuesday, November 4, 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

Agricultural Marketing Service

Hugh Watson Stockyard, Gainesville, Georgia, et al.; Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No., Name and Location of Stockyard, and Date of Posting

Georgia

GA-180, Hugh Watson Stockyard, Gainesville—November 14, 1979.

Iowa

IA-255, Mahaska Sale Co., Oskaloosa—July 3, 1980.

Kansas

KS-202, Parsons Livestock Auction, Inc., Parson—August 20, 1980.

Kentucky

KY-165, Taylor County Stock Yards, Campbellsville—August 13, 1980.

Minnesota

MN-174, Lee & John's Livestock, Inc., d.b.a. Harmony Livestock Sales, Harmony—August 12, 1980.

Missouri

MO-250, Farmers & Traders Commission Co., Inc., Hannibal—August 15, 1980.
MO-251, Skym Horse Auction, Humphreys—September 15, 1980.
MO-252, Grand River Auction, Jameson—September 19, 1980.

Montana

MT-120, Bear Paw Livestock Commission, Chinook— August 11, 1980.

Nebraska

NE-189, Southeast Nebraska Livestock Market, Palmyra—August 28, 1980.

New York

NY-159, Wallkill Livestock Market, Walden—August 8, 1980.

Ohio

OH-147, Mt. Hope Auction Company, Mount Hope—August 27, 1980.

Oklahoma

OK-199, Jones Livestock Auction, Inc., Jones—August 23, 1980.
OK-200, North East Oklahoma Feeder Pig and Livestock Market, Leach—August 21, 1980.

South Carolina

SC-129, Jim's Livestock, Inc., Kingstree—August 13, 1980.
SC-130, Pee Dee Livestock Association, Inc., Galivank Ferry—August 18, 1980.
SC-131, Piedmont Livestock Center, Laurens—August 18, 1980.
SC-132, Woods Livestock Commission, Edgefield—August 18, 1980.

South Dakota

SD-164, Centerville Livestock Sales, Centerville—August 14, 1980.

Done at Washington, D.C., this 29 day of October, 1980.

Jack W. Brinckmeyer,

Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 80-34305 Filed 11-3-80; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Stabilization and Conservation Service

Feed Grain Donations for the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota

Pursuant to the authority set forth in Section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota has been materially increased and become acute because of severe and prolonged drought substantially reducing range forage and hay production, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is designated for Indian use and is utilized by members of the Three Affiliated Indian Tribes for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of these tribes will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of these tribes to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestock owners who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribes utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through April 30, 1981, or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C., on October 27, 1980.

John W. Goodwin,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-34397 Filed 11-3-80; 8:45 am]

BILLING CODE 3410-05-M

1981 Rice Program; Proposed Determinations Regarding the 1981-Crop Rice Price Support Program, Rice Set-Aside Program and Land Diversion Payment Program

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed determinations.

SUMMARY: The Secretary of Agriculture proposes to make the following determinations and issue regulations relative to the 1981-crop rice: (a) the loan and purchase level; (b) the established (target) price; (c) whether there should be a set-aside program and if so, the extent of such program; (d) whether there should be provisions for land diversion and if so, the extent of such diversion and payment therefor; (e) whether to require producer compliance with the Normal Crop Acreage (NCA) for program benefit eligibility; and (f) other related provisions necessary to carry out the programs including commodity eligibility and storage requirements, as well as premiums and

discounts for grades, classes, other qualities and location differentials. These determinations are required to be made by the Secretary in accordance with provisions of the Agricultural Act of 1949, as amended, and Section 1001 of the Food and Agriculture Act of 1977, as amended. This notice invites written comments on the proposed determinations.

DATE: Comments must be received on or before January 5, 1981.

ADDRESS: Jeffress A. Wells, Director, Production Adjustment Division, ASCS, USDA, Room 3630, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: George H. Schaefer, Program Analysis Branch, Production Adjustment Division, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013, or call (202) 447–8480.

The Draft Impact Analysis describing the options considered in developing the proposed determinations and the impact of implemening each option is available from the above named individual.

SUPPLEMENTARY INFORMATION: These proposed determinations have been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 to implement Executive Order 12044, and have been classified "significant".

In compliance with Secretary's Memorandum No. 1955 and "Improving USDA Regulations" (43 FR 50988), it is determined after review of these and related regulations contained in 7 CFR 730, 790–792, 794–795, 1421.1–.28, .300–.328 and .530–.572 for need, currency, clarity, and effectiveness, that no additional changes be proposed at this time. Any comments which are offered during the public comment period on any of these regulations, however, will be evaluated in development of the final determination.

The title and number of the federal assistance program that this notice applies to are: Title: Rice Production Stabilization; Number 10.065, as found in the Catalog of Federal Domestic Assistance.

These actions will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95, was not used to assure that units of local government are informed of these actions.

The need for this notice is to satisfy the statutory requirements as provided for in Section 101(h) of the Agricultural Act of 1949, as amended, and Section 1001(a) and (b) of the Food and Agriculture Act of 1977, as amended.

The following proposed program determinations with respect to the 1981-crop rice are to be made by the Secretary:

Proposed Determinations

a. *Loan and purchase level:* Section 101(h)(2) of the Agricultural Act of 1949, as amended, provides that the Secretary shall make available to cooperators, loans and purchases for 1981-crop rice at such level as bears the same ratio to the 1980-crop rice loan and purchase rate as the 1981-crop rice established (target) price bears to the 1980-crop established (target) price. If the Secretary determines that such loan and purchase level would substantially discourage the exportation of rice and result in excessive stocks of rice in the United States, the Secretary may establish a loan and purchase rate for the crop at such level, not less than $6.31 per hundredweight nor more than the rice party price, as the Secretary determines necessary to avoid such consequences. The 1980-crop rice loan and purchase rate is $7.12 per hundredweight. Based on preliminary cost data, the loan and purchase rate for 1981-crop rice would range from $7.73 per hundredweight to $8.55 per hundredweight. This is subject to change when final cost data and final yields are available.

Comments on the appropriate level of loans and purchases with respect to the 1981-crop rice are requested.

b. *Established (target) price:* Section 101(h)(1) of the Agricultural Act of 1949, as amended, provides that the established (target) price for 1981-crop rice will the established (target) price for the 1980-crop rice adjusted to reflect any change in the average adjusted cost of production for the 1979 and 1980 crop years from the average adjusted cost of production for the 1978 and 1979 crop years. The adjusted cost of production for each year shall be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate for the purpose and shall be limited to (1) variable costs, (2) machinery ownership costs, and (3) general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop. Section 1001(b) of the Food and Agriculture Act of 1977, as amended, provides that if the Secretary requires compliance with the Normal Crop Acreage (NCA) as a condition of eligibility for rice loans, purchases, and payments for the 1981 crop of rice, the Secretary may increase the established (target) price for rice to compensate producers for planting within the NCA established for the farm and for their participation in any set-aside program. If the established (target) price is increased for wheat, feed grains, or upland cottom under this provision, the established (target) price may also be increased for rice in such amount as is determined necessary for effective operation of the program. Any increase in the established (target) price must be adjusted to reflect, in whole or in part, any land diversion payments that may be made. The amount of any increase must be determined after consideration of changes in the cost of production that may result from not exceeding the NCA and from participation in any set-aside program. The 1980-crop rice established (target) price is $9.49 per hundredweight. Based on the preliminary cost data, the estimated changes in the two-year moving average adjusted cost of rice production (variable costs, machinery ownership costs and general farm overhead costs), as described above, would provide an 1981 established (target) price ranging from $10.30 per hundredweight to $11.40 per hundredweight. This is subject to change when final cost data and final yields are available.

Comments are encouraged on whether the established (target) price should be increased if set-aside and/or NCA requirements are imposed and the extent of the increase.

c. *Whether there should be a set-aside program and if so, the extent of such program:* Section 101(h)(5) of the Agricultural Act of 1949, as amended, provides that the Secretary shall provide for a set-aside of cropland if the Secretary determines that the total supply of rice will, in the absence of a set-aside likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside is in effect, then as a condition of eligibility for loans, purchases and payments, cooperators on a farm must set-aside and devote to conservation uses an acreage allotment) plus, if required by the Secretary, the acreage of cropland equal to such percentage of the farm acreage allotment as may be specified by the Secretary (but not to exceed 30 percentum of the farm acreage of cropland devoted in preceding years to soil conserving uses, as determined by the Secretary.

The probable outlook for 1981-crop rice depends a great deal on the final 1980-crop rice outcome. Based on the current outlook, it is expected that rice plantings (under no set-aside and no land diversion program) will total

3,350,000 acres—virtually unchanged from 1980. However, final plantings will depend on the following: (1) farm prices for the various classes of rice (long, medium and short grain), compared with farm prices for alternative crops (particularly soybeans) at planting time; (2) the need to maintain proper cropland rotation practices; (3) changes in relative production costs for rice and alternative crops; (4) the amount of capital investments required by producers; and (5) landlord-tenant arrangments. The average yield is estimated to be around 4,500 pounds per acre—up approximately 230 pounds from the weather stricken level of the 1980 crop, but only 5 pounds per acre above the 3-year average annual yield for the 1977–1979 crops. The combination of near record plantings and normal yields is projected to result in record production and total supplies. Assuming no set-aside and no diversion program, production is estimated to total 149.6 million hundredweight—up 4.8 percent from the record 1980 crop. Total supply is projected to be 175.1 million hundredweight—up 3.9 percent. Domestic use and exports are also expected to reach record levels of 51.7 million and 91.4 million hundredweight, respectively. This supply-use scenario results in an ending stock estimate of 28.5 million hundredweight—3 million hundredweight above the beginning stocks of 25.5 million hundredweight.

The above outlook would suggest that a set-aside program is probably not needed for the 1981-crop rice. However, later crop developments throughout the world could change this outlook and options under consideration include no set-aside and a 30 percent set-aside.

Interested persons are encouraged to advise the Secretary on the need for a 1981-crop rice set-aside program and the appropriate percentage of acreage to be set-aside, if deemed necessary taking into consideration the above factors.

d. *Whether there should be provisions for land diversion and if so, the extent of such diversion and the payment therefor:* Section 101(h)(6) of the Agricultural Act of 1949, as amended, provides that the Secretary may make land diversion payments to cooperators whether or not a set-aside for rice is in effect, if he determines that such land diversion payments are necessary to assist in adjusting the total national acreage of rice to desirable goals. Land diversion payments shall be made to cooperators on a farm who devote to approved conservation uses an acreage of cropland on the farm on the basis of land diversion contracts. Amounts payable to cooperators under land diversion contracts may be determined through submission of bids for such contracts by cooperators in such manner as prescribed by the Secretary or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the cooperators and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under contracts in any county or local community so as not to affect adversely the economy of the county or local community. The land diversion program option being examined is a 10 percent land diversion program combined with a 30 percent set-aside program.

Interested persons are encouraged to address the appropriate terms and conditions and the advantages and disadvantages of a land diversion program, either in lieu of or in combination with, a set-aside program for 1981.

e. *Whether to require compliance with the established farm Normal Crop Acreage (NCA) for program benefit eligibility.* The Secretary may require as a condition of eligibility for loans, purchases and payments, that producers not exceed the acreage on the farm normally planted to crops designated by the Secretary (the established farm NCA).

It is proposed that an NCA requirement be established for the 1981-crop rice whether or not set-aside or land diversion requirements are implemented.

Interested persons are encouraged to comment on the pros and cons of requiring compliance with the farm NCA with respect to the 1981-crop rice as a condition of eligibility to receive program benefits.

f. *Other related provisions:* The Act also requires a number of other determinations in order to carry out the 1981-crop rice loan and purchase program such as (1) commodity eligibility, (2) storage requirements, (3) premiums and discounts for grades, classes, and other qualities and location differentials, and (4) other related provisions necessary to carry out the program.

Consideration will be given to any data, views and recommendations that may be received relating to the above items.

All comments will be made available for public inspection in room 3619 of USDA's South Building during business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C. on October 29, 1980.

John W. Goodwin

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-34176 Filed 11-3-80; 8:45 am]

BILLING CODE 3410-05-M

Economics and Statistics Service

Discontinuance of January Prospective Plantings Report

Notice is hereby given that the Economics and Statistics Service intends to discontinue the January prospective plantings report. This report has included expected acreages as of January 1 to be planted in 34 major producing states for corn, durum and other spring wheat, oats, barley, sorghum, soybeans, sunflowers, upland cotton, flaxseed, rice and sugarbeets. Input received to date from data users indicates that the adverse effects of the elimination of this report will be minimal while savings in costs and a reduction in public reporting burden will result. The prospective plantings report issued in April of each year will be continued.

Members of the public who wish to comment on this proposal may submit their comments, in writing, to the Director, Estimates Division, Economics and Statistics Service, USDA, Room 0204–S, Washington, D.C. 20250. To be considered, comments must be received by December 1, 1980.

Done at Washington, D.C., this 30th day of October, 1980.

Kenneth R. Farrell,

Administrator.

[FR Doc. 80-34306 Filed 11-3-80; 8:45 am]

BILLING CODE 3410-16-M

Forest Service

Ashley Forest Land and Resource Management Plan; Ashley National Forest, Daggett, Duchesne, and Uintah Counties, Utah, Sweetwater County, Wyoming; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an Environmental Impact Statement for a Land and Resource Management Plan for the Ashley National Forest. This Forest Plan will be developed in accordance with direction for land and resource management planning in the National Forest Management Act of 1976 as displayed in 36 CFR Part 219.

The Forest Plan will provide management direction for all lands and resources in the Ashley National Forest and will replace all existing land management plans.

The Forest Plan will be coordinated with local, county, State, and other Federal agencies. Public involvement will be encouraged and actively sought throughout the planning process.

A list of prelimnary public issues and management concerns will be developed and made available for public and agency review and comment in the early spring of 1981. The list of issues identified will be updated throughout the entire planning process through ongoing involvement with the general public, as well as organized groups and agencies.

Management alternatives will be developed to address identified issues and management concerns. These alternatives will be displayed in an environmental impact statement and will include at a minimum: (1) a no action alternative (current management); (2) one or more alternatives which will result in eliminating all backlogs of needed treatment for the restoration of renewable resources; (3) an alternative which approximates the levels of good and services assigned by the Regional Plan; and (4) one or more alternatives formulated to resolve the major public issues or concerns.

The Draft Environmental Impact Statement is scheduled to be filed with the Environmental Protection Agency and available for public review by March 1983. The Final Environmental Impact Statement is scheduled to be completed by September 1983.

Jeff M. Sirmon, Regional Forester, Intermountain Region, is the responsible official. Team leader for the Enviornmental Impact Statement will be Jack Watson, Forest Planner, Ashley National Forest (phone 801–789–1181).

Comments and suggestions concerning the Forest Plan should be sent to James N. Craig, Forest Supervisor, Ashley National Forest, 437 East Main, Vernal, Utah 84078.

Dated: October 24, 1980.

Jeff M. Sirmon,

Regional Forester.

[FR Doc. 80-34326 Filed 11-3-80; 8:45 am]

BILLING CODE 3410-11-M

Pandora Moth Management Plan; Kaibab National Forest, Coconino County, Arizona; Intent To Prepare an Environmental 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 management of a pandora moth, *Coloradia pandora* Blake, infestation in ponderosa pine on the North Kaibab Ranger District.

Alternatives to be considered include: (1) Take no direct action in response to the insect outbreak and continue with present management; (2) Take no direct action to suppress the outbreak in 1981, but evaluate promising insecticides for possible use in the future; (3) Suppress the insect outbreak with an aerial application of an insecticide; and (4) Prevent defoliation of high value pine stands near Jacob Lake, Arizona, with an aerial application of an insecticide.

The draft environmental statement is scheduled to be available for public review in January 1981. The final environmental impact statement is scheduled for completion in March 1981. Suppression activities would take place in May 1981.

Questions regarding the pandora moth and environmental impact statement should be directed to David Wahlfeld, Forest Silviculturist, 800 South 6th Street, Williams, Arizona, 86046, telephone number 602–635–2681.

Written comments concerning the pandora moth management plan should be sent to Leonard A. Lindquist, Forest Supervisor, Kaibab National Forest, 800 South 6th Street, Williams, Arizona, 86046.

M. J. Hassell, Regional Forester, Southwestern Region, is the responsible official.

M. J. Hassell,

Regional Forester.

October 27, 1980.

[FR Doc. 80-34327 Filed 11-3-80; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

North Carolina Electric Membership Corp. and Saluda River Electric Coop., Inc., Issued Final Supplemental Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) has issued a Final Supplemental Environmental Impact Statement (FSEIS) in accordance with Section (2)(c) of the National Environmental Policy Act of 1969, in connection with possible financing assistance to North Carolina Electric Membership Corporation (NCEMC), P.O. Box 27306, Raleigh, North Carolina 27611, and to Saluda River Electric Cooperative, Inc. (Saluda River), 207 Sherwood Drive, Laurens, South Carolina 29360.

The Duke Power Company is presently constructing the Catawba Nuclear Station, consisting of two 1145 MW (net) units in York County, South Carolina. The proposed financing assistance will provide for an undivided ownershp interest by NCEMC of 56.25 percent (644 NW) and by Saluda River of 18.75 percent (215 MW) in the 1145 MW (net) Catawba Nuclear Station Unit 1. NCEMC and Saluda River also propose to own 28.125 percent and 9.375 percent, respectively, of the support facilities common to both units of the Catawba Nuclear Station.

The alternatives considered were No Action, Joint Venture, as described above, and Alternative Forms of Generation such as coal, wood, oil, peat, gas, solar, wind, and hydroelectric. REA has determined that the only viable alternatives available are No Action and Joint Venture. Since the Joint Venture offers potential economic advantages to the cooperatives, participation by the cooperatives in Catawba Unit 1 is the REA preferred alternative.

The U.S. Atomic Energy Commission (currently the Nuclear Regulatory Commission (NRC)) issued a Final Environmental State (FES) relating to the Catawba Nuclear Station Units 1 and 2 in December 1973. It is REA's decision to adopt the previously issued NRC–FES in its entirety and to issue a FSEIS to provide information on certain environmental aspects of the project which are normally addressed by REA but were not included in the NRC–FES. REA's FSEIS also provides information relating specifically to the proposed financing assistance to NCEMC and Saluda River for participation in Unit 1.

Copies of the FSEIS or additional information may be secured on request from Frank W. Bennett, Director, Power Supply Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The FSEIS may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 5829 or at the offices of NCEMC and Saluda River. Copies are also available at the following Public Libraries:

Greenville County Library, 300 College Street, Greenville, South Carolina 29601

Laurens County Library, South Harper Street, Laurens, South Carolina 29360

Spartanburg County Library, Spartanburg, South Carolina 29304

Wake County Public Library, Olivia Rancy Library, 104 Fayetteville Street, Raleigh, North Carolina 27601

Final action may be taken by REA with respect to this matter after December 4, 1980.

Any financing assistance which may be made pursuant to this proposal will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects. Final action will be taken only after compliance with Environmental Statement procedures required by the National Environmental Policy Act of 1969, and other environmentally related statutes, regulations, Executive Orders and Secretary's Memoranda normally considered by REA.

This Federal Assistance Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C. this 24th day of October, 1980.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 80-34086 Filed 11-3-80; 8:45 am]

BILLING CODE 3410-15-M

Science and Education Administration

Joint Council on Food and Agricultural Sciences Executive Committee; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

Name: Executive Committee of the Joint Council on Food and Agricultural Sciences

Date: November 19, 1980

Time and place: 10:00 a.m.-4:30 p.m., Room Terrace B, Atlanta American Motor Hotel, Spring Street at Carnegie Way, Atlanta, Georgia 30301

Type of meeting: Open to the public. Persons may paricipate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: Review and discussion of the Research Facilities Study, the *Report of the Study Group for Technical Information Systems Planning and Coordination*, and the 1980 Annual Report of the Joint Council. Discussion of implementation of the report of the Joint Council Committee on Strategies.

Contact person: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, U.S. Department of Agriculture, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651.

Done at Washington, D.C. this 22nd day of October, 1980.

John G. Stovall,

Acting Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 80-34396; Filed 11-3-80; 8:45 am]

BILLING CODE 3410-03-M

DEPARTMENT OF COMMERCE

International Trade Administration

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, November 18, 1980, at 1:30 p.m., in Room 3708, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. The meeting will continue November 19 in Room 3708, Main Commerce Building to its conclusion.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, August 28, 1978, and August 29, 1980, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(h)(1) of the Export Administration Act of 1979, 50 U.S.C.A. App. 2401 *et seq.* and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975. On October 16, 1978, the Subcommittee was approved for continuation pursuant to the charter of the Committee. On September 19, 1980, the Deputy Assistant Secretary for Export Administration approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of product and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any goods or technology, and (D) exports subject to unilateral and multilateral controls which the United States establishes or in which it participates, including proposed revisions of any such controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94-409, that the matters to be discussed during the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the subcommittee during the meeting have been properly classified under Executive Order 11652 or 12065. All subcommittee members have appropriate security clearances.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Washington, D.C. 20230 telephone: 202-377-4217.

For further information, contact Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, International Trade Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-2583.

Dated: October 31, 1980.

Kent Knowles,

Director, Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80-34453 Filed 11-3-80; 8:45 am]

BILLING CODE 35210-25-M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, November 18, 1980, at 9:30 a.m. in Room 3708, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, August 28, 1978, and August 29, 1980, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(h) (1) of the Export Administration Act of 1979, 50 U.S.C.A. App. 2401 *et seq.* and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was established on February 4, 1974. On July 8, 1975, and October 16, 1978, the Subcommittee was approved for continuation pursuant to the charter of the Committee. On September 19, 1980, the Deputy Assistant Secretary for Export Administration approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of product and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any goods or technology, and (D) exports subject to unilateral and multilateral controls which the United States establishes or in which it participates, including proposed revisions of any such controls. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

The Subcommittee meeting agenda has four parts:

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Pending items of business:

a. Permissive reexports under GLR.

b. Other miscellaneours items.

(4) Standard formatting of license applications.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available by calling Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, U.S. Deartment of Commerce, Washington, D.C. 20230, telephone: 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: October 31, 1980.

Kent Knowles,

Director, Office of Export Adminstration, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80-34445 Filed 11-3-80; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

Retrofitting of two MA Design C3-S-76a Cargo Vessels Each With one Bucyrus-Erie MK-60 Mariner Crane; 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, 1936, as amended, to compute the estimated foreign cost to retrofit two MA design C3-S-76a cargo vessels each with one Bucyrus-Erie MK-60 marine crane.

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 November 18, 1980, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14 & E Streets, NW., Washington, D.C. 20230.

Dated: October 28, 1980.

By Order of the Maritime Subsidy Board, Maritime Administration.

Robert J. Patton,

Secretary.

[FR Doc. 80-34238 Filed 11-03-80; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Availability of Marine Mammal Annual Report

AGENCY: National Marine Fisheries Service.

ACTION: Notice of availability of marine mammal annual report.

SUMMARY: On July 22, 1980, the Secretary of Commerce approved and transmitted to the Congress the annual administration report on the marine mammals under the Department's jurisidiction, as required by section 103(f) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.). This report covers the period April 1, 1979, to March 31, 1980. By this notice, the Assistant Administrator for Fisheries, National Marine Fisheries Service, informs the public that the report is available and that any interested individual may obtain a copy by requesting it from the Service.

ADDRESS: A copy may be obtained from the Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235. Requests will be filled until the supply is exhausted.

FOR FURTHER INFORMATION CONTACT: Mr. Richard B. Roe, Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, (202) 634-7461.

SUPPLEMENTARY INFORMATION: The Marine Mammal Protection Act of 1972 assigns responsibility for marine mammals of the Order Cetacea (whales and porpoises) and the Suborder Pinnipedia (seals and sea lions), except walrus, to the Department of Commerce. Under authority delegated to it, the National Marine Fisheries Service carries out those responsibilities. The annual report reviews the Service's marine mammals related activities during the reporting period. Administrative matters discussed include bowhead whale management, Hawaiian monk seal management, tuna-porpoise management, legal actions, enforcement activities, issuance of scientific research and public display permits, research, and international activities.

Dated: October 27, 1980.

Robert K. Crowell,

Deputy Executive Director National Marine Fisheries Service.

[FR Doc. 80-34356 Filed 11-3-80; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit

On September 12, 1980, Notice was published in the **Federal Register** (45 FR 60464), that an application had been filed with the National Marine Fisheries Service by G&G Enterprises, Ltd., 628 North Broadway Street, Milwaukee, Wisconsin, to take three (3) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on October 28, 1980, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to G&G Enterprises, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: October 28, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-34357 Filed 11-3-80; 8:45 am]

BILLING CODE 3510-22-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 80-2]

Imperial Carpets, Inc.; Rescheduling of Prehearing Conference

Notice is hereby given that a prehearing conference in the above entitled matter originally scheduled for Friday, October 31, 1980, has been rescheduled to Friday, November 21, 1980, at 10 a.m. in hearing Room 2, Gelman Building, 2120 L St., NW, Washington, DC, before administrative law judge Morton Needleman. Complaint counsel had moved for continuance; counsel for respondents did not object to the motion.

The issues presented by the complaint in this proceeding are as follows:

1. Whether respondents have failed to meet the acceptance criterion of the Standard for the Surface Flammability of Carpets and Rugs, 16 CFR Part 1630, Subpart A.

2. Whether the alleged practices of respondents are unlawful and constitute unfair methods of competition and unfair deceptive acts and practices in commerce under the Federal Trade Commission Act.

The agenda for this prehearing conference includes a discussion of the following:

(1) Pending discovery requests.

(2) Consideration of the possibility of settling this case.

(3) Setting a schedule for the filing of all prehearing motions besides those going to discovery.

(4) Establishing a schedule for the exchange of witness lists, expected testimony, and documents.

(5) Setting a firm date for start of formal hearings.

Dated: October 30, 1980.

Sheldon D. Butts,

Deputy Secretary, Consumer Product Safety Commission.

[FR Doc. 80-34398 Filed 11-3-80; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Coastal Engineering Research Board; Open Meeting, Correction

In FR Doc. Vol. 45, No. 208, appearing at pages 70538 and 70539 in the **Federal Register** of Friday, October 24, 1980, the following changes should be made:

On page 70539, paragraph 5, "Participation by the public is scheduled for 10:00 a.m. on 14 November." is corrected to read:

"The entire meeting is open to the public. Public comment is scheduled at 10:00 a.m. on 14 November. Members of the public may attend field inspection trips but must provide own transportation."

Dated: October 29, 1980.

Ted E. Bishop,

Colonel, Corps of Engineers Executive Secretary.

[FR Doc. 80-34256 Filed 11-3-80; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Board of Advisors to the Superintendent; Naval Postgraduate School; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C., App. I), notice is hereby given that the Board of Advisors to the Superintendent, Naval Postgraduate School, will meet on December 11 and 12, 1980, in the Mezzanine Conference Room of the Naval Postgraduate School, Monterey, California. Sessions of the meeting will commence at 8:00 a.m. and terminate at 5:30 p.m. each day.

Topics to be addressed at the meeting will include the U.S. Navy's Graduate Education input levels; progress in replacing the school's primary computer; discussion of academic and base operations support including manpower, facilities and equipment and a review of reaccreditation actions.

For further information concerning this meeting, contact: Commander Charles J. Cox, U.S. Navy, Executive Assistant, Code 007, Naval Postgraduate School, Monterey, California, Telephone No. (408) 646–2513.

Dated: October 30 1980.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 80-34386 Filed 11-3-80; 8:45 am]

BILLING CODE 3810-71-M

Navy Resale System Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C., App. I), notice is hereby given that the Navy Resale System Advisory Committee will meet on November 24, 1980, at the Savoy Room, The Plaza Hotel, 768 Fifth Avenue, New York, New York. The meeting will consist of two sessions; the first from 8:00 a.m. to 10:30 a.m., the second from 10:45 a.m. until 12:15 p.m. Topics to be discussed at the meeting will include orgnanization of the Resale System, planning, financial management, merchandizing, field support and industrial relations.

The Secretary of the Navy has determined in writing that the public interest requires that the second session of the meeting, which will involve discussion of matters relating solely either to internal agency personnel rules and practices, or to trade secrets and confidential commercial or financial information, be closed to the public . These matters fall within the exemptions listed in subsections 552(b)(c)(2) and (c)(4) of title 5, *United States Code.* The first session of the

meeting, which will involve other nonpriviliged matters relating to the Navy Exchange Resale System, will be open to the public.

For further information concerning this meeting, contact: Commander J. R. Akers, SC, U.S. Navy, Naval Supply Systems Command, NAVSUP 09B, Room 801, Crystal Mall, Building No. 3 Arlington, VA 20376, Telephone number (202) 695–5457.

Dated: October 30, 1980.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 80-34387 Filed 11-3-80; 8:45 am]

BILLING CODE 3810-71-M

Office of the Secretary

Defense Science Board Task Force on EMP Hardening of Aircraft; Closed Meeting

The Defense Science Board Task Force on EMP Hardening of Aircraft will meet in closed session 3–4 December 1980 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force will review the structural response of the B–52 to blast, thermal and gust effects and make recommendations concerning hardness verification and other associated programmatic actions.

In accordance with 5 U.S.C. App. I 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

October 30, 1980.

[FR Doc. 80-34273 Filed 11-3-80; 8:45 am]

BILLING CODE 3810-70-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 10 December 1980, at the Naval Air Systems Command, Jefferson Plaza No. 1, Room 1224, 1423 Jefferson Davis Highway, Arlington, Va.

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, 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.

October 29, 1980.

[FR Doc. 80-34274 Filed 11-3-80; 8:45 am]

BILLING CODE 3810-70-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session on 16 December 1980 at the Advisory Group on Electron Devices, 201 Varick Street, New York, New York 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with 5 U.S.C. App. 1, 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.

October 29, 1980.

[FR Doc. 80-34276 Filed 11-3-80; 8:45 am]

BILLING CODE 3810-70-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session on 10–11 December 1980 at the Palisades Institute for Research Services, AGED, 1925 N. Lynn St., Arlington, Virginia.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, 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.

October 29, 1980.

[FR Doc. 80-34275 Filed 11-3-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

National Advisory Council on Vocational Education, Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of Meeting of Executive Committee.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming

meeting of the Executive Committee of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of this meeting is required under Section 10(a) (2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend.

DATE: November 24, 1980.

ADDRESS: 425—13th Street, N.W., Suite 412, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Virginia Solt, NACVE Staff, 425—13th Street, NW, Suite 412, Washington, DC (Tel: 202/376–8873).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90–576. The Council is established to:

(A) Advise the President, the Congress, and the Secretary concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

The meeting of the Executive Committee is open to the public, and the proposed agenda includes:

1. Discussion of Work Plan and Budget for FY '81
2. Reauthorization of the VEA Process and Schedule
3. Proposed NCEP/NACVE Study on Vocational Education/CETA Linkages
4. Current Administrative Concerns:
   (a) Member travel
   (b) Staff travel
   (c) Council staffing
   (d) Other administrative procedures and concerns
5. Other matters as required.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Vocational Education from 9:00 A.M. to 5:00 P.M. at 425—13th Street, N.W., Suite 412, Washington, DC 20004.

Signed at Washington, DC on October 30, 1980.

Raymond C. Parrott,

Executive Director.

[FR Doc. 80–34246 Filed 11–03–80; 8:45 am]

BILLING CODE 4000–01–M

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Council Meetings, November 24 and 25, 1980

October 29, 1980.

Pursuant to Section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the National Advisory Council on Economic Opportunity will hold meetings on Monday and Tuesday, November 24 and 25, 1980 at the Claremont Hotel, Berkeley, California. The meetings are scheduled to begin at 10:00 A.M. PST and are open to the public.

The purpose of the meetings will be to discuss progress reports on Council activities and to outline future projects.

The National Advisory Council on Economic Opportunity is authorized by Section 605 of the Economic Opportunity Act of 1964, as amended, to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

Records shall be kept of all proceedings and shall be available for public inspection at the offices of the National Advisory Council on Economic Opportunity.

For further information, contact the National Advisory Council on Economic Opportunity, 1725 K Street, N.W., Suite 405, Washington, D.C. 20006, (202) 254–3217.

Walter B. Quetsch,

Executive Director.

[FR Doc. 80–34249 Filed 11–3–80; 8:45 am]

BILLING CODE 6820–42–M

DEPARTMENT OF ENERGY

Office of Alcohol Fuels

DEPARTMENT OF AGRICULTURE

Office of Budget, Planning and Evaluation

Biomass Energy Projects; Determination of Exempt Categories

AGENCY: Department of Energy and Department of Agriculture.

ACTION: Notice.

SUMMARY: The Departments of Energy and Agriculture are identifying the potential categories of projects to which the requirement for coordination between the two Departments does not apply. This action is required by Title II of the Energy Security Act.

EFFECTIVE DATE: This notice is effective immediately.

FOR FURTHER INFORMATION CONTACT: Ted D. Tarr, Office of Alcohol Fuels, Department of Energy, Room 6A–211, 1000 Independence Avenue SW., Washington, D.C. 20585; (202) 252–9487.

Earle Gavett, Office of Budget, Planning and Evaluation, Department of Agriculture, Room 116–A, 14th and Independence Avenue SW., Washington, D.C. 20250; (202) 447–2634.

SUPPLEMENTARY INFORMATION: Title II of the Energy Security Act, Pub. L. 96–294, which was enacted June 30, 1980 ("ESA"), authorizes the Department of Energy and the Department of Agriculture to provide financial assistance to biomass and alcohol fuels projects. Section 212 divides the authorities and responsibilities of the two departments.

Section 212(c)(1) requires that the Secretary of Agriculture and the Secretary of Energy, after evaluation of an application and before awarding financial assistance based upon the application, shall provide the other Secretary with a copy of the application and appropriate supporting material, for a review period of not less than 15 days. Section 212(c)(2) further provides that if the reviewing Secretary provides a written notice specifying any issues subject to such Secretary's review prior to the end of the 15 days, then the Secretary concerned shall defer final decision on the application for an additional 30 days for both Secretaries to resolve the issues. At the end of such 30-day period, the Secretary concerned may make a final decision on the application.

Section 212(c)(3) specifies the type of review to be conducted by each Secretary. The Secretary of Agriculture shall review projets for the purpose of considering the national, regional and local agricultural policy impacts of a project on agricultural supply, production and use. The Secretary of Energy shall review projects for the purpose of considering national energy policy impacts and the technical feasibility of the project.

Section 212(c)(4) requires that within 90 days of enactment of the ESA, the Secretaries of Energy and Agriculture shall initially determine categories of

projects to which the review and comment procedures shall not apply. This notice establishes those categories for which review by the other Secretary is not required.

The Secretary of Energy and the Secretary of Agriculture have jointly identified the categories of projects exempted from the requirements for review and comment by each Secretary before the other can award any financial assistance within his area of responsibility as determined by the Act. The exempted categories are:

1. All small-scale plants (i.e., plants having annual production capacity of not more than 1 million gallons of ethanol or its BTU energy equivalent of other forms of biomass energy);

2. All intermediate-scale projects (i.e., plants having annual production capacity of 1 to 15 million gallons of ethanol or its BTU energy equivalent of other forms of biomass energy) using standard conversion technology as described in the DOE–SERI/SP report 451–519, *Fuel From Farms—A Guide to Small Scale Ethanol Production*, February 1980, and the USDA report, *Small-Scale Fuel Alcohol Production*, March 1980.

There are no exempted categories above the 15 million gallons per year size plant. § 212(a)(2)(C) requires concurrence by both agencies before either can fund a plant of this size which uses wood or woodwaste as a feedstock or which is owned by a cooperative and uses feedstocks other than aquatic plants. However, both the Department of Agriculture and the Department of Energy have agreed to the need for expeditious review and processing of applications; and, upon the request of either Department, the reviewing Department shall endeavor to complete its review in a shorter period of time than the 15 days allowed under the ESA.

The Departments have agreed to provide to each other certain technical data on each project, to be specified in a memorandum of understanding, that will permit the Department of Energy to consider national energy policy impacts of all projects and permit the Department of Agriculture to consider the national, regional and local agricultural impacts of all projects on agricultural supply, production and use. Analysis of such data may provide the basis for modification of this initial determination of exempt categories of projects.

Dated: October 16, 1980.

Jim Williams,

Acting Secretary of Agriculture.

C. W. Duncan, Jr.,

Secretary of Energy.

[FR Doc. 80-34383 Filed 11-3-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-79-012; OFC Case Nos. 55119-9044-01-11, 55119-9044-02-11 and 55119-9044-03-11]

Powerplant and Industrial Fuel Use Act of 1978; Petition for Exemption, General Motors Corp.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Termination of Proceeding on a Petition for Exemptions from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

On December 17, 1979, the General Motors Corporation (GM) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a temporary exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*) for each of three new major fuel burning installations installed at GM's Assembly Division plant, Oklahoma City, Oklahoma. As provided for in Section 211(c) of FUA, GM requested a temporary public interest exemption for each new boiler, identified by GM as boilers 1, 2 and 3, in order to burn a mixture of natural gas and coal until ERA completed its analysis and issued a final determination and order on GM's petition, filed with ERA on October 29, 1979, for permanent fuels mixture exemptions for the same three new MFBI's.

ERA accepted GM's petition for temporary public interest exemptions on January 16, 1980 and notice of that acceptance was published in the **Federal Register** on January 24, 1980, at 45 FR 5794. On September 10, 1980, ERA published in the **Federal Register** (45 FR 59615) a Notice of Availability of a Tentative Staff Analysis which recommended that GM's petition for temporary public interest exemptions be denied. Subsequently, on September 18, 1980, ERA issued an order granting permanent fuels mixture exemptions to GM to permit the use of natural gas in a mixture with coal in boilers 1, 2 and 3 (45 FR 63330, September 24, 1980).

With the granting of the permanent fuels mixtures exemptions to GM for boilers 1, 2 and 3, its petition requesting temporary public interest exemptions for the same MFBI's until ERA issued a final determination and order on its petition for permanent fuels mixture exemptions is now moot. Accordingly, ERA's proceeding on GM's petition for temporary public interest exemptions, as announced in the **Federal Register** Notice published on January 24, 1980, is hereby terminated.

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.

Edward Jiran, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6G–087, Washington, D.C. 20585, Phone (202) 252–2967.

Kathleen Ewing, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128–M, Washington, D.C. 20461, Phone (202) 653–4258.

Public files containing a copy of all documents and supporting materials relative to the procedings on GM's petition for temporary public interest exemptions (OFC Case Numbers 55119–9044–01–11, 55119–9044–02–11 and 55119–9044–03–11) and its petition for permanent fuels mixture exemptions (OFC Case Numbers 55119–9044–01–12, 55119–9044–02–12 and 55119–9044–03–12) are available for inspection upon request at: Economic Regulatory Administration, Room B–110, 2000 M Street NW., Washington, D.C., Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C. on October 29, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-34382 Filed 11-3-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Civil Uses of Atomic Energy; Proposed Subsequent Arrangement Between U.S. and Sweden

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation

Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the retransfer from the Federal Republic of Germany of Sweden of 1.831 kilograms of uranium, enriched to 3.2% in U–235, in the form of 10 irradiated fuel elements for post-irradiation examination. It is intended that these fuel elements will then be retransferred to the Federal Republic of Germany for further examination and ultimate disposal.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of this retransfer, designated as RTD/SW(EU)–116, will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner that fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: October 30, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-34381 Filed 11-3-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Advanced Conservation Technology Subpanel of the Energy Research Advisory Board; Open Meeting

Notice is hereby given of the following meeting:

Name: Advanced Conservation Technology Subpanel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770).

Date and time: November 14, 1980—9:30 am to 4:00 pm.

Place: Department of Energy, Forrestal Building, Room 4A–104, 1000 Independence Avenue SW., Washington, D.C. 20585.

Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building—M.S. 3F–032, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone 202/252–8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda:

—Discuss findings, identify gaps, and develop recommendations

—Assign report writing tasks

Public participation: The meeting is open to the public. Written statements may be filed with the Subpanel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Subpanel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E 190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 am and 4:00 pm Monday through Friday, except Federal Holidays.

Issued at Washington, D.C. on October 29, 1980.

J. Ronald Young,

Associate Director, Office of Energy Research.

[FR Doc. 80-34258 Filed 11-3-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL 1653-7]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Purpose:

Pursuant to the requirements of the section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment during the period of August 1, 1980 and August 31, 1980.

Summary of Notice:

The information presented below describes the Federal agency responsible for the action, the type of document reviewed by EPA, the EPA review control number, and the title of the document reviewed. The classification of the nature of EPA's comments is listed for each draft EIS.

Availability of Information Contained in this Notice:

Documents Reviewed by EPA: The documents identified below are prepared by the Federal Agency identified in the listing. Copies may be obtained by requesting the document from the Federal agency responsible for its preparation. EPA does not maintain copies for distribution.

EPA Comments: Copies of EPA's comments identifed below are available upon request from the appropriate EPA Regional Library or you may contact the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall, S.W., Washington, D.C., 20460.

EPA's Procedures for Commenting: Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the contact identified below for further information.

For Further Information Contact: Ms. Kathi L. Wilson, Office of Environmental Review (A–104), U.S. Environmental Protection Agency, Washington, D.C. 20460, Telephone: (202) 245–3006.

Period Covered: August 1, 1980 and August 31, 1980.

Corps of Engineers

Control No.: D–COE–A35046–IA; EPA Rating: ER2; Copies of Comments: EPA, Kansas City—Perry Creek Flood Control, Sioux City, Woodbury and Plymouth Counties, Iowa.

Control No.: DA–COE–D36010–VA; EPA Rating: ER2; Copies of Comments: EPA, Philadelphia—Virginia Beach Streams, Canal No. 2, Flood Protection Project, Virginia Beach, Virginia.

Control No.: D–COE–F36067–OH; EPA Rating: 3; Copies of Comments: EPA, Chicago—Water Resources Development, West Carrollton, Montgomery County, Ohio.

Control No.: D–COE–F36068–MI; EPA Rating: LO1; Copies of Comments: EPA, Chicago—Flood Control Project, Flint Township, Genesee County, Michigan.

Control No.: D–COE–K36042–AZ; EPA Rating: LO2; Copies of Comments: EPA, San Francisco—Little Colorado River Flood Control and Recreational Development, Holbrook, Navajo County, Arizona.

Control No.: D–COE–K85029–HI; EPA Rating: ER2; Copies of Comments: EPA, San Francisco—West Beach Resort Project, EWA District, Oahu Island, Honolulu County, Hawaii.

Control No.: D–COE–L36072–00; EPA Rating: *; Copies of Comments: EPA, Seattle—Mount Saint Helens Recovery Operations, Cowlitz County, Washington and Columbia Counties, Oregon.

Control No.: F–COE–L36061–OR; Copies of Comments: EPA, Seattle—Operations and Maintenance of the Willamette Reservoir System, Oregon.

Control No.: F–COE–L36069–WA; Copies of Comments: EPA, Seattle—Kenmore Navigation Channel Study, Kenmore, King County, Washington.

Control No.: F–COE–H07005–IA; Copies of Comments: EPA, Kansas City—Louisa Generating Station, Permit, Louisa and Muscatine Counties, Iowa.

Control No.: F–COE–K32021–TT; Copies of Comments: EPA, San Francisco—Rota Harbor Navigation Improvements, Rota Northern Mariana Islands, Trust Territories.

Control No.: F–COE–K36026–CA; Copies of Comments: EPA, San Francisco—Cache Creek Basin Water Resources Development, Flood Control, Lake and Yolo Counties, California.

Control No.: A-COE-A32487-FL; Copies of Comments: EPA, Atlanta—Supplemental Information Report, Tampa Harbor Deepening Project, Hillsborough County, Florida.

Control No.: R-COE-A86170-00; Copies of Comments: EPA, Washington, DC—33 CFR Part 235, Water Resources Policies and Authorities: Implementation of Executive Order 11990—Protection of Wetlands (45 FR 39412).

Control No.: A-COE-D36034-00; Copies of Comments: EPA, Philadelphia—Susquehanna River Basin Flood Control Review Study, New York, Pennsylvania, Maryland.

Council on Environmental Quality

Control No.: A-CEQ-A84025-00; Copies of Comments: EPA, Washington, DC—Desertification of the United States, a Draft Report to the Council on Environmental Quality.

Department of Agriculture

Control No.: D-AFS-J61036-CO; EPA Rating: LO1; Copies of Comments: EPA, Denver—Spruce Creek Addition Wilderness Area, White River National Forest, Pitkin County, Colorado.

Control No.: DS-REA-A06102-SC; EPA Rating: LO1; Copies of Comments: EPA, Atlanta—Catawba Nuclear Station Unit 1, York County, South Carolina.

Control No.: D-REA-E07009-KY; EPA Rating: LO2; Copies of Comments: EPA, Atlanta—J. K. Smith Power Station Units 1 and 2, Clark County, Kentucky.

Control No.: D-REA-G08001-LA; EPA Rating: ER2; Copies of Comments: EPA, Dallas—Oxbow Lignite Surface Mine, Big Cajun No. 3, and Related Transmission Facilities, Louisiana.

Control No.: F-AFS-D65008-WV; Copies of Comments: EPA, Philadelphia—Upper Shavers Fork Sub-Unit, Monongahela National Forect, Randolph and Pocahontas Counties, West Virginia.

Control No.: F-FCS-E36061-NC; Copies of Comments: EPA, Atlanta—Limestone and Muddy Creek Watershed, Duplin County, North Carolina.

Department of Commerce

Control No.: RD-NOA-A90046-GA; EPA Rating: LO2; Copies of Comments: EPA, Washington, DC—Proposed Gray's Reef Marine Sanctuary, South Atlantic Continental Shelf and 34.2 KM East of Sapelo Island, Georgia.

Control No.: D-NOA-L64013-00; EPA Rating: LO1; Copies of Comments: EPA, Seattle—Pink Shrimp Fishery, (FMP) off the coast of Washington, Oregon and California.

Control No.: D-UMR-F39013-00; EPA Rating: LO1; Copies of Comments: EPA, Chicago—Upper Mississippi River Main Stem, Level B Study, Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

Control No.: FS-NOA-L90010-00; Copies of Comments: EPA, Seattle—1978 Fishery Management Plan (FMP), Commercial and Recreational Salmon Fisheries, off the coasts of Washington, Oregon and California.

Department of Defense

Control No.: D-USA-J11001-CO; EPA Rating: ER 2; Copies of Comments: EPA, Denver—Fort Carson Training Land Acquisition, Colorado.

Department of Energy

Control No.: DS-BPA-L08038-WA; EPA Rating: LO1; Copies of Comments: EPA, Seattle—Proposed Fiscal Year 1979 Program Facility Location Program, San Juan Islands Area Service, 115 KV Submarine Transmission Cable, San Juan and Skagit Counties, Washington.

Control No.: RD-ERA-A04649-00; EPA Rating: LO1; Copies of Comments: EPA, Washington, DC—Regulatory Analysis for Review and Establishment of Natural Gas Curtailment Priorities (DOE/RG-0026/1).

Control No.: FS-BPA-L08037-OR; Copies of Comments: EPA, Seattle—Proposed Fiscal Year 1979 Program, Facility Planning Supplement, Southwest Oregon Area Service, Buckley-Summer Lake 500 KV Line, Oregon.

Control No.: A-DOE-D07004-DE; Copies of Comments: EPA, Philadelphia—Edge Moor Generating Station, Coal Conversion Program, New Castle County, Delaware.

Control No.: A-DOE-F07010-IL; Copies of Comments: EPA, Chicago—Assessment, Scoping Document for Proposed Fuel Conversion, Collins Generating Station, Morris, Illinois.

Department of the Interior

Control No.: D-BLM-J07012-00; EPA Rating: EU2; Copies of Comments: EPA, Denver—Allen/Warner Valley Energy System, Utah and Nevada.

Control No.: D-NPS-B61009-MA; EPA Rating: LO2; Copies of Comments: EPA, Boston—Lowell National Historical Park Management Plan, Lowell, Middlesex County, Massachusetts (DES-80/40).

Control No.: D-NPS-J61033-00; EPA Rating: LO1; Copies of Comments: EPA, Denver—Development Concept Plan, Horseshoe Bend Hough Creek, Bighorn Canyon, Montana and Wyoming.

Control No.: F-BLM-J99015-CO; Copies of Comments: EPA, Denver—Royal Gorge Domestic Livestock Resource Area, Grazing Management, Colorado.

Control No.: F-BLM-K65033-AZ; Copies of Comments: EPA, San Francisco—Shivwits Proposed Grazing Management, Arizona.

Control No.: F-IBR-J35005-00; Copies of Comments: EPA, Denver—Animas and Laplata Water Supply Project, Colorado and New Mexico.

Control No.: A-BLM-A02151-00; Copies of Comments: EPA, Washington, DC—Notice: Outer Continental Shelf Gulf of Mexico (OCS); Proposed Oil and Gas Lease Sale No. 62 (45 FR 45872).

Control No.: R-BLM-A60110-00; Copies of Comments: EPA, Washington, DC—43 CFR Part 2200, Public Lands; Exchanges; Proposed Procedures (45 FR 41860).

Control No.: A-NPS-K61046-CA; Copies of Comments: EPA, San Francisco—Environmental Assessment; Comprehensive Management Plan, Mineral King Area of Sequoia and Kings Canyon National Parks, Tulare County, California.

Department of Transportation

Control No.: RD-DOT-A55011-00; EPA Rating: LO1; Copies of Comments: EPA, Washington, DC—Pursuant to Section 102(2)(C), Pub. L. 91-190; Regulation Implementing Section 504 of the Rehabilitation Act of 1973.

Control No.: D-FHW-E40194-AL; EPA Rating: LO1; Copies of Comments: EPA, Atlanta—Replacement of Cochrane Bridge Over Mobile River, Mobile County, Alabama.

Control No.: D-FHW-H40097-IA; EPA Rating: ER2; Copies of Comments: EPA, Kansas City—IA-150 Improvements, Independence, Buchanan County, Iowa (FHWA-IOWA-EIS-80-02-D).

Control No.: D-FHW-K54006-CA; EPA Rating: LO1; Copies of Comments: EPA, San Francisco—San Bernardino Freeway Bus Extension, Los Angeles, California.

Control No.: D-FHW-L40099-OR; EPA Rating: LO2; Copies of Comments: EPA, Seattle—Sutton Lake to Florence and Oregon Coast Highway Improvement, U.S. 101, OR-9, Lane County, Oregon (FHWA-OR-EIS-80-04-D).

Control No.: D-FRA-B53006-RI; EPA Rating: LO2; Copies of Comments: EPA, Boston—Northeast Corridor Improvement Project, Providence Railroad and Highway Improvements, Providence County, Rhode Island (FRA-RNC-EIS-80-01-D).

Control No.: FS-FHW-A41862-OR; Copies of Comments: EPA, Seattle—OR-244 and Oregon Forest Highway Route 55, Clackamas Highway, Clackamas County, Oregon (FHWA-ORFP-EIS-72-02-FS).

Control No.: F-FHW-J40050-ND; Copies of Comments: EPA, Denver—Mott Rainbow Arch Bridge Replacement, Cannonball River, North Dakota.

Control No.: F-FHW-E40158-TN; Copies of Comments: EPA, Atlanta—TN-22, Martin Bypass to Old TN-22, Obion and Weakley Counties, Tennessee.

Control No.: F-FHW-F40113-IN; Copies of Comments: EPA, Chicago—U.S. 50, Location of Structures, White River, Washington City Bypass, Knox and Daviess Counties, Indiana.

Control No.: F-FHW-F40123-IN; Copies of Comments: EPA, Chicago—South L Street and Garwood Road, Richmond, Wayne County, Indiana.

Control No.: F-FHW-F40125-IN; Copies of Comments: EPA, Chicago—Third Street Corridor, IN-37 to IN-45/46 Bypass, Bloomington, Monroe County, Indiana.

Control No.: F-FHW-J40035-CO; Copies of Comments: EPA, Denver—City of Grand Junction Horizon Drive, Colorado Project, Mesa County, Colorado.

Control No.: F-FHW-K40044-HI; Copies of Comments: EPA, San Francisco—Hawaii Belt Road, Highway, Holualoa to Papa, North and South Kona, Island of Hawaii, Hawaii.

Control No.: F-FHW-K40051-HI; Copies of Comments: EPA, San Francisco—Kauai Belt Road, Kalihiwai to Haena, Fap Route 56, Kauai Island, Hawaii.

Control No.: N-FAA-F51023-MI; Copies of Comments: EPA, Chicago—FNSI, Improvements at the Branch County Memorial Airport, Coldwater, Branch County, Michigan.

Control No.: A-FHW-F40153-MI; Copies of Comments: EPA, Chicago—Scoping Document, Proposed Improvement of MI-53, Lapeer and Macomb Counties, Michigan.

Federal Energy Administration

Control No.: A-FEA-D05001-VA; Copies of Comments: EPA, Philadelphia-FNSI, Application for License for Constructed Holcomb Rock Dam, Bedford and Amherst Counties, Virginia.

Federal Energy Regulatory Commission

Control No.: RD-FRC-A09804-00; EPA Rating: ER2; Copies of Comments: EPA, Washington, DC—Rulemaking for: Small Power Production and Cogeneration Facilities—Qualifying Status/Rates and Exemptions; Docket Nos. RM79-54 and RM79-55 (FERC/EIS—0019/D).

Control No.: R-FRC-A05452-00; Copies of Comments: EPA, Washington, DC—18 CFR Parts 3 and 12; Regulations Governing Safety of Water Power Projects and Project Works; (Docket No. RM80-31) (45 FR 41608).

Control No.: A-FRC-F05002-MI; Copies of Comments: EPA, Chicago—Notices of Application for Preliminary Permits, Geddes Dam No. 3143, and Superior Dam No. 3152 for Hydroelectric Power, Ann Arbor, Michigan.

General Services Administration

Control No.: F-GSA-B81005-MA; Copies of Comments: EPA, Boston—Proposed New Federal Office Building, Boston, Suffolk County, Massachusetts (EMA-78002).

Department of Housing and Urban Development

Control No.: D-HUD-J85037-MT; EPA Rating: 3; Copies of Comments: EPA, Denver—Olympic Park, Harvest Housing Developments, Billings, Montana.

Control No.: F-HUD-J85036-ND; Copies of Comments: EPA, Denver—Homestead Planned Developments, Jamestown, Stutsman County, North Dakota.

Control No.: F-HUD-L38001-WA; Copies of Comments: EPA, Seattle—White Center Drainage Improvement Project, Washington.

Control No.: F-HUD-C89005-NY; Copies of Comments: EPA, New York—City of Rochester Cultural District Plan, Monroe County, New York.

Control No.: F-HUD-K80008-CA; Copies of Comments: EPA, San Francisco—City Centre Shopping Center Project, Burbank, Los Angeles County, California.

Missouri River Basin Commission

Control No.: D-MRB-H39002-00; EPA Rating: ER2; Copies of Comments: EPA, Kansas City—Missouri River Basin Water Resources Management Plan, Nebraska, Montana, South Dakota, Wyoming, Kansas, Missouri and North Dakota.

New England River Basin Commission

Control No.: D-NRB-B35009-00; EPA Rating: LO1; Copies of Comments: EPA, Boston—Long Island Sound, Disposal of Dredge Material, Connecticut and Rhode Island.

Nuclear Regulatory Commission

Control No.: F-NRC-J00006-WY; Copies of Comments: EPA, Denver—Morton Ranch Uranium Mill, Operation, Converse County, Wyoming.

U.S. Postal Service

Control No.: F-UPS-H81006-MO; Copies of Comments: EPA, Kansas City—Proposed Expansion of Building and Parking Facilities, Westport Station, 200 Westport Road, Kansas City, Jackson County, Missouri.

* "Because of the unusual nature of the Corps of Engineers' Mt. St. Helens recovery operations draft EIS, the EPA will not rate this draft statement. The emergency recovery operations have been underway since May 19, 1980, with most of the planned work to be completed by November 1, 1980. EPA requested additional details to document on-going activities. EPA has also suggested additional methods to enhance the public's opportunities for input into the Corps Decision-making process during the changing emergency situations. Further, EPA has requested that a thorough NEPA analysis and review of alternatives for both the short-term and long-term future planning efforts throughout the affected basins be scheduled. EPA region 10 looks forward to continuing cooperative efforts with the Corps of optimize the recovery operations from an environmental protection perspective."

Dated: October 29, 1980.

William N. Hedeman, Jr,

Director, Office of Environmental Review.

[FR Doc. 80-34295 Filed 11-3-80; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51158; TSH-FRL 1653-8]

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 chemcial 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 November 25, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW, Washington, DC 20460 (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Robert Jones, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St., SW, Washington, DC 20460 (202-426-8816).

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. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50444-Revised). 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 sumitter 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 of 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 of 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 November 25, 1980 submit to the Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, RM. E–447, 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–51158]" 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 legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)).

Dated: October 24, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80–265

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. December 25, 1980.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Manufacturing site—Mid-Atlantic, U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided. Di (substituted alkyl) Carbomonocyclic dicarboxylate.

Use. Claimed confidential business information. The manufacturer states that the substance will be used in an open use that will release less than 50 kilograms (kg) per year of the substance into the environment.

Exposure.

Production Estimates

	(Kg/yr)	
	Minimum	Maximum
First year	22,800	36,400
Second year	45,500	73,000
Third year	136,000	145,000

Physical/Chemical Properties

Acid value	<2
Hydroxyl value	500–550
Per cent total solids	72–78%
Viscosity	Z_1–Z_3
Color	<5

Toxicity Data. No data were submitted.

Activity	Exposure Route	Maximum number exposed	Maximum duration		Concentration (ppm)	
			Hours/day	Days/year	Average	Peak
Manufacture (3 sites)	Skin, eye, inhalation.	44	3–4	20–100	0–1	1–10
Use	Skin, eye, inhalation.	12–24			1–10	1–10

Environmental Release/Disposal

Manufacture (3 sites combined) media	Amount of chemical release (Kg/yr)
Air	<30
Water	<30
Land	30–3,000

Solvent is used to clean the equipment as needed and is reclaimed by distillation. Sludge is incinerated.

PMN 80–266

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. December 25, 1980.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Manufacturing site—Mid-Atlantic, U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided. Polymer of alkanedioic acids, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol,2,2-dimethyl-1, 3-propanediol.

Use. Claimed confidential business information. Generic use provided: The submitter states that the substance will be used in an open use and will release less than 50 kilograms (kg) per year of the substance into the environment.

Production Estimates

	(Kg/yr)	
	Minimum	Maximum
First year	22,800	36,400
Second year	45,500	73,000
Third year	136,000	145,000

Physical/Chemical Properties

Acid value	1.5.
Hydroxyl value (on solids)	116.0
Per cent total solids	60.5
Viscosity	W–
Color	1.0
Density	8.54 lb/gal.

Toxicity Data. No data were submitted.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hours/day	Days/year	Average	Peak
Manufacture (2 sites)	Skin, eye, inhalation.	32	3	20	0–1 ppm	0–1 ppm
Processing	Skin, eye, inhalation.	12	4	100	0–1 mg/m³	0–1 mg/m³
Use	Skin, eye, inhalation.	12–24			1–10 mg/m³	1–10 mg/m³

Environmental Release/Disposal

Manufacturing media release (kg/yr)	Amount of chemical
Air	<30
Water	<30
Land	30-3,000

Solvent is used to clean the equipment as needed and is reclaimed by distallation. Sludge is incinerated.

[FR Doc. 80-34296 Filed 11-3-80; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51157; TSH FRL 1654-3]

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 80-256, November 17, 1980. PMN 80-264, November 25, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460 (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-210, 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 of June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-Revised). 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, 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), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 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-51157]" 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 legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: October 27, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80-256

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. December 17, 1980.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Methylaziridinylcarbonylimino oleyl triimido diisophorone poly(propylene glycol).

Use. Textile finish.

Production Estimates

	(Kg/yr)	
	Minimun	Maximum
1981	35,000	40,000
1982	45,000	50,000
1983	55,000	60,000

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The company states that two workers would be dermally exposed to the substance for 8 hours per day for approximately 15 days per year.

Environmental Release/Disposal. The submitter states that there will be no environmental release of the new substance during the manufacturing process.

PMN 80-264

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. December 25, 1980.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Annual sales—Between $100 million and $499,999,999.

Manufacturing site—Mid-Atlantic U.S.

Standard Industrial Classification Code—2891.

Specific Chemical Identity. Claimed confidential business information. Generic name provided. Benzenamine, [*N*-(1-methylhexylidene)-*N*'-(1-methyl butylidene)-4,4'-methylene bis]

Use. Curing agent or crosslinker.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure Data. During manufacture: 1–2 workers per shift, 8 hours per shift, 3 shifts per day, 25–40 days per year.

During use: The submitter states that the product is destined exclusively to industrial markets; there will be no exposure to the general public or to the consumer; that worker estimates are not available.

Environmental Disposal. The submitter states that aqueous waste is combined with organics and disposed by incineration at an approved disposal facility.

[FR Doc. 80-34299 Filed 11-3-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51164; TSH-FRL 1654-4]

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 three PMN's and provides a summary of each.

DATES: Written comments by: PMN 80-272, December 2, 1980; PMN 80-273, December 2, 1980; PMN 80-279, December 6, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460 (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-210, 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 of June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-Revised). 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, 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), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, D.C. 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–51164]" and the specific PMN number. Comments received may be seen in the above office between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: October 28, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80–272

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. January 1, 1981.

Manufacturer's identity. International Minerals and Chemical Corp., Mundelein, IL 60060.

Specific Chemical Identity. N-Methyl-*N*-glucitylstearoylamide.

Use. Stabilizer for formaldehyde solutions.

Production Estimates. About 1,000 pounds per year.

Physical/Chemical Properties

Melting point	104–105°C.
Solubility in methanol	5 g/l at 45°C.

Toxicity Data. No data on the PMN substance were submitted. The following are data on two starting materials.

N-Methylglucamine

Human toxicity	Mild irritant.
Therapeutic category	Antileishmanial.

Methyl Stearate

Toxic dose, subcutaneous (mouse) TDL_o 5,200 mg/kg/65 W-I.

Exposure. The manufacturer states that one person may be exposed for up to 5½ hours.

Disposal. Disposal of product, if any, will be by incineration or landfill. Methanol, a byproduct, will be recovered by distillation for reuse.

PMN 80–273

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. January 1, 1981.

Manufacturer's Identity. Sybron Chemical Division—Tanatex, P.O. Box 125, Wellford, SC 29385.

Specific Chemical Identity. Amines, C_{10-16} alkyldimethyl, phosphate salt.

Use. Textile dyeing assistant.

Production Estimates

	(Kg/yr)	
	Minimum	Maximum
First year	8,000	32,000
Second year	16,000	80,000
Third year	16,000	160,000

Physical/Chemical Properties

	Diluted	Concentrated
Appearance	Clear liquid	Clear liquid.
Color	Water white	Light yellow.
pH (10%)	5.5–6.5	5.5–6.5.
Specific gravity at 25°C.	1.02	1.07.
Refractive index at 25°C.	1.365–1.375	1.400–1.410.
Water	74–76%	48–52%.

Toxicity Data. No data were submitted.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hours/day	Days/year	Average	Peak
Manufacture	Dermal	10	2	35	>100	
Use	Dermal	NA	NA	NA	>100	

Environmental Release/Disposal

Manufacture media	Amount/duration of chemical release (kg/yr)
Water	100–1,000 24 hr/da; 365/yr.

The manufacturer states that the reaction tank will be washed with water and the residual product diluted to approximately 4.0% of normal strength before discharge to the waste treatment system.

PMN 80–279

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. January 5, 1981.

Manufacturer's Identity. Pioneer Plastics, Division of LOF Plastics Inc., Pionite Rd., Auburn, ME 04210.

Specific Chemical Identity. Polymer of: 2, 2-Dimethyl 1,3–propanediol; 2,2,4-trimethyl 1,3 pentanediol; isophthalic acid; and fumaric acid.

Use. For use in electrical appliance parts.

Production Estimates. The manufacturer states that initially 300,000 to 500,000 pounds of the substance will be manufactured with an estimated 10 percent increase annually.

Physical/Chemical Properties

Molecular weight	5000 weight.
Melting point	60°C.
Volatility	Low.
Acid number	25.
Solubility	Soluble in acetone and toluene.
Viscosity	12,000 cps at 135°C.

Toxicity Data. No data were submitted.

Exposure. Pioneer Plastics states that up to ten people will be directly exposed to the starting materials and finished resin for an eight-hour period and about

20 people who work at the same location may be exposed for short periods of the time.

Disposal. The submitter states that water soluble portion of the distillate will be fed to a biological treatment plant and that water insoluble layer will be incinerated.

[FR Doc. 80-34300 Filed 11-3-80; 8:45 am]
BILLING CODE 6560-03-M

[OPTS-51156; TSH FRL 1654-5]

Linseed Oil, Styrene, Glycerine, Toluene Diisocyanate; 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 November 22, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, D.C. 20460 (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Rick Green, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-221, 401 M St., SW., Washington, D.C. 20460 (202-426-3980).

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. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). 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 indentity 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 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, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before November 22, 1980, submit to the Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 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-51156]" 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 legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: October 27, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

80-263

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. December 22, 1980.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Annual sales—Between $10 million and $99,999,999.

Manufacturing site—West-north central U.S.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Linseed oil, styrene, glycerine, toluene diisocyanate.

Use. Baking and air dry enamels.

Production Estimates

	(Kg/yr)	
	Minimum	Maximum
First year	900,000	1,500,000
Second year	1,000,000	2,000,000
Third year	1,000,000	2,000,000

Physical/Chemical Properties

Non-volatile	60 ± 1.
Color	6 maximum.
Acid number	0.1.
Viscosity	Z1–Z2.
Weight/gallon	7.85 lb.

Toxicity Data. No data were submitted.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration (ppm)	
			Hours/day	Days/year	Average	Peak
Manufacture	Inhalation	2	1	251		1–10
Processing	Inhalation	>10	4–8	251		1–10
Use	Inhalation	>3	4–8	251		1–10
Disposal	Inhalation	2	2	251		1–10

Environmental Release/Disposal. The manufacturer states that the manufacture of this material will be carried out in closed equipment with no release points during processing; that 40.100 kg of the substance may be released to the environment per year.

[FR Doc. 80-34301 Filed 11-3-80; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51167; TSH-FRL 1654-1]

Propylene Glycol, Neopentyl Glycol, Isophthalic Acid, Empol 1022 Dimeric Fatty Acid, Trimellitic Anhydride Polymer; 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.

DATES: Written comments by December 9, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, DC 20460 (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Carolyn Brown, Chemical Control Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–221, 401 M St., SW., Washington, DC 20460 (202–426–3980).

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. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558–Initial) and July 29, 1980 (45 FR 505444–Revised). 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 reudirements 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 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, a summary of

the data taken from the PMN is published herein.

Interested persons may, on or before December 9, 1980, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 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–51167]" 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 legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: October 28, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80–281

The following summary is taken from data submitted by the manufacturer in the PMN.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration (ppm)	
			Hours/day	Days/year	Average	Peak
Manufacture	Inhalation	2	1	300		1–10
Processing	Inhalation	30	4	300		1–10
Use	Inhalation		8	300		1–10
Disposal	Inhalation	2	3	300		1–10

Environmental Release/Disposal

Manufacture media	Amount/duration of chemical release (Kg/yr)
Air	Less than 10. 1 hr/da; 300 da/yr.
Water	Less than 10.
Land	Less than 10.

The manufacturer states that: The filter operation is vented to the atmosphere but resin is non-volatile; that some solvent is lost through this venting; disposal of waste materials is by landfill.

[FR Doc. 80–34297 Filed 11–3–80; 8:45 am]

BILLING CODE 6560–31–M

Close of Review Period. January 8, 1981.

Manufacturer's Identity. Claimed confidential business information.

Generic information provided:

Annual sales—Between $10 million and $99 million.

Manufacturing site—East-north-central U.S.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Propylene glycol, neopentyl glycol, isophthalic acid, Empol 1022 dimeric fatty acid, trimellitic anhydride polymer.

Use. The manufacturer states that the material will be used in coatings.

Production Estimates

	(Kg/yr)	
	Minimum	Maximum
First year	100,000	170,000
Second year	100,000	170,000
Third year	200,000	340,000

Physical/Chemical Properties. Average molecular weight—750–1500.

Toxicity Data. No data were submitted.

[OPTS–51163; TSH–FRL 1654–7]

Tall Oil Fatty Acid, Isophthalic Acid, Trimethylol Propane, Trimellitic Anhydride, Methyl Methacrylate, Ethyl Acrylate, Methacrylic Acid, Hydroxy Ethyl Methacrylate; 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 December 5, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, D.C. 20460 (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Rick Green, Chemical Control Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–221, 401 M St., SW., Washington, D.C. 20460 (202–426–3980).

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. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). 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 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, a summary of the data taken from the PMN is published herein.Interested persons may, on or before December 5, 1980, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, D.C. 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–51163]" and the PMN number. Comments received may be seen in the above office between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: October 28, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80–275.

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. January 4, 1981.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Annual sales—Between $10 million and $99,999,999.

Manufacturing site—West-north central U.S.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Tall oil fatty acid, isophthalic acid, trimethylol propane, trimellitic anhydride, methyl methacrylate, ethyl acrylate, methacrylic acid, hydroxy ethyl methacrylate.

Use. Air dry enamel (water reducible).

Production Estimates

	(Kg/yr)	
	Minimum	Maximum
1st year	900,000	1,500,000
2d year	1,000,000	2,000,000
3d year	1,000,000	2,000,000

Physical/Chemical Properties

Non-volatile	75± 1.
Acid number	42± 2.
Color	9 max.
Viscosity	z6 Hy.
Weight/gallon	8.72 lb.
Solvent	*N*-Butanol-50%. Butyl cellosolve-50%.

Toxicity Data. No data were submitted.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration (ppm)	
			Hours/day	Days/year	Average	Peak
Manufacture	Inhalation	2	1	251		1–10
Processing	Inhalation	10	4	251		1–10
Use	Inhalation	>3	4–8	251		1–10
Disposal	Inhalation	2	2	251		1–10

Environmental Release/Disposal

Manufacture media	Amount/Duration of Chemical Release (kg/yr)
Air	Less than 20. 1–8 hr/da; 251/yr.
Water	10–100. 8 hr/da; 251/yr.
Land	Less than 20.

[FR Doc. 80–34298 Filed 11–3–80; 8:45 am]

BILLING CODE 6560–31–M

[AD–FRL 1653–6]

National Air Pollution Control Techniques Advisory Committee; Open Meeting

Under Public Law 92–463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held on December 2 and 3, 1980, at the Royal Villa Hotel, Royal King Hall I, 6339 Glenwood Avenue, Raleigh, North Carolina 27612. The commercial telephone number is (919) 782–4433.

The tentative agenda for the meeting is as follows:

December 2 (Tuesday)–9:00 a.m.

Rubber Tire Manufacturing Industry, New Source Performance Standards (Section 111), Volatile Organic Liquid Storage Vessels, New Source Performance Standards (Section 111)

December 3 (Wednesday)–8:30 a.m.

Continuation of December 2—As Required.

Basic Oxygen Process Furnaces, Revision of Existing New Source Performance Standard to Include Fugitive Emissions (Section 111) Status Report on Previous Committee Recommendations

All meetings are open to the public. Anyone wishing to make a presentation should contact Ms. Mary Jane Clark at the Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by November 25, 1980. The commercial telephone number is (919) 541–5271, and the FTS number is 629–5271.

The dockets containing material relevant to the rubber tire manufacturing industry (A–80–9), volatile organic liquid storage vessels (A–80–51), and basic oxygen process furnaces (A–79–06) are located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby-Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

Dated: October 29, 1980.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 80-34294 Filed 11-3-80; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 24, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operate to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-3930.

Filing Party: John C. Barnett, Assistant Chief, Leases & Operating Agreements Division, The Port Authority of New York and New Jersey, One World Trade Center, New York, New York 10048.

Summary: Agreement No. T-3930, between the Port Authority of New York and New Jersey (Port) and Universal Maritime Service Corp. (Universal), provides for Universal's 5-year lease (with extension options) of the Red Hook Container Terminal. Compensation is as provided for in detail in the agreement, and consists of a basic annual rental of $500,000 plus usage rentals computed on the basis of the cargo handled at the facility. Agreement No. T-3930 implements Agreement No. T-3099-B, between the Port, the City of New York and the State of New York, approved by the Commission on May 1, 1980, which provides for the facility's construction and operations.

Agreement No.: 8210-41.

Filing Party: Howard A. Levy, Attorney at Law, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 8210-41 amends Article 6 of the Continental North Atlantic Westbound Freight Conference Agreement by deleting in its entirety subparagraph (f) which pertains to the voting requirements concerning all provisions of any European Inland Tariff applicable to members.

Agreements Nos. 8760-9 and 9247-6.

Filing party: H. P. Blok, Secretary, West Coast United States & Canada/India, Pakistan, Ceylon & Burma Rate Agreement, India, Pakistan, Ceylon, Burma/West Coast, Rate Agreement, 417 Montgomery Street, San Francisco, California 94104.

Summary: Agreements Nos. 8760-9 and 9247-6 amend, respectively, Articles 2(a) and 2 of the West Coast United States & Canada/India, Pakistan, Ceylon & Burma Rate Agreement and the India, Pakistan, Ceylon, Burma/West Coast Rate Agreement in order to set forth, in greater detail, the time and opportunity allowed for consideration of an independent action proposal. The present forty-eight (48) hour notice proviso for exercising the right of independent action will remain in effect. However, a maximum period of ten (10) working days will be allowed for a member line to adopt its proposal following notification to the other parties.

Agreement No. 9296-3.

Filing Party: J. D. Straton, Jr., Director, Rates and Conferences, Moore McCormack Lines, Incorporated, 2 Broadway, New York, New York 10004.

Summary: Agreement No. 9296-3, a transshipment agreement between Robin Line and Navale Et Commerciale Havraise Peninsulaire (Navale), amends the basic agreement by deleting Compagnie Malgache de Navigation as a subsidiary of Navale under the agreement.

Agreements Nos.: 9648-A-15 and 9648-A-16.

Filing Party: Paul B. Thornquist, Executive Administrator, Inter-American Freight Conference, 17 Battery Place, Suite 801, New York, New York 10004.

Summary: Agreement No 9648-A-15 modifies Article 19 of the basic agreement of the Inter-American Freight Conference by reducing the allowance period for payment of members' assessed pro rata shares of Conference administration and maintenance expenses and providing for a scale of fines for delinquent payments received within a period of thirty to ninety days after receipt of assessment notice.

Agreement No. 9648-A-16 modifies Article 18 of the basic agreement by eliminating any reference as to the number of reports of shippers' requests and complaints that the Conference is required to file with respective government authorities.

Agreement Nos.: 10122-4 and 10122-5.

Filing Party: Luis Venancio Staghezza, Assistant Executive Administrator, CONFERENCIA INTERAMERICANA DE FLETES, (Inter-American Freight Conference), Lavalle 381—8°. Piso (1047), Buenos Aires, Argentina.

Summary: Agreement No. 10122-4 modifies Article 19 of the basic agreement of the Inter-American Freight Conference Area River Plate/Puerto Rico and U.S. Virgin Islands/River Plate by reducing the allowance period for payment of members' assessed pro rata shares of conference administration and maintenance expenses and providing for a scale of fines for delinquent payments received within a period of thirty to ninety days after receipt of assessment.

Agreement No. 10122-5 modifies Article 18 of the basic agreement by eliminating any reference as to the number of reports of shippers' requests and complaints that the conference is required to file with respective government authorities.

By Order of the Federal Maritime Commission.

Dated: October 30, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-34385 Filed 11-3-80; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by November 14, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and for their foriegn competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the

agreements and the statement should indicate that this has been done.

Agreement No. 9767–1.

Filing Party: John R. Mahoney, Esquire, Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Summary: Agreement No. 9767–1, among the members of the Associated Container Transportation (Austrailia), Ltd. Agreement adds intermodal movements through ports now served to the scope of the agreement, to the extent consistent with that sought by the Pacific America Container Express (9925–2) and the Atlantic and Gulf/Austrialia-New Zealand Conference (6200–20).

Agreement No. 9847–6.

Filing Party: John D. Straton, Jr., Director, Rates and Conferences, Moore McCormack Lines, Incorporated, 2 Broadway, New York, New York 10004.

Summary: Agreement No. 9847–6 modifies the basic U.S. Atlantic/Brazil Pool Agreement to: (1) extend its term through December 31, 1983; (2) modify the range of Brazilian Ports served; (3) reflect the current pool membership and its flag status; and, (4) add to the categories of items excepted from the pool.

Agreement No. 10027–10.

Filing Party: John D. Straton, Jr., Director, Rates and Conferences, Moore McCormack Lines, Incorporated, 2 Broadway, New York 10004.

Summary: Agreement No. 10027–10 proposes to modify the basic Brazil/U.S. Atlantic Pool Agreement by: (1) extending its term for 3 years, through December 31, 1983; (2) breaking out the 80 percent national-flag share by allocating 40 percent to both U.S. and Brazilian-flag participants; (3) redefining the shares and minimum sailing requirements of nonnational-flag participants; (4) requiring the entry of any nonnational-flag participant to be filed with the Commission for approval; and, (5) adding a new provision requiring certain direct port calls in Brazil and reducing a party's pool share for failure to make its required calls.

By Order of the Federal Maritime Commission.

Dated: October 29, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-34307 Filed 11-3-80; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3925

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis (OEA) has determined that the environmental issues relative to the referenced agreement do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* and that preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

Agreement No. T–3925, between Crescent Wharf Company (Crescent) and Toko Kaiun Kaisha, Ltd. (Toko), is a 10–year agreement providing for the parties' entering into a joint venture to operate a terminal facility at the port of Long Beach, California. The parties will operate the facility pursuant to the terms and conditions of a terminal lease agreement between Crescent's wholly-owned subsidiary, Crescent Terminals, Inc., and the City of Long Beach (FMC Agreement No. T–3877, approved January 29, 1980). The parties will be compensated through a division of revenue formula as mutually agreed to and as set forth in the agreement. The Office of Environmental Analysis' (OEA) major environmental concern is whether this agreement will significantly affect energy usage and/or the quality of the air, water, noise and biological environment.

The OEA has determined that the Commission's final resolution of Agreement No. T–3925 will cause no significant adverse environmental effects in excess of those created by existing uses.

The environmental assessment is available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725. Interested parties may comment on the environmental assessment on or before November 24, 1980. Such comments are to be filed with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573. If a party fails to comment within this period, it will be presumed that the party has no comment to make.

Francis C. Hurney,

Secretary.

[FR Doc. 80-34308 Filed 11-3-80; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. 9973–7]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis (OEA) has determined that the environmental issues relative to the referenced agreement do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* and that preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

Agreement No. 9973–7 authorizes Johnson ScanStar to utilize overland minibridge service through U.S. Atlantic, Gulf, or Great Lakes ports in the event of any emergency resulting in a general closure of U.S. Pacific Coast Ports. The OEA's major environmental concern was whether the agreement would significantly increase energy usage and/or affect the quality of the air, water, noise and biological environment.

The OEA has determined that the Commission's final resolution of Agreement No. 9973–7 will cause no significant adverse environmental effects in excess of those created by existing uses.

The environmental assessment is available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725. Interested parties may comment on the environmental assessment on or before November 24, 1980. Such comments are to be filed with the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573. If a party fails to comment within this period, it will be presumed that the party has no comment to make.

Francis C. Hurney,

Secretary.

[FR Doc. 80-34309 Filed 11-3-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Sasser Corp.; Formation of Bank Holding Company

The Sasser Corp., Carthage, Mississippi, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 48 percent of the voting shares of the Carthage Bank, Carthage, Mississippi. the Sasser Corp. has also applied for the Board's approval to acquire 60 percent of the shares of First Carthage Corporation, Carthage, Mississippi. The factors that are considered in acting on the application are set forth in secton 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 Fedral Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 25,

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, October 28, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34269 Filed 11-3-80; 8:45 am]

BILLING CODE 6210-01-M

Thunderbird Bancshares, Inc.; Formation of Bank Holding Company

Thunderbird Bancshares, Inc., Shawnee, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Federal National Bank & Trust Company of Shawnee, Shawnee, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of 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 November 26, 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, October 28, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34270 Filed 11-3-80; 8:45 am]

BILLING CODE 6210-01-M

Cameron Investment Co., Inc.; Formation of Bank Holding Company

Cameron Investment Company, Inc., Park Falls, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 84 per cent of the voting shares of Bank of Cameron, Cameron, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than November 26, 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, October 28, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34261 Filed 11-3-80; 8:45 am]

BILLING CODE 6210-01-M

Clement Bancshares, Inc.; Formation of Bank Holding Company

Clement Bancshares, Inc., Plainview, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank, Plainview, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 26, 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, October 29, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34262 Filed 11-3-80; 8:45 am]

BILLING CODE 6210-01-M

Emerson First National Co.; Formation of Bank Holding Company

Emerson First National Company, Emerson, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 98 percent or more of the voting shares of The First National Bank, Emerson, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of 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 November 26, 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, October 28, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34263 Filed 11-3-80; 8:45 am]

BILLING CODE 6210-01-M

Erick Bancorporation, Inc.; Formation of Bank Holding Company

Erick Bancorporation, Inc., Erick, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First American Bank, Erick, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of 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 November 26, 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, October 28, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34264 Filed 11-3-80; 8:45 am]

BILLING CODE 6210-01-M

Erickson Investment Co.; Proposed Continuation of General Insurance Agency Activities

Erickson Investment Company, Edgemont, South Dakota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in general insurance agency activities in Edgemont and Buffalo Gap, South Dakota.

Applicant states that it would continue to engage in the activity of acting as general insurance agent in a community not exceeding a population of 5,000 inhabitants. These activities would be performed from offices of Applicant's subsidiary in Edgemont and Buffalo Gap, South Dakota, and the geopraphic areas to be served are Edgemont and Buffalo Gap, South Dakota. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

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 interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by 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 offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 26, 1980.

Board of Governors of the Federal Reserve System, October 28, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34260 Filed 11-3-80; 8:45 am]

BILLING CODE 6210-01-M

First Carthage Corp.; Formation of Bank Holding Company

First Carthage Corporation, Carthage, Mississippi, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Carthage Bank, Carthage, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 25, 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, October 28, 1980.

Jefferson A. Walker

Assistant Secretary of the Board.

[FR Doc. 80-34265 Filed 11-3-80; 8:45 am]

BILLING CODE 6210-01-M

First Davis Bancorporation, Inc.; Formation of Bank Holding Company

First Davis Bancorporation, Inc., Davis, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank, Davis, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than November 28, 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, October 28, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34266 Filed 11-3-80; 8:45 am]

BILLING CODE 6210-01-M

First Miami Bancshares, Inc.; Formation of Bank Holding Company

First Miami Bancshares, Inc., Miami, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 87.55 percent or more of the voting shares of First National Bank and Trust Company of Miami, Miami, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of 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 November 26, 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, October 28, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34267 Filed 11-3-80; 8:45 am]

BILLING CODE 6210-01-M

Great Western Financial Services, Inc.; Formation of Bank Holding Company

Great Western Financial Services, Inc., Colorado Springs, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Western National Bank of Colorado Springs, Colorado Springs, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of 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 November 28, 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, October 29, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34268 Filed 11-3-80; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Authorization For Domestic Open Market Operations

In accordance with the Committtee's rules regarding availability of information, notice is given that on October 21, 1980, paragraph 1(a) of the Committee's authorization for domestic open market operations was amended to raise from $3 billion to $4 billion the limit on changes between Committee meetings in System Account holdings of U.S. government and federal agency securities, effective immediately, for the period ending with the close of business on November 18, 1980.

Note.—For paragraph 1(a) of the authorization see 36 FR 22697.

By order of the Federal Open Market Committee, October 28, 1980.

Murray Altman,

Secretary.

[FR Doc. 80-34259 Filed 11-3-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National advisory body scheduled to assemble during the month of November 1980.

The Federal Employee Alcoholism Programs Work Group of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, November 18; 9:30 a.m.—Open; National Clearinghouse for Alcohol Information, 1776 East Jefferson Street, Conference Room, Rockville, Maryland 20852.

Contact: Mr. Leslie C. Gray, Jr., Room 11A-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Purpose: The Federal Employee Alcoholism Programs Work Group (1) evaluates the adequacy and technical soundness of all internal programs dealing with employee alcoholism within all Federal military and civilian organizations of 1,000 employees or more; (2) provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities; (3) seeks to coordinate efforts among Federal agencies for internal employee alcoholism programs; and (4) submits reports and recommendations to the Interagency Committee as necessary in order to perform the above functions.

Agenda: The meeting will consist of a presentation on the Veterans Administration experiences related to occupational programs; an Office of Personnel Management report on the Atlanta, Boston, et al. consortia; and a report of the research findings concerning the Lincoln (Nebraska) Council Employee Assistance Program.

Substantive program information may be obtained from the contact person listed above, the NIAAA Committee Management Office will furnish upon request summaries of the meeting and a roster of Committee members. Contact Ms. Helen Garrett, Room 16C-21, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2860.

Dated: October 29, 1980.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 80-34255 Filed 11-03-80; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

[Docket No. 80M-0391]

Blairex Laboratories, Inc.; Premarket Approval of the Blairex System, Salt Tablets for All Soft (Hydrophilic) Contact Lenses

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Blairex System, Salt Tablets for All Soft (hydrophilic) Contact Lenses, sponsored by Blairex Laboratories, Inc., Evansville, IN, after reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by December 4, 1980.

ADDRESSES: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry Goldstein, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8162.

SUPPLEMENTARY INFORMATION: The sponsor, Blairex Laboratories, Inc., Evansville, IN, submitted an application for premarket approval of the Blairex System, Salt Tablets for All Soft (hydrophilic) Contact Lenses, to FDA on May 28, 1980. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On July 31, 1980, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (Pub. L. 94-295, 90 Stat. 539-583 (the amendments)), soft contact lens solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lens solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the office of the Dockets Management Branch (address above), and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Blairex System states that the salt tablets are to be used

only to make normal saline solutions for heat disinfecting of soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution, at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before December 4, 1980, file with the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 28, 1980

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–34250 Filed 11–3–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 78P–0173]

Laser Images, Inc.; Approval of Variance for the Concert System Laser Projectors and Laser Light Shows

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance from the performance standard for laser products has been approved by the Bureau of Radiological Health for the Concert System laser projectors and the laser light shows assembled and produced by personnel of Laser Images, Inc. The shows incorporate both the Concert System and LASERIUM Laser Projectors. The projectors provide a laser display to produce a variety of special effects. The principal use of this product is to provide entertainment to general audiences.

DATES: The variance became effective August 22, 1980, and ends August 22, 1982.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Laser Images, Inc., 6907 Hayvenhurst Ave., Van Nuys, CA 91406, has been granted a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the performance standard for laser products. The variance permits the manufacturer to introduce into commerce the demonstration laser product known as the Concert System laser projectors and laser light shows assembled and produced by Laser Images, Inc. personnel. The shows incorporate both the Concert System and the LASERIUM Laser Projectors with levels of accessible laser radiation in excess of class II levels but not exceeding those required to perform the intended function of the product. The LASERIUM laser projector was the subject of an earlier variance from the same requirement (43 FR 38626). Suitable means of radiation protection will be provided by constraints on the physical and optical design, by warnings in the user manual and on the product, and by procedures for Laser Images, Inc. personnel.

The product shall bear the Variance Number 78P-0173. By letter of August 22, 1980, the Director of the Bureau of Radiological Health approved the requested variance, which terminates on August 22, 1982. In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch (formerly the Hearing Clerk's office) Food and Drug Administration, and may be seen from 9 a.m. to 4 p.m., Monday through Friday.

Dated: October 28, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–34252 Filed 11–3–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80P–0198]

Six Flags Over Midamerica and Great Southwest Corporation; Approval of Variance for a Laser Projection System and Time Tunnel Laser Display

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance from the performance standard for laser products has been approved by the Bureau of Radiological Health for the Time Tunnel Laser Display including a laser projection system, assembled and produced by Six Flags Over Midamerica. The projector provides a laser display to produce a variety of special lighting effects in an indoor tunnel ride called the "Temple of Light." The principal use of this product is to provide entertainment to general audiences.

DATES: The variance became effective August 20, 1980, and ends August 20, 1982.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food

and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX–460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3426.

SUPPLEMENTARY INFORMATION: Under §1010.4 (21 CFR 1010.4), Six Flags Over Midamerica, Great Southwest Corporation, P.O. Box 666, Eureka, MD 63025, has been granted a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the perfornance standard for laser products. The variance permits the manufacturer to introduce into commerce the demonstration laser product known as the Time Tunnel Laser Display (Temple of Light) light shows assembled and produced by Six Flags Over Midamerica. The shows have levels of accessible laser radiation is excess of class II levels but not exceeding those required to perform the intended function of the product. Suitable means of radiation protection will be provided by constraints on the physical and optical design, by warnings in the user manual and on the product, and by procedures for Six Flags Over Midamerica personnel.

The product shall bear the Variance Number 80P–0198. By letter of August 20, 1980, the Director of the Bureau of Radiological Health approved the requested variance, which terminates on August 20, 1982. In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Docket Management Branch (formerly the Hearing Clerk's office) Food and Drug Administration, and may be seen from 9 a.m. to 4 p.m., Monday through Friday.

Dated: October 28, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

FR Doc. 80–34251 Filed 11–3–80; 8:45]

BILLING CODE 4110–03–M

[Docket No. 80P–0087]

2001 Entertainment Complex, Inc.; Approval of Variance for Orion II–A Laser Projector and Laser Light Show

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance from the performance standard for laser products has been approved by the Bureau of Radiological Health for the Orion II–A projector and the laser light shows assembled and produced by 2001 Entertainment Complex, Inc. The projector and light show are installed in a discotheque. The projector provides a laser display to produce a variety of special effects. The principal use of this product is to provide entertainment to general audiences.

DATES: The variance became effective July 24, 1980, and ends July 24, 1982.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX–460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), 2001 Entertainment Complex, Inc., 2650 Sunrise Highway, East Islip, NY 11730, has been granted a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the performance standard for laser products. The variance permits the manufacturer to introduce into commerce the demonstration laser product known as the Orion II–A projector and the laser light shows assembled and produced by 2001 Entertainment Complex, Inc. with levels of accessible laser radiation in excess of class II levels but not exceeding those required to perform the intended function of the product. Suitable means of radiation protection will be provided by constraints on the physical and optical design, by warnings in the user manual and on the product, and by procedures for 2001 Entertainment Complex, Inc. personnel.

The product shall bear the Variance Number 80P–0087. By letter of July 24, 1980, the Director of the Bureau of Radiological Health approved the requested variance, which terminates on July 24, 1982. In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch (formerly the Hearing Clerk's office), Food and Drug Administration, and may be seen from 9 a.m. to 4 p.m., Monday through Friday.

Dated: October 28, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–34253 Filed 11–3–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80N–0271]

International Drug Scheduling Convention on Psychotropic Substances; Correction

AGENCY: Food and Drug Administration.

ACTION: Notice; Correction.

SUMMARY: In FR Doc. 80–33726 appearing at page 72291 in the **Federal Register** of Friday, October 31, 1980, the fourth paragraph under "Supplementary Information" is corrected to read:

"HHS has also learned that WHO has made no recommendations to the CND concerning charges in scheduling under the Convention on Psychotropic Substances with respect to the following five substances: (1) Amfepramine (known in the United States as diethylpropion) (currently in Schedule IV of the Convention); (2) chlorphentermine (currently not controlled under the Convention); (3) chlortermine (known in the United States as clortermine) (currently not controlled under the Convention); (4) fenfluramine (currently not controlled under the Convention); and (5) phenmetrazine (currently in Schedule II of the Convention). Thus, it is expected that the CND will not consider changes in the scheduling status of these five substances at its February 1981 meeting."

FOR FURTHER INFORMATION CONTACT: Edwin V. Dutra, Jr., Bureau of Drugs (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

Dated: November 3, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–34536 Filed 11–3–80; 11:09 am]

BILLING CODE 4110–03–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Administration

[Docket No. D-80-625]

Director, Office of Procurement and Contracts; Director, Procurement and Policy and Evaluation Division, et al.; and Regional Administrators and Directors, Office of Regional Administration; Designations and Redelegations of Authority

AGENCY: Department of Housing and Urban Development, Assistant Secretary for Administration.

ACTION: Notice of Correction.

SUMMARY: The Designations and Redelegations of Authority, as published at 41 FR 2666, January 19, 1976 and amended at 41 FR 47279, October 28, 1976, omitted a Department official and contained titles of certain officials which have changed. This Notice corrects the Designations and Redelegations of Authority by including the correct titles of all Departmental officials involved.

EFFECTIVE: June 1, 1980.

FOR FURTHER INFORMATION CONTACT: Thomas R. Whittleton, Office of Procurement and Contracts, (202) 724-0040 (Not a toll free number).

SUPPLEMENTARY INFORMATION: The Designation and Redelegation of Authority at 41 FR 2666 (January 19, 1976), as amended at 41 FR 47279 (October 28, 1976) omitted the Director, Office of Regional Administration, but included the Insuring Office Administrative Officer, a title which no longer exists.

Accordingly, Sections C and D of the Designation and Redelegation of Authority at 41 FR 2666, as amended at 41 FR 47279, are corrected to read as follows: Section C. Authority redelegated. Each Regional Administrator, Director, Office of Regional Administration, Regional Director of Administrative Services and Regional Purchasing Agent is authorized: (1) to enter into and administer purchases for property and services for the Department which are placed under the General Services Administration Federal Supply Contracts, Schedule Contracts of the National Industries for the Blind and Schedule Contracts of the Federal Prison Industries, Inc., up to the maximum ordering limitation for each such contract, and (2) to enter into and administer purchases and procurement contracts for property and services for the Department not to exceed $10,000 on an individual basis under Section 302(c)(3) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c)(3)).

Each Regional Administrator, each Director, Office of Regional Administration, and each Regional Contracting Officer (RCO) is designated as a Contracting Officer and Purchasing Agent and may, when directed to do so by the Assistant Secretary for Administration, enter into and administer specific purchases, procurement contracts, and Interagency Agreements with other Federal agencies for property and services required by the Department, and make related determinations thereto under Section 302(c) (1) through (15) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c) (1) through (15)), except the authority to make related determinations under Section 302(c) (11), (12) and (13) of the Federal Property and Administrative Services Act (41 U.S.C. 252(c) (11) and (13)).

The Authority in this Section C does not apply to purchases and contracts for Acquired Property Programs.

Section D. Authority redelegated. Each Area Manager and Area Office Administrative Management Division Director is designated as a Regional Purchasing Agent and is authorized: (1) to enter into and administer purchases of property and services for the Department not to exceed $500 on an individual basis under Section 302(c)(3) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c)(3)), and (2) to enter into and administer purchases which are placed under the General Services Administration Federal Supply Schedule Contracts, of the National Industries for the Blind and Schedule Contracts of the Federal Prison Industries, Inc., up to the maximum ordering limitation for each such contract, except:

a. Purchases of capitalized equipment or furniture other than from General Services Administration Federal Supply Schedule Contracts.

b. Purchases and contracts for Acquired Property Programs.

(Sec. 205(c) of the Federal Property and Administrative Services Act, as amended, 40 U.S.C. 486(c); FPR 1-1.008. Sec. 7(d), Department and HUD Act, 42 U.S.C. 3535(c))

Issued at Washington, D.C., October 24, 1980.

William A. Medina,

Assistant Secretary for Administration.

[FR Doc. 80-34366 Filed 11-3-80; 8:45 am]

BILLING CODE 4210-01-M

Office of the Secretary

[Docket No. N-80-1038]

Acting Secretary of Housing and Urban Development; Order of Succession

During any period when, by reason of absence, disability, or vacancy in office, the Secretary of Housing and Urban Development is not available to exercise the powers and perform the duties of the Secretary, appointees to the positions listed below are authorized to act as Secretary and exercise all the powers, functions, and duties assigned to or vested in the Secretary. However, no official shall act as Secretary until all of the appointees listed before such official's title in this designation are unable to act by reason of absence, disability, or vacancy in office.

1. Under Secretary
2. General Counsel
3. Assistant Secretary for Community Planning and Development
4. Assistant Secretary for Housing-Federal Housing Commissioner
5. Assistant Secretary for Policy Development and Research
6. Assistant Secretary for Legislation and Intergovermental Relations
7. Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection
8. Assistant Secretary for Fair Housing and Equal Opportunity
9. Assistant Secretary for Administration.

In the event of a civil defense emergency declared or proclaimed by the President or by Concurrent Resolution of the Congress in accordance with Section 301 of the Federal Civil Defense Act of 1950 (64 Stat. 1251, 12 U.S.C. App. 2291) and none of the officials named above is able to act, appointees to the positions listed below are authorized to act as Secretary and exercise all powers, functions, and duties assigned to or vested in the Secretary. However, no official shall act as Secretary until all of the appointees listed before such official's title in this designation are unable to act by reason of absence, disability, or vacancy in office.

1. General Management, New Community Development Corporation
2. President, Government National Mortgage Association
3. President, Solar Energy and Energy Conservation Bank

4. Deputy Under Secretary for Field Coordination
5. Deputy Assistant Secretary for Administration
6. Regional Administrator, Region VI (Fort Worth)
7. Regional Administrator, Region VII (Kansas City)
8. Regional Administrator, Region V (Chicago)
9. Regional Administrator, Region III (Philadelphia)
10. Regional Administrator, Region VII (Denver)
11. Regional Administrator, Region IX (San Francisco)
12. Regional Administrator, Region IV (Atlanta)
13. Regional Administrator, Region I (Boston)
14. Regional Administrator, Region X (Seattle)
15. Regional Administrator, Region II (New York)

This designation supersedes the designation effective May 19, 1980 (45 FR 38450 published June 9, 1980).

Authority: Executive Order 11274, 31 FR 5243, 3 CFR; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Executive Order 11490, 34 FR 17567.

Effective Date: This order is effective October 24, 1980.

Moon Landrieu,

Secretary, Housing and Urban Development.

[FR Doc. 80-34367 Filed 11-3-80; 8:45 am]

BILLING CODE 4210-01-M

Office of Interstate Land Sales Registration

[Docket No. N-80-1037]

Request for State Certification; California

AGENCY: Office of Interstate Land Sales Registration, HUD.

ACTION: Notice of Application by the State of California for State Certification.

SUMMARY: The Secretary gives public notice that the State of California has applied for certification of its land sales program under 24 CFR 1710.502, published June 14, 1980. The purpose of giving this public notice is to give other states and interested parties the opportunity to review and comment on California's application.

DATE: Comments should be submitted no later than January 5, 1981.

ADDRESSES: Send comments to: Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: John F. Weaver, Director, Policy Development and Control Division, Department of HUD, Room 4106, Washington, D.C. 20410. Telephone: (202) 755-6314 (This is not a toll free number.)

SUPPLEMENTAL INFORMATION: The amendments to the Interstate Land Sales Full Disclosure act were signed into law by the President on December 21, 1979 (Pub. L. 96-153). On June 13, 1980, the Department published 24 CFR Parts 1710, 1715, 1720, and 1730 (Docket No. R-80-778) to implement the amendments. Section 1710.502 provides that a state may submit an application for certification of its land sales program to the Office of Interstate Land Sales Registration.

Once a State has been certified by the Secretary, developers may accomplish the Federal land registration requirements by filing with the Secretary materials designated by agreement with certified states in lieu of the Federal Statement of Record and Property Report.

The State of California has submitted an application.

Any person(s) interested in receiving the application materials prepared by the State of California may request copies of them from the Office of Interstate Land Sales Registration from the address above.

Issued at Washington, D.C., October 27, 1980.

Geno Baroni,

Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 80-34365 Filed 11-3-80 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Delegation of Authority

The following material is a portion of the Geological Survey Manual listing the delegation of certain authorities of the Director, Geological Survey, found in the Code of Federal Regulations at 30 CFR Part 251. The regulations at 30 CFR Part 251 govern geological and geophysical exploration of the Outer Continental Shelf. They were revised on January 25, 1980 (45 FR 6338), because of passage of the Outer Continental Shelf Lands Act Amendments of 1978 (92 Stat. 629) and a decision by the Secretary of the Interior to allow the drilling of prelease constructure deep stratigraphic tests.

The delegation of authority printed below lists the Officials authorized to act for the Director under 30 CFR Part 251. The numbering system used for the delegation of authority is that of the Geological Survey Manual. Section SM 220.2.6. follows.

Dated: October 27, 1980.

H. William Menard,

Director.

.6 Authorities under regulations in 30 CFR Part 251; Geological and Geophysical Explorations of the Outer Continental Shelf. Except as provided below, all the authorities of the Director, Geological Survey, that are set forth in 30 CFR 251 are delegated through the Chief, Conservation Division; the Deputy Division Chief, Offshore Minerals Regulation; and the appropriate Conservation Manager to the appropriate Deputy Conservation Manager. Those authorities which are delegated herein to the Conservation Manager or to the Deputy Division Chief, Offshore Minerals Regulation, may be further redelegated with the approval of the Chief, Conservation Division.

A. Authority under the regulations in Section 251.4, "Geological and geophysical activities requiring notices or permits":

The authority to issue a permit for geological exploration for mineral resources involving the drilling of a deep stratigraphic test shall be exercised by the Deputy Conservation Manager for Offshore Field Operations having jurisdiction over the area in which the test drilling is proposed. The issuance of this permit shall be subject to review and approval by the Deputy Conservation Manager for Offshore Resource Evaluation having jurisdiction over the area in which the test drilling is proposed. The authority to issue a permit for geophysical exploration for mineral resources and a permit for geological exploration for mineral resources (other than for a deep stratigraphic test) shall be exercised by the Deputy Conservation Manager for Offshore Resource Evaluation having jurisdiction over the area in which the exploration activities are proposed (30 CFR 251.4-1).

The authority to issue a permit for geological scientific research involving the drilling of a deep stratigraphic test shall be exercised by the Deputy Conservation Manager for Offshore Field Operations having jurisdiction over the area in which the test drilling is proposed. The issuance of this permit shall be subject to review and approval by the Deputy Conservation Manager for Offshore Resource Evaluation having jurisdiction over the area in which the test drilling is proposed. The authority to issue a permit for geophysical scientific

research which involves the use of solid or liquid explosives, and to disapprove a notice for scientific research activities which involve shallow test drilling, shall be exercised by the Deputy Conservation Manager for Offshore Resource Evaluation having jurisdiction over the area in which the activities are proposed (30 CFR 251.4–2).

B. Authority under the regulations in Section 251.5, "Applying for notices or permits":

The authority to approve the manner in which an application for a permit shall be submitted shall be exercised by the Deputy Division Chief, Offshore Minerals Regulation (30 CFR 251.5–1(a)).

C. Authority under the regulations in Section 251.6, "Test drilling activities":

1. The authority to approve a Drilling Plan or revisions to a Drilling Plan as well as other aspects of an application for a deep stratigraphic test shall be exercised by the appropriate Deputy Conservation Manager for Offshore Field Operations having jurisdiction over the area in which the exploration activities are proposed and such approval shall be subject to review and concurrence by the Deputy Division Chief, Offshore Minerals Regulation. The location of a deep stratigraphic test shall be subject to review and concurrence by the appropriate Deputy Conservation Manager for Offshore Resource Evaluation (30 CFR 251.6–2).

2. The authority to issue special guidelines for implementing the section dealing with the submittal of an Environmental Report shall be exercised by the Deputy Division Chief, Offshore Minerals Regulation (30 CFR 251.6–2(b)).

3. The authority to issue a Public Notice announcing a significant hydrocarbon occurrence is reserved by the Director (30 CFR 251.6–3(a)).

4. The authority to prescribe the manner in which shallow or deep test drilling activities proposed for group participation will be described in a summary statement shall be exercised by the appropriate Deputy Conservation Manager for Field Operations and shall be subject to review and concurrence by the Deputy Division Chief, Offshore Minerals Regulation (30 CFR 251.6–3(c)).

5. The authority to extend the expiration date of a permit for a deep stratigraphic test, if it is determined that such an extension is in the national interest, is reserved by the Director (30 CFR 251.6–5).

D. Authority under the regulations in 30 CFR 251.7, "Inspection and reporting of progress and results of activities conducted under permits":

The authority to prescribe the manner in which weekly progress reports on activities conducted under a permit will be submitted shall be exercised by the Deputy Division Chief, Offshore Minerals Regulation (30 CFR 251.7–2).

E. Authority under the regulation in 30 CFR 251.8, "Suspension and cancellation of authority to conduct activities under permits":

The authority to suspend or cancel the permittee's authority to conduct exploration or scientific research activites under a permit shall be exercised by the Deputy Division Chief, Offshore Minerals Regulation (30 CFR 251.8).

F. Authority under the regulations in 30 CFR 251.14, "Disclosure of information and data submitted under permit":

1. The authority to issue a public announcement when any significant hydrocarbon occurrences are detected or environmental hazards are encountered on unleased lands during drilling operations is reserved by the Director (30 CFR 251.14–1(c)(1)).

2. The authority to provide the Governors of affected States with information on lands proposed to be offered for leasing shall be exercised by the Deputy Conservation Manager for Offshore Resource Evaluation having jurisdiction over the area adjacent to the affected State (30 CFR 251.14–3(a)).

3. The authority to consult with the Governor of an affected State concerning possible oil or gas reservoirs underlying both the Outer Continental Shelf (OCS) and lands subject to State jurisdiction shall be exercised by the Deputy Conservation Manager for Offshore Resource Evaluation having jurisdiction over the area adjacent to the affected State (30 CFR 251.14–3(b)).

4. The authority to provide, upon request, to the Governor of an affected State, any information on the identification of oil or gas pools or fields underlying both the OCS and lands subject to State jurisdiction on tracts selected for leasing within 3 geographic miles of any such State shall be exercised by the Deputy Conservation Manager for Offshore Resource Evaluation having jurisdiction over the area adjacent to the affected State (30 CFR 251.14–3(c)).

The **Federal Register** Notice of March 14, 1980 (45 FR 16570), is corrected to show the delegation of authority pertaining to 30 CFR Part 252 as being covered in SM 220.2.7. This is done by adding ".7" before the first word in the second column, page 16572.

[FR Doc. 80-34331 Filed 11-3-80; 8:45 am]

BILLING CODE 4310-31-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before October 24, 1980. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by November 19, 1980.

Carol Shull,

Acting Chief, Registration Branch.

ALABAMA

Jefferson County

Birmingham, *Continental Gin Company*, 4500 5th Ave. South

FLORIDA

Franklin County

Apalachicola, *Apalachicola Historic District*, Roughly bounded by Apalachicola River, Apalachicola Bay, 17th and Jefferson Sts.

GEORGIA

Cobb County

Smyrna, *Rice, John W., Summer Cottage*, 254 Concord Rd.

Smyrna, *Ruff, Martin L., Homeplace*, 86 Concord Rd.

Smyrna, *Ruff's Mill and Concord Covered Bridge*, 10 Concord Rd., SW.

Gwinnett County

Norcross, *Norcross Historic District*, Off U.S. 23 *Polk County*

Cedartown, *Hawkes Children's Library*, N. College St.

Wilkes County

Rayle vicinity, *Daniel, James and Cunningham, House*, S. of Rayle on Bartram Trace Rd.

IDAHO

Owyhee County

Oreana, *Our Lady, Queen of Heaven Church.*

ILLINOIS

AMERICAN WOMAN'S LEAGUE CHAPTER HOUSES THEMATIC RESOURCES. Reference—see individual listings under Bureau, Henry, Lake, Macoupin, Madison and White Counties.

Bureau County

Princeton, *Princeton Chapter House (American Woman's League Chapter Houses Thematic Resources)* 1007 N. Main St.

Carroll County

Mount Carroll, *Halderman, Nathaniel, House,* 728 E. Washington St.
Mount Carroll, *Mount Carroll Historic District,* IL 64 and IL 78

Clark County

Marshall, *Lewis, John W., House,* 503 Chestnut St.

Cook County

Chicago, *Dunlap Mansion,* 1012 N. Dearborn St.
Chicago, *Sheridan Plaza Hotel,* 4601–4613 Sheridan Rd. and 936–956 W. Wilson Ave.

DuPage County

Villa Park, *Ardmore Avenue Train Station,* 10 W. Park Ave.

Franklin County

Sesser, *Sesser Opera House,* 106 W. Franklin St.

Henry County

Andover, *Andover Chapter House (American Woman's League Chapter Houses Thematic Resources)* Locust St. NW.
Annawan, *Annawan Chapter House (American Woman's League Chapter Houses Thematic Resources)* 206 S. Depot St.

Kane County

Geneva, *North Geneva Historic District,* Roughly bounded by RR tracks, Fox River, Stevens and W. State Sts.
Wasco vicinity, *Campton Town Hall,* W of Wasco Town Hall Rd. and IL 64

Lake County

Highland Park, *Willits, Ward Winfield, House,* 1445 Sheridan Rd.
North Chicago, *North Chicago Chapter House (American Woman's League Chapter Houses Thematic Resources)* 17th St. and S. Park Ave.
Zion, *Zion Chapter House (American Woman's League Chapter Houses Thematic Resources)* 2715 Emmaus Ave.

Macoupin County

Carlinville, *Carlinville Chapter House (American Woman's League Chapter Houses Thematic Resources)* 111 S. Charles St.

Madison County

Alton, *Alton Chapter House (American Woman's League Chapter Houses Thematic Resources)* 509 Beacon St.
Edwardsville, *Edwardsville Chapter House (American Woman's League Chapter Houses Thematic Resources)* 515 W. High St.
Edwardsville vicinity, *Kuhn Station Site (MS–29)* SE of Edwardsville
Granite City vincinity, *Horseshoe Lake Mound and Village Site,* SR 1
Marine, *Marine Chapter House (American Woman's League Chapter Houses Thematic Resources)* Silver St.

Peoria County

Peoria, *Madison Theatre,* 502 Main St.

Richland County

Olney, *Elliott Street Historic District,* S. Elliott St. between Chestnut St. and South Ave.

Sangamon County

Rochester vicinity, *Miller, Joseph, House,* Buckhart Rd.
Springfield, *Central Springfield Historic District,* Roughly bounded by Jefferson, Monroe, 4th and 7th Sts. (boundary increase)

St. Clair County

Belleville, *Belleville Historic District,* Between E. S. Belt, Illinois, and Forest Sts. (boundary increase)

Union County

Jonesboro vicinity, *St. Paulus Evangelisch Lutherischen Gemeinde,* S of Jonesboro

White County

Carmi, *Carmi Chapter House (American Woman's League Chapter Houses Thematic Resources)* 604 W. Main St.

Will County

Lockport vicinity, *Stone Manor,* SE of Lockport

INDIANA

Marion County

Indianapolis, *Majestic Building,* 47 S. Pennsylvania St.

Ohio County

Rising Sun vicinity, *Brown, David, House,* N of Rising Sun on IN 56

LOUISIANA

Calcasieu Parish

Lake Charles, *Charleston Hotel,* Ryan St.

Caldwell Parish

Columbia vicinity, *Breston Plantation House,* N of Columbia

MISSISSIPPI

Adams County

Natchez vicinity, *Saragossa,* 5 mi. S of Natchez on Saragossa Rd.

Jefferson County

Fayette vicinity, *Laurietta,* S of Fayette off MS 33

Oktibbeha County

Starkville, *Lampkin-Owens House,* 117 N. Montgomery St.

MISSOURI

St. Louis (independent city)
Old Laclede Gas and Light Company Building, 1017 Olive St.

NEW JERSEY

Monmouth County

Holmdel vicinity, *North American Phalanx Archeological Site,* SE of Holmdel

NEW MEXICO

Bernalillo County

Albuquerque, *ALBUQUERQUE DOWNTOWN NEIGHBORHOODS MULTIPLE RESOURCE AREA.* This area includes: *Eighth Street-Forrester District,* Roughly bounded by Mountain Rd., Lomas Blvd., Forrester and 7th Sts.; *Fourth Ward District,* Roughly bounded by Central Ave., Lomas Blvd., 8th and 15th Sts.; *Watson District,* Roughly bounded by Old Town Rd., Lomas Blvd., 15th and 18th Sts., *Carnes, Chester, House,* 701 13th St., NW.; *Gonzales, Apolonio, House,* 1524 Granite Ave., NW., *Gonzales, Elias, House,* 821 12th St., NW.; *Gurule, Delfinio, House,* 306 16th St., NW.; *Harwood School,* 1114 7th St., NW.; *Hayden, A. W., House,* 609 Marble St., NW.; *La Glorieta,* 1801 Central Ave., NW.; *LeFeber, Charles, House,* 313 5th St.; *Lopez, Hilario, House,* 208 16th St., NW; *Mann, Henry, House,* 723 14th St., NW.
Albuquerque, *Chavez, Rumaldo, House,* 10023 Edith Blvd., NE.
Albuquerque, *Federal Building,* 421 Gold Ave., SW.
Albuquerque, *Lembke House,* 312 Laguna St., SW. *Albuquerque, Pearce, John, House,* 718 Central Ave., SW.
Albuquerque, *Skinner Building,* 722–724 Central Ave., SW. and 108 8th St., SW.

NEW YORK

Erie County

Buffalo, *Dorsheimer, William, House,* 434 Delaware Ave.

NORTH DAKOTA

McKenzie County

Grassy Butte, *Grassy Butte Post Office,* Off U.S. 85

OKLAHOMA

LeFlore County

Cowlington vicinity, *Overstreet House,* NE of Cowlington off U.S. 59

RHODE ISLAND

Providence County

East Providence, *East Providence Multiple Resource Area.* This area iancludes: *Rumford Chemical Works and Mill Houses Historic District,* N. Broadway, Newman and Greenwood Aves.; *Rumford Historic District,* Pleasant St., Greenwood and Pawtuket Aves.; *Bicknell-Armington Lightning Splitter House,* 3591 Pawtucket Ave., *Boston and Providence Railroad Bridge,* Spans Ten Mile River; *Bridgham Farm,* 120, 148, 150, and 160 Pleasant St.; *Carpenter, Lakeside, and Springvale Cemeteries,* Newman and Pawtucket Aves.; *Daggett, Nathaniel, House,* 74 Roger Williams Ave.; *Dennis, James, House,* 3120 Pawtucket Ave.; *District 6 Schoolhouse,* 347 Willett Ave.; *Little Neck Cemetery,* Off RI 103; *Newman Cemetery,* Newman and Pawtucket Aves.; *Newman Congregational Church,* 100 Newman Ave.; *Oddfellow's Hall,* 63—67 Warren Ave.; *Squantum Association,* 947 Veterans Memorial Pkwy.; *St. Mary's Episcopal Church,* 83 Warren Ave.; *Whitcomb Farm,* 36 Willett Ave.; *Williams, Roger, Spring,* 89 Roger Williams Ave.

SOUTH CAROLINA

Columbia Multiple Resource Area (Additions). Reference—see Lexington and Richland counties.

Florence County

Florence vicinity, *Stockade, The,* 1 mi. E of Florence on National Cemetery Rd.

Lexington County

West Columbia, *Gervais Street Bridge (Columbia Multiple Resource Area (Additions)).* Spans Congaree River. See also listing in Richland County.

West Columbia, *Mount Hebron Temperance Hall,* 3041 Leaphart Rd.

Newberry County

Newberry, *Newberry Multiple Resource Area.* This area includes: *Boundary Street-Newberry Cotton Mills Historic District,* Roughly bounded by Drayton, Boundary, Charles, Tarrant and Crosson Sts.; *Caldwell Street Historic District,* Caldwell St.; *College Street Historic District,* College St.; *Harrington Street Historic District,* Harrington St.; *Main Street Historic District,* Roughly bounded by Harper, Summer, Douglas, Johnstone, Holman, and McMorris Sts.; *Newberry Historic District (boundary increase)* Roughly bounded by Friend, McKibben, Harrington, Lindsay and Coates Sts.; *Vincent Street Historic District,* Vincent and Crosson Sts.; *West Boundary Street Historic District,* Boundary and Jessica Sts.; *Burton House; Cousins House,* Nance St.; *Higgins, Francis B., House,* 1520 Boundary St.; *Mower, George, House,* 1526 Boundary St.; *Reighley, Ike, House,* 2304 Main St.; *Stewart House,* 1001 Wilson St.; *Summer Brother Stores,* 900 Main St.; *Timberhouse,* 1427 Ebenezer Rd.; *Wells Japanese Garden,* Lindsay St.; *Wells, Osborne, House,* 1101 Fair St.

Richland County

Columbia, *Columbia Multiple Resource Area (Additions).* This area includes: *Arcade Building,* 1332 Main St.; *Brown Building,* 1730 Main St.; *Building at 1321—1325 Main Street; Building at 1722—1724 Main Street; Canal Dime Savings Bank,* 1530 Main St.; *First National Bank,* 1208 Washington St.; *Palmetto Building,* 1400 Main St.; *Taylor House,* 1505 Senate St.; (See also listing in Lexington County)

TEXAS

Medina County

Castroville vicinity, *de Montel, Charles, House,* NW of Castroville

UTAH

Cache County

Wellsville, *Wellsville Tabernacle,* 75 S. 100 East St.

VIRGINIA

Arlington County

Arlington, *Colonial Village,* Wilson and Key Blvds., Lee Hwy., N. 18th, Troy and Rhodes Sts.

Halifax County

Halifax vicinity, *Wiley's Tavern Archeological Site,* S of Halifax off U.S. 58.

WISCONSIN

Marathon County

Wausau vicinity, *Single, Benjamin, House,* W of Wausau at 4708 Stettin Dr.

Waukesha County

Brookfield vicinity, *Gredler-Gramins House,* 20190 Davidson Rd.

Oconomowoc vicinity, *Ahrens, Frederick C., House,* S of Oconomowoc at 1501 N. Golden Lake Rd.

Wyoming

Big Horn County

Hyattsville vicinity, *Paint Rock Canyon Archeological District*

Sweetwater County

Superior vicinity, *Cedar Canyon Petroglyphs,* NW of Superior.

[FR Doc. 80-33872 Filed 11-3-80; 8:45 am]

BILLING CODE 4310-03-M

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS (ACIR)

Roundtables on Proposed Grants Policymaking by the Office of Management and Budget

AGENCY: Advisory Commission on Intergovernmental Relations (ACIR).

ACTION: Notice of roundtables (open meeting) on proposed grants policymaking by the Office of Management and Budget.

SUMMARY: This series of roundtables has been organized to (1) present the issues, problems, and alternative approaches associated with federal assistance policy in the areas of competition, dispute resolution, handicapped regulations, and crosscutting requirements; (2) to provide improved access to all major recipient groups in the policymaking process and to obtain comment from the affected parties.

DATE: November 20, 1980—9:00 a.m.–12:30 p.m.

Competition for Federal Assistance Awards

- Defining competition
- Nature and extent of competition for the award of grants and cooperative agreements
- Competition standards as applied to types of assistance and types of recipient
- Improvements in existing practices, alternative strategies (or models) and implications for different types of competition
- Judicial review

November 20th—1:30 p.m.–5:00 p.m.

Dispute Resolution for Federal Assistance

- Need for government-wide policy
- Basic principles for dispute resolution processes
- Need for procedural protection
- Use of informal dispute resolution approaches
- Duration of formal processes
- Giving the complainant a "final" decision
- Appeal and review processes
- How agencies should handle particular types of disputes
- The role of OMB

November 21, 1980—9:00 a.m.–12:30 p.m.

Handicapped Regulations Implementation and Impact

- Description of legislative history
- Status of implementation
- Current experiences of recipients
- Concerns of handicapped
- Pending legislation impacting on 504
- Transfer of guidance authority to DOJ
- Discussion of alternative administrative strategies

November 21st—1:30 p.m.–5:00 p.m.

Cross-cutting National Policy Requirements

- The Problem
  - —Growing number
  - —Cumulative costs—to recipients and agencies
  - —Inconsistent agency implementation
  - —Possibly conflicting policy objectives
- Legal vs. management aspects
- Standardization as a solution
  - —The case of standardization
  - —Process vs. performance standards
  - —Single standards vs. ranges of standards
  - —Ranges of recipient capacity
- The OMB approach
  - —Emphasis on coordination and cooperation
  - —The guidance life cycle
  - —Results of early attempts to make it work.

ADDRESS: Auditorium, 1530 P Street, N.W., Washington, D.C. (3 blocks northeast of Dupont Circle Metro station).

SUPPLEMENTARY INFORMATION: This meeting is open to the public on a space available basis; interested groups and individuals should contact Elizabeth Bunn with the number attending by COB November 17th at (202) 653-5536. The public is invited to submit questions, comments and statements in advance to ACIR, 1111 20th Street, N.W., Washington, D.C. 20575 c/o Mr. Michael

Mitchell. Additional Roundtables will be held in San Francisco on December 16–17 and in Chicago on January 8–9. Details will be provided in a later Federal Register Notice.

Dated: October 29, 1980.

Franklin A. Steinko,

Budget and Management Officer.

[FR Doc. 80-34257 Filed 11-3-80; 8:45 am]

BILLING CODE 6115-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed on or before December 4, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: October 23, 1980.

By the Commission, Review Board No. 5, members Krock, Taylor and Williams.

MC–F–14392, filed May 14, 1980. CARAVAN REFRIGERATED CARGO, INC. (CRC) (605 South Loop 12, Irving, TX 75060)—LEASE—TEXAS CONTINENTAL EXPRESS, INC., DEBTOR IN POSSESSION (TCE) (2603 West Euless Blvd., Euless, TX 76039). Representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, TX 75202; and J. K. Shillern, 800 Baker Building, Fort Worth, TX 76102. CRC seeks authority to lease all of the interstate operating right of TCE, a debtor in possession under Chapter XI of the Bankruptcy Act. Caravan Motor Cargo, Inc., which controls CRC and J. T. Moore who controls Caravan Motor Cargo, Inc., seeks authority to control the rights of TCE through the lease. CRC will lease all of the operating rights contained in certificate No. MC–133095 and subs thereto which authorize the transportation of various specified commodities from and to named points throughout the continental United States. The authority is more specifically set forth and available for examination in the files of the Interstate Commerce Commission located in Room 7102, 12th Street and Constitution Avenue, Washington, D.C. 20423. CRC is a motor common carrier of specified commodities over irregular routes in each of the 48 continental States, pursuant to certificate No. MC–119789.

Note.—Impediments exist to the summary grant of this application due (1) to the request that CRC be substituted as applicant in TCE's pending applications; (2) to the substantial duplication of lessor and lessee's authorities, and (3) to the financial ability of CRC to consummate the lease and operate the properties thereunder. Application for temporary authority has been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34316 Filed 11-3-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

The following applications filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). An

interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, **Federal Register** at 45 FR 45529 under Ex Parte 55 (Sub-44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349.* These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(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, in accordance with 49 CFR 1100.240(A)(h).

Amendments to the request for authority will not be accepted after the date of this application. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed on or before December 19, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: October 23, 1980.

By the Commission, Review Board No. 5, members Krock, Taylor and Williams (Board member Taylor dissents and would publish subject to a further impediment that applicant has failed to show how the proposed transaction will improve Follmer's ability to provide service, or how Follmer will raise the funds required to carry out its obligations resulting from the transaction and still remain able to serve the public in an adequate fashion).

MC F 14488F, filed October 3, 1980. NPFT, INC. (NPFT) (Route 63 & 202, P.O. Box 230, Lansdale, PA 19446)—Control—FOLLMER TRUCKING COMPANY (Follmer) (Old Trail Road, Hummels Wharf, PA 17831). Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. NPFT seeks authority to acquire control of Follmer through the purchase by NPFT of 31,318 shares of the issued and outstanding shares of the capital stock of Follmer and the concurrent redemption by Follmer of the remaining 21,763 shares of the issued and outstanding shares of Follmer capital stock. North Penn Transfer, Inc., the sole stockholder of NPFT, and in turn, Anders Holding Co., the sole stockholder of North Penn Transfer, Inc., and in turn, Arthur F. Anders, III, and James P. Anders, majority stockholders of Anders Holding Co., seek authority to acquire control of Follmer through the transaction. Arthur F. Anders also is in control of Anders Holding Co., and will be required to join in this application. Follmer is authorized to operate as a motor common carrier pursuant to certificates issued in MC 33520 and sub-numbers thereunder, which authorize the transportation as follows: Over regular routes, (A) *general commodities* (with various exceptions), (1) between Lock Haven, PA, and Baltimore, MD, as follows: (a) from Lock Haven over U.S. Hwy 220 via Williamsport, PA, to Halls, PA, then over PA Hwy 14 to Northumberland, PA, then over U.S. Hwy 11 to Shamokin Dam, PA (also from Williamsport over U.S. Hwy 15 to junction U.S. Hwy 11, then over U.S. Hwy 11 to Shamokin Dam), then over U.S. Hwy 11 via Amity Hall, PA, to Lemoyne, PA, then over U.S. Hwy 111 to Baltimore; (b) from Lock Haven to Halls, as specified above, then over PA Hwy 405 to junction PA Hwy 14, then over PA Hwy 14 to Northumberland, PA, then to Amity Hall as specified above, then over U.S. Hwy 22 to Harrisburg, PA, then across the Susquehanna River to Lemoyne, PA, and then to Baltimore, as specified above; (c) from Lock Haven to Lemoyne as specified above, then over U.S. Hwy 15 to York Springs, PA, then over PA Hwy 94 to PA–MD State line, then over MD Hwy 30 to Reisterstown, MD, then over U.S. Hwy 140 to Baltimore; and return in (a), (b), and (c) above over these routes to Lock Haven; (2) between Lock Haven and Philadelphia, PA, as follows: (a) from Lock Haven to Northumberland as specified above, then over PA Hwy 14 to Sunbury, PA, then over U.S. Hwy 122 to Hamburg, PA, then over U.S. Hwy 22 to Allentown, PA, then over U.S. Hwy 222 to Reading, PA (also from Hamburg over U.S. Hwy 122 to Reading), then over U.S. Hwy 122 to Philadelphia; (b) from Lock Haven to Sunbury as specified above, then over U.S. Hwy 11 to Amity Hall, PA, then to Harrisburg as specified above, then over U.S. Hwy 230 to Lancaster, PA, then over U.S. Hwy 30 to Philadelphia, and return in (a) and (b) above over these routes to Lock Haven; (3) between points and places in PA as follows: (a) from Northumberland over U.S. Hwy 11 to Berwick, PA, via Bloomsburg, PA (also from Bloomsburg over PA Hwy 339 to Orangeville, PA, then over PA Hwy 93 to Berwick); (b) from Orangeville over PA Hwy 339 to junction PA Hwy 115 near Benton, PA; (c) from Danville over PA Hwy 54 to Washingtonville, PA, then over PA Hwy 254 to Jerseytown, PA, then over PA Hwy 115 to Benton; (d) from Millville over PA Hwy 42 to Bloomsburg; (e) from Washingtonville over PA Hwy 54 to Turbotville, PA, then over PA Hwy 44 to junction PA Hwy 14; (f) from junction PA Hwys 54 and 875 over PA Hwy 875 to junction PA Hwy 44, then over PA Hwy 44 to Exchange; (g) from Milton over PA Hwy 154 to junction PA Hwy 45, then over PA Hwy 45 to junction PA Hwy 54; (h) from Montandon over PA Hwy 45 to Mifflinburg; (i) from Milton over PA Hwy 976 to West Milton; (j) from Muncy over PA Hwy 405 to Hughesville, PA, then over U.S. Hwy 220 to Muncy Valley, PA, then over PA Hwy 42 to Eagles Mere; (k) from Pottsville over U.S. Hwy 209 to junction PA Hwy 901, then over PA Hwy 901 to Minersville; (l) from Montgomery over unnumbered Hwy to junction U.S. Hwy 15; (m) from Dewart over PA Hwy 44 to Allenwood, and return in (a) through (m) above over these same routes to the above-specified origin points and

serving all intermediate points and the off-route points of Beaver Springs, Beavertown, Bellefonte, Blossburg, Catawissa, Coaldale, Conshohocken, Duncannon, Freeburg, Gilberton, Gordon, Hartleton, Kelly Crossroads, Kreamer, Lansford, Mahonoy City, McClure, Marcus Hook, Middleburg, Nescopeck, Shenandoah, State College, Tamaqua, and Vicksburg, PA, Camden and Trenton, NJ, and subject to limitations that no shipments shall be transported as to which the entire transportation service involved is solely between Harrisburg, Baltimore, and points between Harrisburg and Baltimore; (B) *chemicals, acids, dyestuffs, paper and paper products,* between Lock Haven, PA and New York, NY, (a) from Lock Haven to Harrisburg as specified above, then over U.S. Hwy 22 to Newark, NJ, then across the Hudson River to New York; and (b) from Lock Haven to Northumberland as specified above, then over U.S. Hwy 122 to Ashland, PA, then over PA Hwy 45 to Hometown, PA, then over PA Hwy 29 to Schnecksville, PA, then over U.S. Hwy 309 to Allentown, then over U.S. Hwy 22 to Newark, and then across the Hudson River to New York, and return in (a) and (b) above over the same routes to Lock Haven, serving all intermediate points between Lock Haven and Harrisburg, and the off-route points of Hackettstown, Washington, Princeton, Trenton, and Morristown, NJ, and points in NJ within 35 miles of New York, NY; (C) *automobile bodies,* between Mifflinburg, PA, and New York, NY, from Mifflinburg over PA Hwy 45 to junction U.S. Hwy 15, then over Hwys specified above to New York, NY, and return over the same route, serving all intermediate points between Mifflinburg and Harrisburg, and the off-route points of Hackettstown, Washington, Princeton, Trenton, and Morristown, NJ, and points in NJ within 35 miles of New York, NY; (D) *boilers, furnaces, and parts thereof,* between Williamsport, PA, and New York, NY, from Williamsport over the above-specified routes to New York, NY, serving all intermediate points between Williamsport and Harrisburg, and the off-route points of Hackettstown, Washington, Princeton, Trenton, and Morristown, NJ, and points in NJ within 35 miles of New York, NY; (E) *movement of empty vehicles,* (1) between New York, NY, and Philadelphia, PA, over U.S. Hwy 1; and (2) between Philadelphia, PA, and Baltimore, MD, from Philadelphia over U.S. Hwy 13 to State Road, DE, then over U.S. Hwy 40 to Baltimore, MD, and return over the same route; (F) *general commodities* (with various exceptions), (1) between Berwick and Scranton, PA, over U.S. Hwy 11; (2) between Wilkes-Barre and Pittston, Dupont, Kingston, and Nanticoke, PA, as follows: (a) from Wilkes-Barre over unnumbered Hwy (formerly U.S. Hwy 309) to Pittston; (b) from Wilkes-Barre over PA Hwy 315 to Dupont; (c) from Wilkes-Barre over U.S. Hwy 309 to Kingston; and (d) from Wilkes-Barre over PA Hwy 72 to Nanticoke, and return in (a) through (d) above over the same routes to the above-specified origin points, serving all intermediate points;

(G) *iron castings,* serving Red Rock, PA, as an off-route point in connection with carrier's presently authorized regular-route operations between Philadelphia and Benton, PA; (H) *general commodities* (with various exceptions), (1) between Hazelton and Forty Fort, PA, from Hazleton over US Hwy 309 to Wilkes-Barre, PA, then over US Hwy 11 to Forty Fort, and return over the same route, serving all intermediate points; (2) serving Dingmans Ferry, Milford, and Matamoras, PA, located on US Hwy 209 between Stroudsburg, PA, and Port Jervis, NY, in connection with carrier's regular-route operations authorized between Scranton and Delaware Water Gap, PA, restricted to the transportation of shipments originating at or destined to points in Pike County, PA; (3) between Hazelton, PA, and Endicott, NY, from Hazelton over US Hwy 309 to Wilkes-Barre, PA, then across the Susquehanna River to Kingston, PA, then over US Hwy 11 to Binghamton, NY, then over NY Hwy 17–C to Endicott, and return over the same route, serving all intermediate points, and the off-route points of Luzerne, Nanticoke, and Swoyersville, PA; (4) between Scranton and Delaware Water Gap, PA, from Scranton over PA Hwy 435 (formerly portion US Hwy 611) to junction US Hwy 611, then over US Hwy 611 to Delaware Water Gap, and return over the same route, serving all intermediate points, and the off-route points of Pocono Manor, Pocono Summit, Pocono Pines, Shawnee, Bushkill, Marshalls Creek, Analomink, Henryville, Paradise Valley, Cresco, Mountainhome, Buck Hill Falls, Canandensis, Skytop, Gouldsboro, South Sterling, Newfoundland, and Greentown, PA; and (5) between Beech Creek and Lock Haven, PA, over PA Hwy 150 (formerly US Hwy 220), serving all intermediate points; and over irregular routes, *general commodities* (with various exceptions), from Allentown, PA, to points in Berks, Bucks, Carbon, Lackawanna, Luzerene, Mifflin, Monroe, Schuylkill, and Northampton Counties, PA. NPFT does not hold motor carrier authority. However, its parent, North Penn Transfer, Inc., is a motor common carrier pursuant to certificates issued in MC 52932 and sub-numbers thereunder. Condition: So far as can be ascertained from the evidence of record in this proceeding, Anders Holding Co. is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized in this proceeding, Anders Holding Co. will be considered a motor carrier within the meaning of 49 U.S.C. 11348. It will therefore be subject to the applicable provisions of 49 U.S.C. Subtitle IV, subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities. Impediment: Authorization and approval of this transaction is conditioned upon the prior receipt by the Commission of an affidavit signed by Arthur F. Anders, stating that he is also a person in control of NPFT through stock ownership of Anders Holding Co., and that he joins in this application.

Note.—Application for temporary authority has been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34315 Filed 11-3-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers: Permanent Authority Decisions

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 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 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 on or before December 19, 1980 (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.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted othewise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI-054

Decided October 16, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 200 (Sub-502F), filed October 8, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). *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), serving Sparta, IL, as an off-route point in connection with carier's othewise authorized regular-route operations.

MC 1041 (Sub-3F), filed October 8, 1980. Applicant: B. N. CORKUM TRANSPORTATION COMPANY, a Corporation, 326 Ballardvale St., Wilmington, MA 01887. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting *such commodities* as are dealt in by grocery and food business houses (except commodities in bulk), from the facilities of Saylesville Warehouse, Inc., at Saylesville, RI, to points in ME, NH, VT, MA, and CT.

MC 2780 (Sub-8F), filed October 8, 1980. Applicant: HORN'S MOTOR EXPRESS, INC., 115 Spring Valley Road, Chambersburg, PA 17201. Representative: Edgar N. Jacobs (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 DE, MD, NJ, PA, VA, WV, and DC.

Note.—Applicant intends to tack the rights sought to its existing regular-route authority.

MC 2900 (Sub-439F), filed September 30, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Rd., P.O. Box 2408, Jacksonville, FL 32203. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd. Arlington, VA 22209. Over regular routes, transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), (1) between Shreveport, LA, and San Diego, CA, over U.S. Hwy 80, (2) between Oklahoma City, OK, and Los Angeles, CA, over U.S. Hwy 66, (3) between Omaha, NE and Los Angeles, CA, from Omaha over U.S. Hwy 6 to junction U.S. Hwy 395 at or near Bishop, CA, then over U.S. Hwy 395 to junction CA Hwy 14, then over CA Hwy 14 to Los Angeles, and return over the same route, (4) between Laredo, TX, and San Francisco, CA, from Laredo over U.S. Hwy 81 to Ft. Worth, TX, then over U.S. Hwy 287 to Kit Carson, CO, then over U.S. Hwy 40 to junction Interstate Hwy 80 at or near Park City, UT, then over Interstate Hwy 80 to San Francisco, and return over the same route, (5) between Pocatello, ID, and Barstow, CA, over Interstate Hwy 15, (6) between Brownsville, TX, and Fremont, NE, over U.S. Hwy 77, (7) between San Antonio, TX, and Denver, CO, over U.S. Hwy 87, (8) between Wichita, KS, and Reno, NV, from Wichita over U.S. Hwy 81 to Newton, KS, then over U.S. Hwy 50 to Alternate U.S. Hwy 50, then over Alternate U.S. Hwy 50 to Interstate Hwy 80, then over Interstate Hwy 80 to Reno, and return over the same route, (9) between La Cruces, NM, and Denver, CO over U.S. Hwy 85, (10) between Green River, WY, and Nogales, AZ, from Green River over Interstate Hwy 80 to Salt Lake City, UT, then over U.S. Hwy 89 to Nogales, and return over the same route, (11) between Payette, ID, and Yuma, AZ, over U.S. Hwy 95, (12) between Brownsville, TX, and North Platte, NE, over U.S. Hwy 83, (13) between Durant, OK, and Globe, AZ, over U.S. Hwy 70, (14) between Houston, TX, and Denver, CO, from Houston over U.S. Hwy 90 to Sanderson, TX, then over U.S. Hwy 285 to Denver, and return over the same route, (15) between Grand Island, NE, and McAllen, TX, over U.S. Hwy 281, (16) between McKinney, TX, and Phoenix, AZ, from McKinney over U.S. Hwy 380 to San Antonio, NM, then over U.S. Hwy 85 to Socorro, NM, then over U.S. Hwy 60 to Phoenix, and return over the same route serving all intermediate points, and points in AZ, CO, NV, NM, OK, TX, and UT as off-route points in routes (1)–(16) above.

Note.—Applicant intends to tack the above requested authority with its existing regular-route operations.

MC 6031 (Sub-60F), filed October 10, 1980. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Ave., Milwaukee, WI 53204. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. Transporting *metal articles*, between points in the U.S., under continuing contract(s) with United States Steel Corporation, of Pittsburgh, PA.

MC 9071 (Sub-4F), filed October 6, 1980. Applicant: DAVID STEINMAN, d.b.a. N. STEINMAN TRUCKING COMPANY, S. Washington, Ave. & River St., Scranton, PA 18503. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving Gouldsboro, PA, as an off-route point in connection with applicant's otherwise authorized regular-route operations, restricted against traffic originating at or destined to Gouldsboro, PA.

MC 28961 (Sub-31F), filed October 8, 1980. Applicant: McDUFFEE MOTOR FREIGHT, INC., 8505 West Warren Ave., P.O. Box 610, Dearborn, MI 48121. Representative: LaVergne L. Adsit (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 Pikeville, TN, as an off-route point in connection with applicant's otherwise authorized regular-route operations between Nashville and Knoxville, TN.

MC 35320 (Sub-613F), filed October 6, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G.

Thomas (same address as applicant). Transporting *classes A and B explosives*, between the facilities of Naval Weapons Support Center, at Crane, IN, Red River Army Depot, at Texarkana, TX, Louisiana Army Ammunition Plant, at Shreveport, LA, Kansas Army Ammunition Plant, at Parsons, KS, Military Ocean Terminal, at Southport, NC, and Milan Army Ammunition Plant, at Milan, TN, on the one hand, and, on the other, points in the U.S. Condition: The certificate to be issued in this proceeding shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 38650 (Sub-7F), filed October 8, 1980. Applicant: SALTER'S EXPRESS COMPANY, INCORPORATED, 120 West St., Simsbury, CT 06070. Representative: James D. Salter (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 CT, MA, and RI, and points in Bennington and Windham Counties, VT, and Hillsboro and Cheshire Counties, NH.

MC 44801 (Sub-17F), filed October 6, 1980. Applicant: DICK HARRIS AND SON TRUCKING CO., INC., P.O. Box 10277, 4000 Harris Lane, Lynchburg, VA 24506. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting (1) *containers, container closures, glassware, packaging products, container components, and scrap materials*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between those points in the U.S. in and east of MS, TN, KY, IL, and WI.

MC 47171 (Sub-185F), filed October 8, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (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 NY, on the one hand, and, on the other, points in GA, SC, and those points in NC, on and west of U.S. Hwy 77.

MC 47171 (Sub-186F), filed October 6, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (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 those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities used by Abitibi-Price Corporation, its divisions and subsidiaries.

MC 52861 (Sub-88F), filed October 8, 1980. Applicant: WILLIS TRUCKING, INC., 3185 Columbia Road, Richfield, OH 44286. Representative: Andrew Jay Burkholder, 275 East State St., Columbia, OH 43215. Transporting (1) *lime, limestone products, dolomite, mortar, and magnesite*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between points in MI and OH, on the one hand, and, on the other, points in DE, IL, IN, KY, MD, MI, NJ, NY, OH, PA, TN, VA, and WV.

MC 61440 (Sub-201F), filed October 7, 1980. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, 73157. Transporting *fabricated metal products* (except ordnance), as described in Item 34 of the Standard Transportation Commodity Code, from points in St. Charles County, MO, to points in the U.S. (except AK and HI).

MC 86690 (Sub-6F), filed October 8, 1980. Applicant: BOND TRANSFER CO., INC., 1301 Towson St., Baltimore, MD 21230. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Transporting (1) *garment hangers*, and (2) *materials, equipment, and supplies* used in the distribution of garment hangers, between points in the U.S. under continuing contract(s) with The Cleaners Hanger Co., of Baltimore, MD.

MC 86690 (Sub-7F), filed October 7, 1980. Applicant: BOND TRANSFER CO., INC., 1301 Towson St., Baltimore, MD 21230. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S., under continuing contract(s) (a) with The Great Atlantic & Pacific Tea Co., Inc., of Montvale, NJ, (b) with Giant Foods, Inc., of Washington, DC, (c) with C. F. Mueller of Jersey City, NJ, (d) with M. Polaner, Inc., of Roseland, NJ, and (e) with B. Green & Co., Doxsee Food Corporation, and Specialty Candy Co., Inc., all of Baltimore, MD. Condition: Issuance of a permit in this proceeding is conditioned upon the coincidental cancellation, at applicant's written request, of its permit in MC 86690 Sub 4F.

MC 108651 (Sub-30F), filed October 8, 1980. Applicant: ROY B. MOORE, INC., P.O. Box 628, Kingsport, TN 37662. Representative: Daniel H. Moore (same address as applicant). Transporting (1) *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), and (2) *fertilizer*, in bulk, between points in PA, DE, MD, VA, NC, SC, WV, and DC, Bell, Harlan, and Letcher Counties, KY, those in GA in and north of Richmond, Jefferson, Washington, Baldwin, Jones, Monroe, Upson, Merewether, and Troup Counties, those in NY in and west of Oswego, Onondaga, Cortland, and Broome Counties, and those in TN in and east of Giles, Maury, Williamson, Davidson, and Robertson Counties.

MC 109490 (Sub-23F), filed October 10, 1980. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 97, Union Center, WI 53962. Representative: Ronald E. Laitsch, 117 S. Third Street, Watertown, WI 53094. Transporting (1) *steel rivets*, from points in Dodge County, WI, to points in the U.S., and (2) *materials, equipment and supplies* used in the manufacture and distribution of steel rivets, in the reverse direction.

MC 111231 (Sub-316F), filed October 8, 1980. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. Transporting *foodstuffs* (except commodities in bulk), from the facilities of Pet, Incorporated, Frozen Foods Division, at or near (a) Benton Harbor, Frankfort, and Hart, MI, and (b) Logansport and South Bend, IN, on the one hand, and, on the other, points in AL, AR, CO, GA, IA, IL, IN, KS, KY, LA, MO, MS, NE, OH, OK, TN and TX. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 111231 (Sub-317F), filed October 8, 1980. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902. Transporting (1) *roofing materials* (except commodities in bulk), and (2) *materials and supplies* used in the installation of the commodities in (1) above (except commodities in bulk),

between points in Shelby County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 117730 (Sub-42F), filed October 8, 1980. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Representative: Richard A. Westley, 4506 Regent St., Madison, WI 53705. Transporting (1) *plumbers' goods, internal combustion engines, and electric generators,* (2) *health care products, plastic products, automotive parts, and wood products,* (3) *lawn and garden care equipment, log splitters, and snow throwers,* and (4) *materials and supplies* used in the manufacture and distribution of the commodities in (1), (2) and (3) above, between points in Sheboygan County, WI, on the one hand, and, on the other, points in the U.S.

MC 124821 (Sub-106F), filed October 9, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2208 Old Gettysburg Rd., Camp Hill, PA 17011. Transporting (1) *printed matter,* as described in Item 27 of the Standard Transportation Commodity Code, (2) *machinery* (except electrical), as described in Item 35 of the Standard Transportation Commodity Code, and (3) *materials and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk), between points in the U.S.

MC 128031 (Sub-9F), filed October 8, 1980. Applicant: GEORGE McFARLAND, d.b.a. McFARLAND TRUCKING, P.O. Box 1006, Austin, MN 55912. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *plastic products and concrete products,* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between points in the U.S.

MC 128290 (Sub-12F), filed October 6, 1980. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. Transporting (1) *plastic articles* and (2) *materials, equipment, and supplies,* used in the manufacture and distribution of plastic articles, between points in Chippewa and Eau Claire Counties, WI, Aiken and Spartanburg Counties, SC, New Castle County, DE, Richmond County, GA, and Frederick County, VA, on the one hand, and, on the other, points in the U.S.

MC 134201 (Sub-16F), filed October 8, 1980. Applicant: JIM PALMER TRUCKING, a Corporation, 9730 Derby Dr., Missoula, MT 59801. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. 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 Champion International Corporation, of Hamilton, OH.

MC 138741 (Sub-111F), filed October 6, 1980. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *lumber, lumber products, and particleboard,* between points in IL and MO, on the one hand, and, on the other, points in AL, AR, CO, GA, IA, IL, IN, KS, KY, LA, MI, MO, MS, NE, OH, OK, TN, TX, and WI.

Note.—Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation, at applicant's written request, of its certificates in MC 138741 Sub-23, 49F, 51F, 72F, and 100F.

MC 142830 (Sub-11F), filed October 8, 1980. Applicant: TRANSHIELD TRUCKING, INC., 1000 North Harvester Road, West Chicago, IL 60185. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. Transporting (1)(a) *steel and fiber cable, wire, rope, and cordage,* and (b) *accessories* for the commodities in (1)(a) above, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in the U.S., under continuing contract(s) with Bridon American Corporation, of Wilkes-Barre, PA.

MC 144030 (Sub-12F), filed October 8, 1980. Applicant: DRUE CHRISMAN, INC., P.O. Box 264, U.S. 50 West, Lawrenceburg, IN 47025. Representative: Paul Jerry Snodgrass (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.

MC 145470 (Sub-5F), filed October 2, 1980. Applicant: ALL FREIGHT SYSTEMS, INC., 1026 South 10th St., Kansas City, KS 66105. Representative: Donald J. Quinn, Suite 900, 1012 Baltimore St., Kansas City, MO 64105. Transporting (1) *printed paper forms,* and *printed pads,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of printed checks, deposit tickets, and forms, between points in the U.S., under continuing contract(s) with Deluxe Check Printers, Inc., of St. Paul, MN.

MC 147161 (Sub-9F), filed October 8, 1980. Applicant: MASS TRANSIT, INC., 2450 Orange Ave., Signal Hill, CA 90806. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting *general commodities* (except those of unusual value, clacces 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 ABC Trans National Transport, Inc., of New York, NY, and Acme Fast Freight, Inc., of Los Angeles, CA.

MC 148930 (Sub-2F), filed October 2, 1980. Applicant: AERO DELIVERIES, INC., 529 Gidley Dr., Grand Haven, MI 49417. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *general commodities* (except commodities in bulk), between points in the U.S., under continuing contract(s) with Stanley Home Products, Inc., of Des Plaines, IL. Condition: Issuance of a permit is conditioned upon the prior receipt from applicant of a statement indicating the manner in which it intends to satisfy the statutory criteria for a contract carrier, i.e., (1) by furnishing transportation service through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served, or (2) by furnishing transportation services designed to meet the distinct needs of each individual customer, and, if the latter, describe briefly the distinct need for which transportation services have been designed, and approval of this statement by an appropriate review board.

MC 149580F, filed October 1, 1980. Applicant: JOHN M. ANDERSON COMPANY, a Corporation, One Bedson Road, Cranston, RI 02920. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *machinery, machinery parts, construction equipment, machine tools, self-propelled articles weighing 15,000 pounds or more,* and *commodities,* the transportation of which because of size or weight require the use of special equipment, between points in the U.S., under continuing contract(s) with Anderson Rigging & Erectors, Inc., of Cranston, RI.

MC 150301 (Sub-5F), filed October 8, 1980. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *general commodities*

(except commodities in bulk), between points in the U.S., under continuing contract(s) with DeSoto, Inc., of Des Plaines, IL.

MC 150301 (Sub-6F), filed October 7, 1980. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting (1) *carpeting*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of carpeting between points in the U.S., under continuing contract(s) with Coronet Industries, Inc., of Dalton, GA.

MC 151981 (Sub-1F), filed October 6, 1980. Applicant: JERRY L. ROBINETTE, d.b.a. JERRY L. ROBINETTE & SON TRUCKING, Route 1, Box 200–A Whiteland, IN 46184. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Transporting *metal cans and metal can ends*, and *materials and supplies* used in the manufacture and distribution of metal cans, between points in the U.S., under continuing contract(s) with The Coca-Cola Company Food Division, of Valparaiso, IN.

MC 152031 (Sub-1F), filed October 6, 1980. Applicant: LEE RICHARD OHRMAN, d.b.a. LEE OHRMAN TRUCKING, 511 Southwest St., Benkelman, NE 69021. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *feed ingredients and fertilizer*, between points in NE, Yellowstone County, MT, Big Horn, Johnson, Natrona and Carbon Counties, WY, those in CO, in and east of Larimer, Boulder, Gilpin, Clear Creek, Jefferson, Douglas, Teller, Fremont, Custer, Huerfano, and Costilla Counties, CO, those in KS on and west of U.S. Hwy 75, those in NM on and east of U.S. Hwy 285, those in OK on and west of a line beginning at the KS–OK State line, and extending along U.S. Hwy 66 to junction U.S. Hwy 75, at or near Tulsa, OK, then along U.S. Hwy 75 to the OK–TX State line, and those in TX on and North of U.S. Hwy 66.

MC 152080F, filed October 2, 1980. Applicant: DEPENDABLE CARTAGE & TRANSPORTATION CO., INC., 2159 West Hastings St., Chicago, IL 60608. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Specialties by Winick, of Homewood, IL, and M. Block & Sons, Inc., and Sewing Machine Exchange, Inc., both of Chicago, IL.

MC 152110F, filed October 6, 1980. Applicant: WALLACE MAUK, Rt. 50 East, Romney, WV 26757. Representative: Wallace Mauk (same address as applicant). Transporting *food and other edible products* (including edible byproducts but excluding alcoholic beverages and drugs) *intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers*, if such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

MC 152150F, filed October 8, 1980. Applicant: KIRK TRUCKING, INC., 3584 Bellwood Cove, Memphis, TN 38128. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. Transporting *sand and gravel*, between points in Shelby, Fayette, NcNairy, Hardin and Hardeman Counties, TN, on the one hand, and, on the other, those points in MS on and north of U.S. Hwy 82.

Volume No OP1–060

Decided: October 24, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 200 (Sub-503F), filed October 15, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (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 Webster County, KY, on the one hand, and, on the other, points in CA, CO, CT, DE, IA, IL, IN, KS, KY, MA, MD, MI, MO, NE, NJ, NY, OH, OK, PA, RI, TX, VA, WV, and DC, restricted to shipments originating at or destined to facilities used by Anaconda Aluminum Co., its affiliates, suppliers, or vendors.

MC 200 (Sub-504F), filed October 15, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in Grant County, KS, Montgomery County, TX, and Marshall County, WV, on the one hand, and, on the other, points in CA, CO, CT, DE, IA, IL, IN, KS, KY, MA, MD, MI, MO, NE, NJ, NY, OH, OK, PA, RI, TX, VA, WV, and DC, restricted to traffic originating at or destined to facilities used by Columbian Chemical Co., its suppliers, or vendors.

MC 11220 (Sub-223F), filed October 14, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MS, MN, MO, OH, OK, PA, TN, TX, and WI, restricted to traffic originating at or destined to the facilities used by Ralston Purina Company.

MC 29910 (Sub-295F), filed October 10, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh St., Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). Transporting (1) *tires* and (2) *material, equipment, and supplies* used in the manufacture and distribution of tires, between points in Shawnee County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI)

MC 29910 (Sub-296F), filed October 14, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh St., Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers of computers, between Jacksonville and Denison, TX, on the one hand, and, on the other, Colorado Springs, CO.

MC 29910 (Sub-297F), filed October 15, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh St., Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). Over regular routes, transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), (1) between Atlanta, GA, and New Orleans, LA, from Atlanta, GA, over U.S. Hwy 29 to junction U.S. Hwy 80, then over U.S. Hwy 80 to Montgomery, AL, then over U.S. Hwy 31 to Mobile, AL, then over U.S. Hwy 90 to New Orleans, LA, and return over the same route, (2) between Atlanta, GA, and Dallas, TX, from Atlanta, GA, over U.S. Hwy 78 to Birmingham, AL, then over U.S. Hwy 11 to junction U.S. Hwy 80, then over U.S. Hwy 80 to Dallas, TX, and return over the same route, (3) between Mobile, AL, and Houston, TX, from Mobile, AL, over Interstate Hwy 10 to junction Interstate Hwy 12, then over Interstate Hwy 12 to junction Interstate Hwy 10, then over U.S. Hwy 10 to

Houston, TX, and return over the same route, serving all intermediate points in routes (1), (2), and (3) above.

MC 33641 (Sub-157F), filed October 10, 1980. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Bresee (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), moving on bills of lading of freight forwarders as defined in 49 U.S.C. Section 10102(8), between points in the U.S.

MC 35320 (Sub-615F), filed October 15, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over *regular routes, general commodities* (except classes A and B explosives and household goods as defined by the Commission), serving New Orleans, LA, as an off-route point in connection with carrier's otherwise authorized regular route operations.

MC 35320 (Sub-616F), filed October 15, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over *regular routes*, transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), serving Beaumont, TX as an off-route point in connection with carriers authorized regular route operations.

MC 52460 (Sub-290F), filed October 14, 1980. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: William L. Tipton (same address as applicant). Transporting *frozen and canned foodstuffs*, between the facilities of Stilwell Foods, at (a) Stilwell, OK, and (b) McAllen, TX, on the one hand, and, on the other, points in AL, AR, CA, FL, IL, IN, IA, KS, KY, LA, MS, MO, NE, OK, OH, TN, and TX, restricted to traffic originating at or destined to the named origins.

MC 52460 (Sub-291F), filed October 10, 1980. Application: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant). Transporting *general commodities* (except classes A and B explosives, commodities in bulk, in tank vehicles, household goods as defined by the Commission, those requiring the use of special equipment, and automotive, trucks, and buses as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766), between points in the U.S., restricted to traffic originating at or destined to the facilities of International Paper Company.

MC 63871 (Sub-8F), filed October 15, 1980. Applicant: ANDREWS & PIERCE, INC., 1431 Bedford St., North Abington, MA 02351. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109. Transporting *Liquefied natural gas and liquefied petroleum gas*, in bulk, in shipper owned trailers, between points in ME, NH, MA, RI, CT, VT, and NY. Condition: The certificate to be used in this proceeding shall be limited, in point of time, to a period expiring 5 years from its date of issuance.

MC 82841 (Sub-295F), filed October 8, 1980. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. Transporting (1) *lumber or wood products*, except furniture, (2) *clay, concrete, glass or stone products*, (3) *primary metal products*, including glavanized, except coating or other allied processing, (4) *fabricated metal products* except ordnance, machinery, or transportation equipment, and (5) *machinery*, except electrical, as described in Items 24, 32, 33, 34, and 35, respectively, of the Standard Transportation Commodity Code, between points in AZ, AR, CA, CO, ID, IL, IA, KS, LA, MN, MO, MT, NE, NM, ND, OH, OK, PA, SD, TX, UT, and WI.

MC 92371 (Sub-5F), filed October 15, 1980. Applicant: SHEARERS EXPRESS, INC., P.O. Box 189, Oneonta, NY 13820. Representative: Neil D. Breslin, 600 Broadway, Albany, NY 12207. Transporting *sand and gravel spreaders, machinery, and machinery parts, and petroleum products*, (a) from Oneonta, NY, to points in ME, NH, VT, CT, RI, MA, NY, PA, NJ, MD, VA, WV, OH, IL, IA, and DC, and (b) from Farmers Valley, PA, to Oneonta and Utica, NY.

MC 97841 (Sub-24F), filed October 14, 1980. Applicant: GENERAL HIGHWAY EXPRESS, INC., 2280 Industrial Dr., P.O. Box 727, Sidney, OH 45365. Representative: Jack R. Wells (same address as applicant). Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in IL, IN, KY, MI, OH, PA, and WV.

MC 99680 (Sub-10F), filed October 16, 1980. Applicant: NORTH SHORE & CENTRAL ILLINOIS FREIGHT CO., a Corporation, 7701 W. 95th Street, Hickory Hills, IL 60457. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Champaign, IL, and Evansville, IN, from Champaign, IL over Interstate Hwy 74 to junction U.S. Hwy 150, then over U.S. Hwy 150 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Evansville, IN, and return over the same route, serving all intermediate points; (2) between Effingham, IL, and Terre Haute, IN, over Interstate Hwy 70; (3) between Effingham, IL, and Evansville, IN, from Effingham, IL over IL Hwy 33 to Newton, IL, then over IL Hwy 130 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Evansville, IN, and return over the same route, serving all intermediate points; (4) between St. Louis, MO, and Evansville, IN, from St. Louis, MO over Interstate Hwy 64 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Evansville, IN, and return over the same route, serving all intermediate points; and (5) between Collinsville, and Effingham, IL, over U.S. Hwy 40.

Note.—Applicant intends to tack the rights sought to its existing regular-route authority.

MC 109490 (Sub-22F), filed October 9, 1980. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 97, Union Center, WI 53962. Representative: Ronald E. Laitsch, 117 S. Third St., Watertown, WI 53094. Transporting (1) *cheese and cheese products*, and (2) *materials, equipment and supplies* used in the manufacture of the commodities named in (1) between Hillsboro, WI, on the one hand, and, on the other, points in the U.S., restricted to traffic originating at or destined to the facilities of Associated Milk Producers, Inc.

MC 109490 (Sub-24F), filed October 15, 1980. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 97, Union Center, WI 53962. Representative: Ronald E. Laitsch, 117 S. Third St., Watertown, WI 53094. Transporting (1) *food and food ingredients*, (2) *animal feed and feed ingredients*, and (3) *materials, equipment and supplies* used in the manufacture of the commodities in (1) and (2) above, between points in the U.S., restricted to traffic originating at or near destined to the facilities of Merrick Dry Milk, Inc.

MC 110410 (Sub-30F), filed October 10, 1980. Applicant: BENTON BROTHERS FILM EXPRESS, INC., P.O. Box 54327, Atlanta, GA 30302. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326.

Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Cobb, Fulton, and Gwinnett Counties, GA, on the one hand, and, on the other, points in FL, and those in GA on and south of a line beginning at the GA–SC State line, and extending along U.S. Hwy 278 to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction U.S. Hwy 319 to the GA–FL State line.

MC 110420 (Sub-858F), filed October 14, 1980. Applicant: QUALITY CARRIERS, INC., 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. Transporting *commodities in bulk*, between points in Lake County, IN, and Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, and Will Counties, IL, on the one hand, and, on the other, points in the U.S.

MC 111401 (Sub-606F), filed October 16, 1980. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). Transporting *chemicals*, in bulk, (a) between points in Tarrant County, TX, on the one hand, and, on the other, points in AR, AZ, KS, LA, MO, NM, OK, and TX, and (b) between points in OK and MT.

MC 118831 (Sub-196F), filed October 8, 1980. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, NC 27264. Representative: E. Stephen Heisley, 666 Eleventh St., NW, No. 805, Washington, DC 20001. Transporting *commodities* in bulk, between points in TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 119441 (Sub-52F), filed October 8, 1980. Applicant: BAKER HI-WAY EXPRESS, INC., P.O. Box 506, 555 Commercial Pkwy., Dover, OH 44622. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting (1) *aluminum building materials*, and *equipment, materials and supplies* used in the manufacture and distribution of aluminum building materials, between Sugar Creek and Gnadenhutten, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX, and (2) *vinyl siding and equipment, materials and supplies* used in the manufacture and distribution of vinyl siding, between Bridgeport, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX.

MC 119741 (Sub-279F), filed October 8, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *frozen foods*, between North Rose, Rochester, and Sodus, NY, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, MI, MN, MO, NE, ND, OK, SD, TX, and WI, restricted to traffic originating at or destined to the facilities of Statewide Refrigerated Services, Inc.

MC 119741 (Sub-281F), filed October 15, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *such commodities* as are dealt in or used by retail department stores (except foodstuffs and commodities in bulk), between points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC.

MC 121741 (Sub-2F), filed October 10, 1980. Applicant: WESTERN TEX-PACK, INC., 3200 W. Bolt St., Fort Worth, TX 76110. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Dallas and Fort Worth, TX, (a) from Dallas over TX Hwy 114 to junction TX Hwy 121, then over TX Hwy 121 to Fort Worth, and return over the same route, serving no intermediate points, (b) over U.S. Hwy 80, serving no intermediate points, (c) over TX Hwy 183, serving no intermediate points, and (d) over Interstate Hwy 20, serving no intermediate points, (2) between Fort Worth and Jacksboro, TX, over TX Hwy 199, (3) between Jacksboro and Rule, TX, over U.S. Hwy 380, (4) between Wichita Falls and Abilene, TX, over U.S. Hwy 277, (5) between Munday and Knox City, TX, over TX Hwy 222, (6) between Benjamin and Rule, TX, over TX Hwy 283, (7) between Anson and Aspermont, TX, over U.S. Hwy 83, (8) between Anson and Roby, TX, over U.S. Hwy 180, (9) between Roby and Rotan, TX, over TX Hwy 70, (10) between Rotan, TX and junction U.S. Hwy 277 and TX Hwy 92, over TX Hwy 92, (11) between Aspermont and Girard, TX, from Aspermont over U.S. Hwy 380 to junction U.S. Hwy 70, then over U.S. Hwy 70 to Girard, and return over the same route, (12) between Aspermont and Albany, TX, over TX Hwy 6, (13) between Fort Worth and Itasca, TX, over Interstate Hwy 35W and U.S. Hwy 81, (14) between Itasca and Osceola, TX, over F.M. Road 66 and F.M. Road 934, (15) between Osceola and Cleburne, TX, over TX Hwy 171, (16) between Burleson and Cleburne, TX, over TX Hwy 174, (17) between Cleburne and Hico, TX, from Cleburne over U.S. Hwy 67 to junction TX Hwy 220, then over TX Hwy 220 to Hico, and return over the same route, (18) between Hico and Hamilton, TX, over U.S. Hwy 281, (19) between Hamilton and Gatesville, TX, over TX Hwy 36, (20) between Gatesville and McGregor, TX, over U.S. Hwy 84, (21) between McGregor and Valley Mills, TX, over TX Hwy 317, (22) between Valley Mills and Meridian, TX, over TX Hwy 6, (23) between Meridian and Glen Rose, TX, over TX Hwy 144, (24) between Midlothian and Cleburne, TX, over U.S. Hwy 67, (25) between Cleburne and Meridian, TX, over TX Hwy 174, (26) between Whitney and Hamilton, TX, over TX Hwy 22, (27) between Jonesboro and Turnersville, TX, over F.M. Road 217, (28) between Turnerville, TX, and junction TX Hwy 36 and F.M. Road 182, over F.M. Road 182, (29) between Oglesby, TX, and junction U.S. Hwy 84 and F.M. Road 1996, over F.M. Road 1996, (30) between junction TX Hwy 174 and F.M. Road 56, and junction TX Hwy 22 and F.M. Road 56, over F.M. Road 56, (31) between Morgan and Lakeside Village, TX, over F.M. Road 927, (32) between Seymour and Benjamin, TX, over U.S. Hwy 82, (33) between junction U.S. Hwy 82 and F.M. Road 267 and junction TX Hwy 222 and F.M. Road 267, over F.M. Road 267, (34) between Peacock, TX, and junction U.S. Hwy 380 and F.M. Road 2211, over U.S. Hwy 380, (35) between Hamilton and Gatesville, TX, from Hamilton, over U.S. Hwy 281 to Evant, TX, then over U.S. Hwy 84 to Gatesville, and return over the same route, (36) between Mansfield and Joshua, TX, over F.M. Road 917, and (37) between Clifton and Cranfills Gap, TX, over F.M. Road 219, serving all intermediate points on all above routes except as specified, restricted (a) to shipments having no single articles, piece or package weighing in excess of 100 pounds and which have a total weight of 500 pounds or less per shipment, and (b) against any shipments originating at or destined to Wichita Falls, Fort Worth, Dallas, Albany, and Abilene, TX, and against serving any

intermediate point between Fort Worth and Throckmorton on TX Hwy 199 except Lake Worth, Azle, and Springtown, TX.

MC 124221 (Sub-69F), filed October 8, 1980. Applicant: HOWARD BAER, P.O. Box 27, Morton, IL 61550. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., 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 Kraft, Inc., of Chicago, IL.

MC 124251 (Sub-76F), filed October 16, 1980. Applicant: JACK JORDAN, INC., P.O. Box 689, Dalton, GA 30720. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *chemicals*, (1) between points in GA, TN, Greenville County, SC, and Beaver and Philadelphia Counties, PA, on the one hand, and, on the other, points in the U.S., and (2) between points in AR, CT, IL, MI, MO and OH, on the one hand, and, on the other, points in AL, FL, NC and SC.

MC 125951 (Sub-69F), filed October 8, 1980. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Rd., Suite 325, Omaha, NE 68106. Representative: Robert M. Cimino (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Albert Lea, MN, and Cedar Rapids, Cherokee and Des Moines, IA, to points in CA.

MC 128951 (Sub-40F), filed October 10, 1980. Applicant: ROBERT H. DITTRICH, d.b.a. BOB DITTRICH TRUCKING, 1000 North Front St., New Ulm, MN 56073. Representative: Rodney H. Jeffery (same address as applicant). Transporting *salt and salt products*, (1) between Minneapolis and points in Brown, Blue Earth and Nicollet Counties, MN, on the one hand, and, on the other, points in WI, IA, KS, ND, SD, and NE, (2) between points in Manistee County, MI, on the one hand, and, on the other, points in IA, IN, MN, MO, and WI, (3) between points in Williams County, ND, on the one hand, and, on the other, points in IA, MN, NE, SD, and WI.

MC 128951 (Sub-41F), filed October 14, 1980. Applicant: ROBERT H. DITTRICH, d.b.a. BOB DITTRICH TRUCKING, 1000 North Front St., New Ulm, MN 56073. Representative: Rodney H. Jeffery (same address as applicant). Transporting *materials, equipment and supplies* used in the manufacture and distribution of refrigerators and freezers, between points in St. Cloud, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 128951 (Sub-42F), filed October 14, 1980. Applicant: ROBERT H. DITTRICH, d.b.a. BOB DITTRICH TRUCKING, 1000 North Front Street, New Ulm, MN 56073. Representative: Rodney H. Jeffery (same address as applicant). Transporting *commodities in bulk*, between points in IL, GA, MD, CT, AL, PA, NJ, NY, MI, OH, TN, TX, CA, KY, IN, MO, FL, MN, MA, LA, WV, NC, SC, and VA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 133270 (Sub-8F), filed October 9, 1980. Applicant: OREGON FOOD EXPRESS, INC., P.O. Box 17402, Portland, OR 97217. Representative: David C. White, 2400 S.W. Fourth Ave., Portland, OR 97201. Transporting *such commodities* as are dealt in by grocery and food business houses, between points in Clackamas and Multnomah Counties, OR, on the one hand, and, on the other, points in Thurston, Pierce, King, Kitsap, Island, and Snohomish Counties, WA.

Note.—Applicant intends to tack the rights sought to its existing authority at Portland, OR to provide through service to points in Coos, Curry, Josephine, Jackson, Lane, Douglas and Klamath Counties, OR.

MC 134501 (Sub-88F), filed October 8, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting (1) *furniture*, from Columbus, OH, to points in the U.S. (except AK, AR, AZ, CA, HI, LA, MS, TX, and Shelby County, TN), and (2) *fixtures*, from Columbus, OH, to points in the U.S. (except AK and HI).

MC 135170 (Sub-53F), filed October 14, 1980. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of non-alcoholic beverages (except commodities in bulk), between points in the U.S., under continuing contract(s) with R. C. Bottling Co. of Salisbury, Inc. and Pepsi Cola Bottling Co., both of Salisbury, MD.

MC 136530 (Sub-3F), filed October 10, 1980. Applicant: NORBET TRUCKING CORP., 55 Passaic Ave., Kearny, NJ 07032. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting (1) *iron and steel articles and aluminum and aluminum articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Harris Steel International of Kearny, NJ.

MC 138100 (Sub-3F), filed October 6, 1980. Applicant: MELLOW TRUCK EXPRESS, INC., P.O. Box 23725, Tigard, OR 97223. Representative: Peter H. Glade, 1 SW Columbia, Suite 555, Portland, OR 97258. Transporting *feed, feed ingredients, and fertilizer* (except liquid commodities in bulk), from points in CA to points in OR and WA. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its permit in MC 128285 Sub 5.

MC 138291 (Sub-1F), filed October 15, 1980. Applicant: BRANT TRANSPORTATION, INC., 38 Tower Ave., South Weymouth, MA 02190. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. Transporting *structural steel shapes*, between points in the U.S., under continuing contract(s) with L. Antonelli Iron Works, Inc., of Quincy, MA.

MC 138390 (Sub-1F), filed October 15, 1980. Applicant: WM. J. RENNER CARTING CO., INC., 10 Deep Rock Road, Rochester, NY 14624. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in NY.

MC 138701 (Sub-6F), filed October 15, 1980. Applicant: G. D. & K., INC., 500 West Main St., Wyckoff, NJ 07481. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting *chemicals and cleaning compounds* (except commodities in bulk), between points in the U.S., under continuing contract(s) with The Hubbard-Hall Chemical Co. of Waterbury, CT.

MC 138741 (Sub-110F), filed October 15, 1980. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting (1) *pipe, pipe fittings, valves, hydrants, and castings*, (2) *accessories for pipe*, and (3) *materials, equipment, and supplies* used in the manufacture, distribution and installation of the commodities in (1) and (2), between points in Jefferson and

Saint Clair Counties, AL, on the one hand, and, on the other, points in AR,GA, IL, IN, IA, KS, KY, LA, MI, MS, MO, NE, OH, OK, TN, WI, and TX.

Note.—Upon issuance of a certificate in this proceeding, the certificate in MC 138741 Sub 60F will be canceled.

MC 138741 (Sub-112F), filed October 15, 1980. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting (1) *building materials*, and (2) *materials, equipment and supplies* used in the manufacture, distribution and installation of building materials, between points in AL, AR, CO, GA, IA, IL, IN, KS, KY, LA, MD, MI, MN, MO, MS, NC, ND, NE, OH, OK, PA, SC, SD, TN, TX, VA, WI, and WV. Condition: Issuance of a certificate in this proceeding is subject to the cancellation, at applicant's written request, of Certificate MC 138741 Sub 104.

MC 139171 (Sub-11F), filed October 8, 1980. Applicant: CONTROLLED DELIVERY SERVICE, INC., P.O. Box 1299, 17295 E. Railroad Ave., City of Commerce, CA 91749. Representative: Robert L. Cope, 1730 M St. NW., Suite 501, Washington, DC 20036. 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 Seaport Cooperative, Inc., of Portland, OR.

MC 143570 (Sub-19F), filed October 14, 1980. Applicant: D & G TRUCKING, INC., 4420 E. Overland Road, Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *such commodities* as are dealt in or used by office supply and office equipment companies, from points in CA, OR, and WA, to points in ID and UT.

MC 144510 (Sub-3F), filed October 15, 1980. Applicant: JERRY J. KOBS, INC., 131 Bridge Court, Sgt. Bluff, IA 51054. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *non-exempt food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff, between points in Plymouth and Woodbury Counties, IA, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, WV, and DC.

MC 145130 (Sub-3F), filed October 14, 1980. Applicant: ATICO TRANSPORT, INC., 6700 S. LeClaire Avenue, Chicago, IL 60638. Representative: James C. Hardman, 33 N. La Salle St., Chicago, IL 60602. Tranporting *such commodities* as are dealt in or used by manufacturers and distributors of chemicals, building materials, and floor coverings (except commodities in bulk), from Calvert City, KY and Linden, NJ, to points in GA, KY, NC, NJ, NY, PA, OH, IN and TX.

MC 145371 (Sub-5F), filed October 14, 1980. Applicant: MFCH, INC., Route 1, Kings, IL 61045. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting (1) *cathode ray tubes* and *cathode ray tube parts*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commondities in bulk), between points in Winnebago County, IL, on the one hand, and, on the other, points in the U.S.

MC 145441 (Sub-122F), filed October 15, 1980. Applicant: A.C.B.TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *surface coated paper and sensitized blue printing and reproduction paper*, between Medford, OR, on the one hand, and, on the other, points in CA, CO, GA, IL, NJ, TX, and VA.

MC 145441 (Sub-124F), filed October 15, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury. (same address as applicant) Transporting *nonexempt food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff, (1) between points in Kent County, MI, on the one hand, and, on the other, points in San Joaquin County, CA, and (2) between points in Lucas and Sandusky Counties, OH, Allegheny County, PA, Muscatine and Johnson County, IA, and Ottawa County, MI, on the one hand, and, on the other, points in TX.

MC 148060 (Sub-5F), filed October 15, 1980. Applicant: STOVER LINES, INC., 5636 NW 17th St., Topeka, KS 66618. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *soybean meal, and feed and feed ingredients*, from the facilities of Ralston-Purina Co., in Kansas City, MO, to points in NE and TX.

MC 148190 (Sub-3F), filed October 15, 1980. Applicant: RAMSEY TRUCKING, INC., 604 Hudson Rd., Chattanooga, TN 37405. Representative: Billy R. Ramsey (same address as applicant). Transporting *glass, and materials and supplies* used in the manufacture and distribution of glass, between points in the U.S., under continuing contract(s) with Chattanooga Glass Company of Chattanooga, TN.

MC 148401 (Sub-2F), filed October 14, 1980. Applicant: HENRY F. JOHNSON, d.b.a. GREENLEAF TRANSPORTATION, 1150 Sunnyhills Ave., Brea, CA 92621. Representative: Henry F. Johnson (same address as applicant). Transporting *such commodities* as are dealt in by wholesale and retail grocery, food business, discount and variety houses, between points in the U.S., under continuing contract(s) with Lever Brothers Company of Los Angeles, CA.

MC 148541 (Sub-3F), filed October 14, 1980. Applicant: M.P.I. CORPORATION, R.D. No. 6, Bridgeton, NJ 08302. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Transporting *foodstuffs*, between points in the U.S., under continuing contract(s) with Progresso Quality Foods, Division of Ogden Foods, Corp., of Vineland, NJ.

MC 148570 (Sub-6F), filed October 9, 1980. Applicant: N.A.T. TRANSPORTATION, INC., 229 N. Main St., Bradner, OH 43406. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. W., Bradenton, FL 33507. Transporting (1) *fabricated metal products*, (2) *parts* for metal products, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between Tiffin, OH, on the one hand, and, on the other, points in the U.S.

MC 150211 (Sub-3F), filed October 15, 1980. Applicant: ASAP EXPRESS, INC., P.O. Box 3250, Jackson, TN 38301. Representative: Louis J. Amato (same address as applicant). Transporting *household appliances*, between Herrin, IL, Jacksonville and Pensacola, FL, and points in NC, SC, TN, MS, AL, GA, LA, and AR.

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 150301 (Sub-7F), filed October 15, 1980. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. 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 Quality Stores, Inc. of Muskegon, MI.

MC 151070 (Sub-1F), filed October 14, 1980. Applicant: A. CLYDE LANCASTER, Star Route 1, Afton, WY 83110. Representative: James E. Phillips, P.O. Box 123, Evanston, WY 82930. Transporting *coal* between points in Lincoln County, WY.

MC 151080 (Sub-3F), filed October 14, 1980. Applicant: THE SENATE CARTAGE COMPANY, INC., 1010 Jorie Blvd., Oak Brook, IL 60521. Representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, IL 60603. Transporting (1) *cleaning, scouring, washing, buffing and polishing compounds, germicides, solvents, and liquid coating materials,* and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and application of the commodities in (1), between the facilities of Masury-Columbia Co., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151151 (Sub-2F), filed October 14, 1980. Applicant: LAVONNE R. JAHN, 417 So. Hokah St., Caledonia, MN 55921. Representative: Joseph E. Ludden, 324 Exchange Bldg., P.O. Box 1566, La Crosse, WI 54601. 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 La Crossee County, WI, on the one hand, and, on the other, points in Allamakee, Winneshiek, and Howard Counties, IA.

MC 151360 (Sub-1F), filed October 14, 1980. Applicant: MARK MILLER TRUCKING, INC., Cottonwood Falls, KS 66845. Representative: Erle W. Francis, 719 Capitol Federal Bldg., Topeka, KS 66603. Transporting *beer,* in containers, from the facilities of Adolph Coors Co., at points in Jefferson County, CO, to Emporia, KS.

MC 152101 (Sub-1F), filed October 15, 1980. Applicant: MID MONTANA, INC., 1010 North Rouse, Bozeman, MT 59715. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. 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 Parker Montana Co., of Billings, MT and Parker Dakota Company, of Minot, ND.

MC 152111F, filed October 6, 1980. Applicant: RUBIN CUSTOMER SERVICE, INC., 84–14 Cuthbert Road, Kew Gardens, NY 114115. Representative: Arthur J. Piken, Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374. Transporting (1) *lamps and lighting fixtures,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1), between points in NY, NJ, PA, MA, CT, RI, DE, MD, and DC.

MC 152141F, filed October 7, 1980. Applicant: YOUNG TRANSPORTATION, INC., 2526 North Western Ave., Plymouth, IN 46562. Representative: David G. Abraham, 6400 Goldsboro Road, Suite 304, Washington, DC 20034. Transporting (1) *lumber or wood products;* except furniture, (2) *pulp, paper, or allied products,* (3) *chemicals or allied products,* (4) *rubber or miscellaneous plastics products,* (5) *clay concrete, glass or stone products,* (5) *fabricated metal products;* except ordnance, machinery, or transportation equipment, as described in Items 24, 25, 28, 30, and 34, respectively, of the Standard Transportation Commodity Code Tariff, between points in the U.S., under continuing contract(s) with (1) Young Door Company, Midwest Division, of Plymouth, IN, (2) Young Door Company, South Centraol Division, of Hartselle, AL, (3) Young Door Company, Eastern Division, of Sunbury, PA, and (4) Challenge Metal Products, Inc., of Ligonier, IN.

W–1330F, filed October 10, 1980. Applicant: COAST LINE ASSOCIATES, 6 Hilltop Drive, Wenham, MA 01924. Representative: John J. McNamara (same address as applicant). To operate as a common carrier, by water, in the transportation of *general commodities,* between ports and points along the Atlantic Coast and inland tributary waterways (not including the New York State Canal) from Eastport, ME, to Miami, FL, inclusive. Condition: This is a major regulatory action and requires preparation of a statement of energy impact under the provisions of 49 CFR 1106.5(a)(8).

Volume No. OP2–076

Decided: October 21, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Hill not participating.

MC 57992 (Sub-10F), filed October 8, 1980. Applicant: SEWELL MOTOR EXPRESS, INC., 149 South Mulberry St., Wilmington, OH 45177. Representative: Joe F. Asher, 88 East Broad St., Columbus, OH 43215. Transporting *general commodities* (except those of unusual value and classes A and B explosives), between points in OH, IL, IN, KY, MI, NY, PA, TN, VA, WV, and WI, restricted to traffic having a prior or subsequent movement by rail.

MC 112223 (Sub-134F), filed October 14, 1980. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 1700 New Brighton Blvd., Minneapolis, MN 55413. Representative: Earl Hacking (same address as applicant). Transporting *fly ash,* from Alma, WI, to points in IA and MN. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 113843 (Sub-287F), filed October 14, 1980. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., 5th Floor, Boston, MA 02210. Representative: Lawrence T. Shells (same address as applicant). Transporting (1) *foodstuffs,* and (2) *such commodities* as are dealt in or used by grocery and food business houses, (except foodstuffs), between those points in the U.S. in and east of MT, WY, CO, and NM, restricted to traffic originating at or destined to the facilities used by John Sexton & Co.

MC 115093 (Sub-25F), filed October 14, 1980. Applicant: MERCURY MOTOR EXPRESS, INC., 2511 North Grady Ave., P.O. Box 23406, Tampa, FL 33607. Representative: Joseph W. Watson (same address as applicant). Transporting (1) *foodstuffs* (except in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of foodstuffs, between points in Shelby County, TN, on the one hand, and, on the other, those points in the U.S. in and east of OH, KY, TN, and AL.

MC 118803 (Sub-21F), filed October 9, 1980. Applicant: ATLANTIC TRUCK LINES, INC., 168 Town Line Rd., Kings Park, NY 11754. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting (1) *chemicals, and cleaning and sanitation materials, equipment, and supplies* (except in bulk), and (2) *materials, equipment, and supplies* (except in bulk), used in the manufacture and distribution of the commodities in (1) above, between the facilities of ZEP Manufacturing division of National Service Industries, Inc., at Atlanta, GA, on the one hand, and, on the other, points in the U.S.

MC 126542 (Sub-13F), filed September 23, 1980. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, AL 36201. Representative: John W. Cooper, 634 Woodward Bldg., Birmingham, AL 35203. Transporting (1) *traffic reflectors,* (2) *accessories* for traffic reflectors, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above,

between points in the U.S., under continuing contract(s) with Amerace Corporation, Signal Products Division, of Niles, IL.

MC 126542 (Sub-15F), filed October 2, 1980. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, AL 36201. Representative: John W. Cooper, 634 Woodward Bldg., Birmingham, AL 35203. Transporting (1) *forgings and castings*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with FMC Corporation, Steel Products Division, of Anniston, AL.

MC 129923 (Sub-20F), filed October 3, 1980. Applicant: SHIPPERS TRANSPORTS, INC., 5005 Commerce St., West Memphis, AR 72301. Representative: Edward G. Grogan, Suite 2020, First Tennessee Bldg., Memphis, TN 38103. Transporting *such commodities* as are dealt in by manufacturers and distributors of rice and rice products, from Stuttgart, AR, Memphis, TN, and Houston, TX, to points in the U.S. (except AK and HI).

MC 131062F, filed October 6, 1980. Applicant: COACH TRAVEL BUREAU, INC., 900 Wilshire Blvd., Suite 612, Los Angeles, CA 90017. Representative: Paul Fuyuki Yamaguchi (same address as applicant). As a *broker* at Los Angeles, CA, to arrange for the transportation of *passenger and their baggage*, between points in CA, on the one hand, and, on the other, points in the U.S.

MC 135052 (Sub-33F), filed October 9, 1980. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster St., Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204. Transporting (1) *pulp, paper, or allied products*, (2) *chemicals or allied products*, (3) *rubber or miscellaneous plastic products*, and (4) *clay, concrete, glass or stone products*, as described in Items 26, 28, 30, and 32, respectively, of the Standard Transportation Commodity Code Tariff, between points in Jefferson County, KY, Clark, Monroe, Marion, Vanderburgh, and Shelby Counties, IN, Morgan County, AL, Cook, Boone, DeKalb, DuPage, Kane, and McHenry Counties, IL, Milwaukee County, WI, and Wake County, NC, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM.

MC 135762 (Sub-15F), filed October 10, 1980. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, 6004 Highway 271 South, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Transporting (1) *new furniture*, and (2) *materials, supplies, and equipment* used in the manufacture and distribution of new furniture (except commodities in bulk), between points in the U.S., under continuing contract(s) with Ayers Furniture Industries, Inc., of Fort Smith, AR.

MC 136363 (Sub-21F), filed October 8, 1980. Applicant: J & P PROPERTIES, INC., P.O. Box 1146, Apopka, FL 32703. Representative: James E. Warton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801. Transporting *foodstuffs*, from Clifton, NJ, to points in AL, AR, GA, SC, OH, IL, NC, MS, IN, KY, PA, TX, WI, and CA.

MC 136363 (Sub-22F), filed October 14, 1980. Applicant: J & P PROPERTIES, INC., P.O. Box 1146, Apopka, FL 32703. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801. Transporting *such commodities* as are dealt in or used by retail department and variety stores, (except commodities in bulk), between the facilities of Richway, a division of Federated Department Stores, Inc., in AL, FL, GA, NC, SC, and TN, on the one hand, and, on the other, points in AR, CT, DE, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, OH, OK, PA, RI, TX, VT, WV, and WI.

MC 139482 (Sub-182F), filed October 8, 1980. Applicant: NEW ULM FREIGHT LINES, INC., New Ulm, MN 56073. Representative: Barry M. Bloedel (same address as applicant). Transportaing *automotive supplies and accessories* (except commodities in bulk), from points in AR, IL, IN, IA, KS, MS, MO, NY, OH, PA, and WI, to Minneapolis and St. Paul, MN.

MC 139482 (Sub-183F), filed October 10, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel (same address as applicant). Transporting *automotive fluids and cleaning compounds* (except commodities in bulk), between points in AR, IL, IN, IA, KS, KY, MI, MN, MS, MO, NE, NY, OH, OK, PA, TN, TX, and WI.

MC 139923 (Sub-79F), filed October 8, 1980. Applicant: MILLER TRUCKING CO., INC., P.O. Box Drawer "D", Stroud, OK 74079. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *Meats, meat products, meat by products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descritions In Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Cherokee and Des Moines, IA, Logansport, IN, Marshall, MO, Monmouth and Peoria, IL and Omaha, NE, to points in CA.

MC 140902 (Sub-15F), filed October 15, 1980. Applicant: DPD, INC., 3600 N.W. 82nd Ave., Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). Transporting *such commodities* as are dealt in by wholesale, retail, chain grocery houses and drugstores, between points in the U.S., under continuing contract(s) with Super X Drugs Corporation, of Cincinnati, OH.

MC 141443 (Sub-66F), filed October 8, 1980. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *Foodstuffs*, from Houston, TX to those points in the U.S. in and west of MN, IA, MO, AR and LA.

MC 142703 (Sub-30F), filed October 14, 1980. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 W. Third St., P.O. Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Transporting *scrap metal* (except in dump vehicles), between Cincinnati, OH, on the one hand, and, on the other, points in AL, IN, IL, KY, MI, MD, PA, SC, and TN.

MC 143002 (Sub-22F), filed October 15, 1980. Applicant: C.D.B., INCORPORATED, 155 Spaulding, S.E., Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. 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 Amway Corporation, of Ada, MI.

MC 144503 (Sub-31F), filed October 8, 1980. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting (1) *such commodities* as are dealt in by the manufacture and distributors of containers, from the facilities of Container Corp. of America, at (a) Stone Mountain, Atlanta, and Lithonia, GA, (b) Fernandina Beach, FL, (c) Greensboro, NC, (d) Nashville, Knoxville, and Chattanooga, TN, and (e) Carroll Stream, IL, to points in the U.S. (except AK and HI), and (2) *materials, equipment, and supplies* (except in bulk), used in the manufacture and distribution of commodities in (1) above.

in the reverse direction.

MC 145583 (Sub-4F), filed October 8, 1980. Applicant: XPRESS TRUCK LINES, INC., 2500 E. Butler St., Philadelphia, PA 19137. Representative: Anthony A. Cerone, 3348 Morrell Ave., Philadelphia, PA 19114. Transporting *alcohol and alcoholic beverages*, between points in PA, DE, CT, NY, NJ, MD, RI, MA, NH, VA, VT, and DC, restricted to traffic having a prior or subsequent movement by rail or water.

MC 145773 (Sub-5F), filed October 8, 1980. Applicant: KIRK BROS. TRANSPORTATION, INC., 800 Vandemark Rd., Sidney, OH 45365. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *electric motors and parts* for electric motors, and (2) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with A. O. Smith Corp. of Milwaukee, I.

MC 146423 (Sub-12F), filed October 10, 1980. Applicant: STEPHEN HROBUCHAK TRANS-CONTINENTAL, REFRIGERATED LINES, INC., Route 502, P.O. Box 1456, Scranton, PA 18501. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. Transporting (1) *artificial trees*, (2) *wreath decorations and ornaments*, (3) *venetian blinds*, (4) *metal lawn and garden articles and plastic lawn and garden articles*, and (5) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), (2), (3), and (4) above (except commodities in bulk, and those requiring special equipment), between the facilities of Marathon Carey-McFall, in GA, MA, PA, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148313 (Sub-2F), filed October 8, 1980. Applicant: PHIL CLINE TRUCKING, INC., 310 Ichabod Circle, Concord, NC 28025. Representative: Phil Cline (same address as applicant). Transporting *fabrics*, from points in NC, SC, GA, AL, MD, and NJ, to points in TX and CA.

MC 149302 (Sub-2F), filed October 10, 1980. Applicant: EXPRESS TRANSPORT, INC., 247 Moorland St., Fall River, MA 02724. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment) (a) between those points in the U.S., in and east of MN, IA, MO, AR, and LA, and (b) between points in MA, RI, NJ, Philadelphia, PA, and New York, NY, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, AR, and LA. Condition: Issuance of this certificate is conditioned on cancellation of applicant's MC 149302 (Sub-No. 1F), proceeding.

MC 149522F, filed October 6, 1980. Applicant: LARRY MUNGER, d.b.a. LARRY MUNGER ENTERPRISES, P.O. Box 25831, Salt Lake City, UT 84125. Representative: Larry Munger (same address as applicant). Transporting *contractors and construction materials, equipment, and supplies*, between points in UT, on the one hand, and, on the other, points in WA, OR, CA, NV, AZ, WY, MT, CO, NM, OK, TX, LA, AR, MO, IL, ID, ND, SD, IA, NE, and KS.

MC 150102 (Sub-3F), filed October 15, 1980. Applicant: MUSTANG TRANSPORTATION, INC., 1101 Rue Corton, Slibell, LA 70458. Representative: Albert T. Riddle (same address as applicant). Transporting *rubber tires, tubes, flaps, and related articles*, between points in the U.S., under continuing contract(s) with The BF Goodrich Company, of Akron, OH.

MC 150573 (Sub-2F), filed October 9, 1980. Applicant: BENJAMIN J. KENNEDY, d.b.a. BEN KENNEDY TRUCKING COMPANY, Weston Rd., P.O. Box 13, Preston, GA 31824. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. Transporting *agricultural lime, lime materials, lime granulars and landplaster*, in bulk, in dump vehicles, (1) from points in Taylor, Hamilton and Jackson Counties, FL, and Lee County, AL, to points in GA, on and south of Interstate Hwy 85, between the AL-GA State Line and Atlanta, GA, and, on and south of Interstate Hwy 20, between Atlanta and Augusta, GA; and (2) from points in Taylor, Hamilton and Jackson Counties, FL, to points in AL, on and east of Interstate Hwy 65, between Mobile and Montgomery, AL, and, on and south of Interstate Hwy 85 between Montgomery and the AL-GA, State line, at Lanett, AL.

MC 152182F, filed October 10, 1980. Applicant: M. L. YOUNG MOTOR EXPRESS, INC., 908 Niagara Falls Blvd., North Tonawanda, NY 14120. Representative: Robert L. Boxer, 900 Midtown Tower, Rochester, NY 14604. Transporting *foundry supplies, abrasive grating*, and *abrasive crude* (except commodities in bulk, in dump vehicles), between points in the U.S., under continuing contract(s) with (a) Hickman, Williams & Company, of Cincinnati, OH, and (b) General Abrasives, Division of Dresser Industries, of Niagara Falls, NY.

Volume No. OP2-078

Decided: October 23, 1980.
By the Commission, Review Board Number 3, Members, Parker, Fortier and Hill.

MC 45363 (Sub-10F), filed October 9, 1980. Applicant: STONE'S EXPRESS, INC., 1099 Hendricks Causeway, Ridgefield, NJ 07657. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. 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 (a) Aqua Gulf Whse, Corp., of Bayonne, NJ, (b) National Shoes, Inc., of Ridgefield, NJ, and (c) Service Warehouse Co., Inc., of Wilmington, MA.

MC 45363 (Sub-11F), filed October 9, 1980. Applicant: STONE'S EXPRESS INC., 1099 Hendricks Causeway, Ridgefield, NJ 07657. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in CT, DE, MA, MD, NJ, NY, PA, and RI.

MC 92633 (Sub-33F), filed October 15, 1980. Applicant: ZIRBEL TRANSPORT, INC., P.O. Box 933, Lewiston, ID 83501. Representative: William Seehafer (same address as applicant). Transporting *building materials*, between points in ID, OR, and WA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary.

MC 107012 (Sub-591F), filed October 15, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Transporting *television sets, stereos, and home entertainment centers*, from Athens, TX to points in the U.S. (except AK and HI).

MC 107012 (Sub-592F), filed October 15, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (address same as applicant). Transporting (1) *Duct work, pipe and fittings for pipe and air ducts*, from Kansas City, MO to points in the U.S. (except AK and HI); and (2) *coil steel*, from Chicago, IL to Kansas City, MO.

MC 107012 (Sub- 593F), filed October 14, 1980. Applicant: NORTH

AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (address same as applicant). Transporting *television picture tubes,* from Melrose Park and Northlake, IL, to Greeneville, TN.

MC 107012 (Sub-594F), filed October 16, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). Transporting (1) *television chassis,* and (2) *parts* for televisions, from Brownsville and McAllen, TX, to Chicago, IL and Springfield, MO.

MC 108453 (Sub-41F), filed October 16, 1980. Applicant: G & A TRUCK LINE, INC., 404 West Peck Ave., White Pigeon, MI 49099. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *paper, paper products, and scrap paper, and materials and supplies* used in the manufacture and distribution of paper, paper products and scrap paper (except in bulk), between points in the U.S., under continuing contract(s) with Continental Forest Industries, of Rivers, MI

MC 109823 (Sub-8F), filed October 15, 1980. Applicant: McGAUGHEY BROS., INC., Third and Center Sts., Leetsdale, PA 15056. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. Transporting (1) *construction materials, supplies, and equipment,* (except iron and still articles and commodities in bulk), (2) *refractories,* (3) *iron and steel articles,* and (4) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, between points in OH, WV, VA, IL, IN, MI, KY, TN, MD, DE, NY, NJ, PA, and DC.

MC 112893 (Sub-63F), filed October 15, 1980. Applicant: BULK TRANSPORT COMPANY, a corporation, 100 Waukegan Rd., P.O. Box 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting (1) *asphalt and asphalt products,* and (2) *fuel oil,* in bulk, in tank vehicles, from points in Dakota and Ramsey Counties, MN, to points in WI.

MC 114273 (Sub-769F), filed October 9, 1980. Applicant: CRST, INC., 3930 16th Ave. SW., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Tranporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S.

MC 116063 (Sub-168F), filed October 15, 1980. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant). Tranporting (1) *nonmetallic minerals;* (except fuels), (2) *food or kindred products,* (3) *pulp, paper, or allied products,* (4) *chemicals or allied products,* and (5) *petroleum or coal products,* as described in Items 14, 20, 26, 28, and 29, respectively, of the Standard Transportation Commodity Code Tariff, between points in AR, IL, IA, KS, LA, MO, OK, TX, and those in Shelby County, TN, on the one hand, and, on the other, points in the U.S.

MC 119302 (Sub-25F), filed October 15, 1980. Applicant: MILLER TRANSFER AND RIGGING CO., P.O. Box 322, Cuyahoga Falls, OH 44222. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Tranporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in the U.S. (except AK and HI), under continuing contract(s) with the Joy Manufacturing Company, of Pittsburgh, PA.

MC 124212 (Sub-110F), filed October 16, 1980. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Rd., P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Tranporting *dry commodities,* in bulk, (except coal, limestone and sand), between points in the U.S., restricted to transportation of traffic originating at or destined to facilities of Alpha Portland Cement Company.

MC 125023 (Sub-85F), filed October 15, 1980. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, PA 16504. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Tranporting (1) *malt beverages,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of malt beverages, between points in Wayne County, MI, and Wood County, OH, on the one hand, and, on the other, points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 129903 (Sub-15F), filed October 15, 1980. Applicant: EMPORIA MOTOR FREIGHT, INC., P.O. Box 1103, Emporia, KS 66801. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *meats, meat products, and meat byproducts and articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in WA, OR, CA, ID, NV, MT, WY, UT, AZ, CO, NM, ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, LA, KY, OH, IL, IN, MI, and WI.

MC 141532 (Sub-103F), filed October 14, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Hwy., Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Rd., Salt Lake City, UT 84104. Transporting *machinery and supplies,* as described in Item 35 of the Standard Transportation Commodity Code Tariff, *transportation equipment,* as described in Item 37 of the Standard Transportation Commodity Code Tariff, and *construction, logging, and agricultural equipment and implements,* between points in IL and CA.

MC 143103 (Sub-10F), filed October 14, 1980. Applicant: CHEROKEE LINES, INC., 1113 North Little St., Cushing, OK 74023. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between points in the U.S. (except AK and HI), under continuing contract(s) with M &M/Mars, Division of Mars, Inc., of Hackettstown, NJ.

MC 143702 (Sub-18F), filed October 15, 1980. Applicant: ALL FREIGHT SYSTEMS, INC., 1026 South 10th St., Kansas City, KS 66105. Representative: Donald J. Quinn, Suite 900, 1012 Baltimore St., Kansas City, MO 64105. 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 Norfolk, NE, on the one hand, and, on the other, points in KS, MO, and OK, restricted to traffic originating at or destined to the facilities of Nebraska Land Meat Products.

MC 144303 (Sub-23F), filed October 10, 1980. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center

Bldg., 918.16th St., NW., Washington, DC 20006. 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 Ex-Cello-O Corporation, of Walled Lake, NJ, its subsidiaries and affiliates.

MC 144622 (Sub-191F), filed October 15, 1980. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. Transporting (1) *chemicals*, (2) *animal feed supplements*, and (3) *such commodities* as are dealt in by department stores, supermarkets, hardware and rug stores, (a) from West Springfield, MA, Clifton, and May's Landing, NJ, Memphis, TN, and Ft. Madison, IA, to Sparks, NV, (b) from West Springfield, MA, Clifton and May's Landing, NJ, to Memphis, TN, and (c) from Pearl River, NY to Los Angeles, CA, Portland, OR, Dallas, TX, Atlanta, GA, and Chicago, IL.

MC 145072 (Sub-48F), filed October 15, 1980. Applicant: M.S. CARRIERS, INC., 1797 Florida St., Memphis, TN 38109. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of agricultural chemicals (except commodities in bulk), between points in AL, AR, GA, IA, IL, IN, KS, KY, LA, MD, MI, MO, MS, NC, NJ, OH, OK, PA, SC, TN, TX, VA, and WV.

MC 145402 (Sub-10F), filed October 15, 1980. Applicant: LAKE LINE EXPRESS, INC., P.O. Box 1021, Appleton, WI. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in WI, on the one hand, and, on the other, points in the Lower Peninsula of MI.

MC 145623 (Sub-9F), filed October 10, 1980. Applicant: O. K. MESSENGER SERVICE, INC., 9107 Telegraph Road, Taylor, MI 48180. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *iron and steel articles*, between points in the U.S., under continuing contract(s) with Carter Steel Fabricating Co., of Bellefontaine, OH.

MC 148822 (Sub-6F), filed October 14, 1980. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35024. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *forest products, lumber products, wood products, gypsum board, pressed board and wallboard*, between points in the U.S., under continuing contract(s) with Russell Stadleman & Co., of Memphis, TN.

MC 149253 (Sub-2F), filed October 15, 1980. Applicant: THE HONEY CREEK EXPRESS CO., a corporation, Blakesburg, IA 52536. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting (1) *meats, meat products and meat byproducts*, as described in section A 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), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, except commodities in bulk, between the facilities of Honey Creek Provisions Co., at or near Nevada, OH, on the one hand, and, on the other, those points in the U.S. in and west of MI, IN, KY, TN, and MS.

MC 150102 (Sub-4F), filed October 15, 1980. Applicant: MUSTANG TRANSPORTATION, INC., 1101 Rue Corton, Slidell, LA 70458. Representative: Albert T. Riddle (same address as applicant). Transporting *tires, tubes, wheels, wheel nuts, wheel weights, tire valves, and hub wheel clips*, between points in the U.S., under continuing contract(s) with Sears Roebuck and Company, of Dallas, TX.

MC 150432 (Sub-6F), filed October 14, 1980. Applicant: H & M TRANSPORTATION, INC., U.S. 42 and 70, London, OH 43140. Representative: Owen B. Katzman, 1828 L St. NW., Suite 1111, Washington, DC 20036. Transporting *frozen foods*, between points in the U.S., under continuing contract(s) with Quality Bakery Company, Inc., of Columbus, OH, and New York Frozen Foods, Inc., of Bedford Heights, OH.

MC 150633 (Sub-2F), filed October 15, 1980. Applicant: MERTENS TRUCKING CO., INC., 4215 Terminal Dr., McFarland, WI 53558. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting *petroleum products*, in bulk, in tank vehicles, from Dubuque, IA, to those points in WI on, south, and west of a line beginning at the MN–WI State line and extending along Interstate Hwy 90 to the IL–WI State line.

MC 150783 (Sub-2F), filed October 15, 1980. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same address as applicant). Transporting (1) *paper and paper products*, (2) *plastic and plastic articles*, (3) *woodpulp*, and (4) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), (2), and (3) above (except commodities in bulk), between points in the U.S., restricted to traffic originating at or destined to the facilities of International Paper Company.

Volume No. OP2–080

Decided: October 22, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 29643 (Sub-17F), filed October 15, 1980. Applicant: WALSH TRUCKING SERVICE, INC., 50 Burney Ave., Massena, NY 13662. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in or used by manufacturers of paint and paint products (except commodities in bulk), between the facilities of Glidden Coating & Resin, Division of SCM Corporation, in Reading, PA, on the one hand, and, on the other, points in NY.

MC 98952 (Sub-79F), filed October 14, 1980. Applicant: GENERAL TRANSFER COMPANY, a Delaware corporation, 2880 North Woodford Street, Decatur, IL 62526. Representative: Phillip W. Edmiston (same address as applicant). Transporting *confectionery and confectionery products*, in mechanically refrigerated equipment (except in bulk), from M&M/Mars, a division of Mars, Incorporated, at or near Cincinnati, OH, to points in IN and KY, restricted to traffic originating at or destined to the named destinations.

MC 108453 (Sub-40F), filed October 16, 1980. Applicant: G & A TRUCK LINE, INC., 404 West Peck Ave., White Pigeon, MI 49099. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of pulpboard and boxboard, between points in the U.S., under continuing contract(s) with White Pigeon Paper Company, of White Pigeon, MI.

MC 110923 (Sub-11F), filed October 14, 1980. Applicant: ALBERT LIVEK, d.b.a. AL LIVEK'S TRUCKING SERVICE, 808 Harrison St., Kewanee, IL 61433. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703. Transporting (1) *fertilizer and anhydrous ammonia*, in bulk, in tank vehicles, from those points in IA east of U.S. Hwy 69, and (2) *gypsum rock*, from Sperry, IA, to LaSalle, IL.

MC 111812 (Sub-741F), filed October 14, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233,

Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). Transporting (1) *glass and glass products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of glass and glass products, between points in the U.S., restricted to traffic originating at or destined to the facilities used by Viracon, Inc. Condition: Issuance of this certificate is subject to prior or coincidental cancellation (1) of applicant's written request of Certificate MC 111812 (Sub-538), issued June 30, 1978, and (2) applicant's cancellation of MC 111812 (Sub-724).

MC 112713 (Sub-314F), filed October 3, 1980. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Ave., Overland Park, KS 66207. Representative: Robert E. DeLand (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Fort Smith, AR, and Memphis, TN: from Fort Smith over U.S. Hwy 71 to Texarkana, TX, then over U.S. Hwy 82 to El Dorado, AR, then over U.S. Hwy 167 to junction U.S. Hwy 79, then over U.S. Hwy 79 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, and return over the same route, (2) between Savannah, GA, and Mobile, AL: from Savannah over U.S. Hwy 17 to junction U.S. Hwy 82, then over U.S. Hwy 82 to junction U.S. Hwy 84, then over U.S. Hwy 84 to junction U.S. Hwy 221, then over U.S. Hwy 221 to junction U.S. Hwy 90, then over U.S. Hwy 90 to Mobile, and return over the same route, (3) between junction U.S. Hwys 167 and 79 and Minden, LA, over U.S. Hwy 79, (4) between Round Rock, TX, and Shreveport, LA, over U.S. Hwy 79, (5) between Santa Rosa and Crescent City, CA, over U.S. Hwy 101, serving Smith River, CA, as an off-route point, (6) between Sacramento and Red Bluff, CA, over CA Hwy 99, (7) between Sacramento and Truckee, CA, over Interstate Hwy 80, serving Grass Valley and Nevada City, CA, as off-route points, (8) between Sacramento and South Lake Tahoe, CA, over U.S. Hwy 50, (9) between Albuquerque, NM, and El Paso, TX, over U.S. Hwy 85, serving Alamogordo, NM, as an off-route point, (10) between Benson, AZ, and junction U.S. Hwy 80 and Interstate Hwy 10, over U.S. Hwy 80, (11) between Indio and Beaumont, CA: from Indio over CA Hwy 111 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Beaumont, and return over the same route, (12) between Salisbury, MD, and junction U.S. Hwys 40 and 13: from Salisbury over U.S. Hwy 50 to junction U.S. Hwy 301, then over U.S. Hwy 301 to junction U.S. Hwy 301S, then over U.S. Hwy 301S to junction U.S. Hwy 13, then over U.S. Hwy 13 to junction U.S. Hwy 40, and return over the same route, serving St. Michaels, Centerville, and Chestertown, MD, as off-route points, (13) between Lebanon and Rutland, VT, over U.S. Hwy 4, (14) between Altoona and Lewistown, PA: from Altoona over U.S. Hwy 220 to junction U.S. Hwy 322, then over U.S. Hwy 322 to Lewistown and return over the same route, (15) between Annapolis, MD, and junction U.S. Hwys 50 and 301, over U.S. Hwy 50, (16) between Sparta and Waynesboro, GA: from Sparta over GA Hwy 15 to Sandersville, then over GA Hwy 24 to Waynesboro, and return over the same route, (17) between Augusta and Brunswick, GA, over U.S. Hwy 25, (18) between Macon, GA, and Allendale, SC: from Macon over U.S. Hwy 80 to Statesboro, GA, then over U.S. Hwy 301 to Allendale, and return over the same route, (19) between Macon and Swainsboro, GA over GA Hwy 57, serving McIntyre, GA, as an off-route point, (20) between Macon and Jesup, GA: from Macon over U.S. Hwy 23 to junction U.S. Hwy 341, then over U.S. Hwy 341 to Jesup, and return over the same route, (21) between Dothan, AL, and Thomasville, GA, over U.S. Hwy 84, (22) between Augusta, GA, and Greenville, SC, over U.S. Hwy 25, serving points in Edgefield County, SC, as off-route points, (23) between McBee, SC, and Monroe, NC: from McBee over SC Hwy 151 to Pageland, SC, then over U.S. Hwy 601 to Monroe, and return over the same route, serving points in Chesterfield County, SC, as off-route points, (24) between Calhoun and Chatsworth, GA: from Calhoun over GA Hwy 225 to junction GA Hwy 52, then over GA Hwy 52 to Chatsworth, and return over the same route, (25) between Dalton and Chatsworth, GA, over U.S. Hwy 76, (26) between Cornelia and Hollywood, GA, over U.S. Hwy 441, (27) between Toccoa and Hollywood, GA, over GA Hwy 17, (28) between Leland and Winona, MS, over U.S. Hwy 82, serving Yazoo City, MS, as an off-route point, (29) between Wytheville, VA, and Charleston, WV, over Interstate Hwy 77, serving Bluefield, WV, as an off-route point, (30) between junction U.S. Hwys 41 and 64 and Nashville, TN: from junction U.S. Hwys 41 and 64 and Nashville, TN: from junction U.S. Hwys 41 and 64, near Monteagle, TN, over U.S. Hwy 64 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Nashville, and return over the same route, serving Tullahoma, Shelbyville, and Lewisburg, TN, as off-route points, (31) between Milwaukee, WI, and Rockford, IL: from Milwaukee over WI Hwy 15 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Rockford, and return over the same route, (32) between Wausau and Eau Claire, WI: from Wausau over WI Hwy 29 to junction U.S. Hwy 53, then over U.S. Hwy 53 to Eau Claire, and return over the same route, serving Merrill and Antigo, WI, as off-route points, (33) between Wausau and Appleton, WI: from Wausau over U.S. Hwy 51 to junction U.S. Hwy 10, then over U.S. Hwy 10 to Appleton, and return over the same route, serving Wisconsin Rapids and Marshfield, WI, as off-route points, (34) between Grand Rapids and Traverse City, MI: from Grand Rapids over U.S. Hwy 131 to junction MI Hwy 113, then over MI Hwy 113 to junction MI Hwy 37, then over MI Hwy 37 to Traverse City, and return over the same route, (35) between Grand Forks and Belfield, ND: from Grand Forks over U.S. Hwy 2 to Williston, then over U.S. Hwy 85 to Belfield, and return over the same route, (36) between Decatur and Springfield, IL, over U.S. Hwy 36, (37) between Ames, IA, and junction U.S. Hwys 30 and 69: from Ames over U.S. Hwy 30 to junction U.S. Hwy 169, then over U.S. Hwy 169 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction U.S. Hwy 69, and return over the same route, (38) between McPherson and Russell, KS: from McPherson over U.S. Hwy 56 to junction U.S. Hwy 281, then over U.S. Hwy 281 to Russell, and return over the same route, (39) between Pittsburgh and Altoona, PA: from Pittsburgh over U.S. Hwy 22 to junction U.S. Hwy 220, then over U.S. Hwy 220 to Altoona, and return over the same route, serving Johnstown, PA, as an off-route point, (40) between Casper and Sheridan, WY, over U.S. Hwy 87, serving Gillette, WY, as an off-route point, (41) between Jamestown and Portal, ND: from Jamestown over U.S. Hwy 52 to junction ND Hwy 200, then over ND Hwy 200 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Portal, and return over the same route, (42) between Denver, CO, and Casper, WY, over U.S. Hwy 87, (43) between Sidney, NE, and Salt Lake City, UT: from Sidney over U.S. Hwy 30 to junction U.S. Hwy 189, then over U.S. Hwy 189 to Interstate Hwy 80, then over Interstate Hwy 80 to Salt Lake City, and return over the same route, (44) between Wichita Falls and Texarkana, TX: from Wichita Falls over U.S. Hwy 287 to junction U.S. Hwy 82, then over U.S. Hwy 82 to Texarkana, and return over

the same route, (45) between Corsicana and Tyler, TX: from Corsicana over U.S. Hwy 287 to junction U.S. Hwy 79, then over U.S. Hwy 79 to Jacksonville, then over U.S. Hwy 69 to Tyler, and return over the same route, (46) between Kilgore and Jacksonville, TX: from Kilgore over U.S. Hwy 259 to Lufkin, TX, then over U.S. Hwy 69 to Jacksonville, and return over the same route, (47) between Dallas and Texarkana, TX, over U.S. Hwy 67, (48) between Pittsbugh, PA, and Clarksburg, WV, over U.S. Hwy 19, serving Weston and Buckhannon, WV, as off-route points, (49) between Dallas and Jacksonville, TX, over U.S. Hwy 175, (50) between Tyler, TX, and junction U.S. Hwy 175 and TX Hwy 31, over TX Hwy 31, (51) between Beaumont, TX, and Shreveport, LA: from Beaumont over U.S. Hwy 69 to junction U.S. Hwy 96, then over U.S. Hwy 96 to junction U.S. Hwy 59, then over U.S. Hwy 59 to Carthage, TX, then over U.S. Hwy 79 to Shreveport, and return over the same route, (52) between Keokuk, IA, and junction U.S. Hwy 136 and IL Hwy 1, over U.S. Hwy 136, (53) between Sioux City, IA, and the international boundary line between the U.S. and Canada, at or near Noyes, MN: from Sioux City over U.S. Hwy 77 to Estelline, SD, then over SD Hwy 28 to junction U.S. Hwy 81, then over U.S. Hwy 81 to the international boundary line between the U.S. and Canada, and return over the same route, serving Madison, Huron, Aberdeen, Yankton, and Redfield, SD, as offroute points, (54) between Sioux Falls, SD, and Sheridan, WY: from Sioux Falls over U.S. Hwy 16 to junction U.S. Hwy 14, then over U.S. Hwy 14 to Sheridan, and return over the same route, (55) between San Marcos and Maxwell, TX: from San Marcos over TX Hwy 80 to junction TX Hwy 142, then over TX Hwy 142 to Maxwell, and return over the same route, (56) between junction U.S. Hwy 223 and MI Hwy 156 and Morenci, MI, over MI Hwy 156, (57) between junction U.S. Hwy 431 and TN Hwy 110 and junction Interstate Hwy 65 and TN Hwy 7: from junction U.S. Hwy 431 and TN Hwy 110, near Fayetteville, TN, over TN Hwy 110 to junction TN Hwy 7, near Ardmore, TN, then over TN Hwy 7 to junction Interstate Hwy 65, and return over the same route, (58) between Williamsport, PA, and junction U.S. Hwys 220 and 322, over U.S. Hwy 220, serving Woolrich, PA, as an off-route point, (59) between Wichita and Norwich, KS, over KS Hwy 42, serving points in Kingman County, KS, as off-route points, in connection with carrier's otherwise authorized operations, (60) between New Orleans and Baton Rouge, LA: from New Orleans over LA Hwy 18 to junction LA Hwy 1, then over LA Hwy 1 to Baton Rouge, and return over the same route, (61) between Baltimore, MD, and Harrisburg, PA: from Baltimore over U.S. Hwy 40 to junction U.S. Hwy 15, then over U.S. Hwy 15 to Harrisburg, and return over the same route, serving points in Adams and Franklin Counties, PA, as off-routes points, (62) between Adrian and Homer, MI: from Adrian over MI Hwy 34 to junction MI Hwy 99, then over MI Hwy 99 to Homer, and return over the same route, (63) between Des Moines, IA, and St. Paul, MN: from Des Moines over U.S. Hwy 69 to junction U.S. Hwy 65, then over U.S. Hwy 65 to St. Paul, and return over the same route, (64) between junction U.S. Hwys 69 and 30, and junction U.S. Hwys 65 and 30, over U.S. Hwy 30, (65) between Kinston and Atlantic, NC, over U.S. Hwy 70, (66) between Jacksonville, NC, and junction NC Hwy 24 and U.S. Hwy 70, over NC Hwy 24, (67) between Williamston and Elizabeth City, NC: from Williamston over U.S. Hwy 64 to junction U.S. Hwy 158, then over U.S. Hwy 158 to Elizabeth City, and return over the same route, (68) between Kinston, NC, and junction U.S. Hwy 17 and NC Hwy 58, over NC Hwy 58, serving Kuhns and Peletier, NC, as off-route points, (69) between Fargo and Beach, ND, over U.S. Hwy 10, (70) between Santa Fe and Pojoaque, NM, over U.S. Hwy 84, (71) between Jackson and Dyersburg, TN: from Jackson over TN Hwy 20 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Dyersburg, and return over the same route, (72) between Humbolt and Rutherford, TN, over U.S. Hwy 45W, (73) between junction U.S. Hwy 45W and TN Hwy 77 and Dyersburg, TN: from junction U.S. Hwy 45W and TN Hwy 77, at or near Dyer, TN, over TN Hwy 77 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Dyersburg, and return over the same route, (74) between Corsicana and Athens, TX, over TX Hwy 31, (75) between Hannibal, MO, and Springfield, IL, over U.S. Hwy 36, (76) between Litchfield and Bloomington, IL: from Litchfield over IL Hwy 16 to junction Interstate Hwy 55, then over Interstate Hwy 55 to Bloomington, and return over the same route, (77) between Taylorville and Springfield, IL, over IL Hwy 29, (78) between Rochester and St. Paul, MN, over U.S. Hwy 52, (79) between La Crosse, WI, and St. Paul, MN, over U.S. Hwy 61, (80) between Wichita and Arkansas City, KS: from Wichita over U.S. Hwy 81 to junction U.S. Hwy 160, then over U.S. Hwy 160 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Arkansas City, and return over the same route, (81) serving all intermediate points in routes (1) through (80) above.

MC 115322 (Sub-201F), filed October 15, 1980. Applicant: REDWING REFRIGERATED, INC, P.O. Box 10177, Taft, GA FL 32809. representative: James E. Wharton, Suite 811, Metcalf Building, 100 South Orange Avenue, Orlando, FL 32801. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in FL, restricted to traffic having a prior or subsequent movement by rail.

MC 126822 (Sub-105F), filed September 29, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Hwy., Olathe, KS 66061. Representative: John T. Pruitt (same address as applicant). Transporting (1) *telephone and electrical equipment*, and (2) *materials and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, between points in the U.S.

MC 129903 (Sub-16F), filed October 15, 1980. Applicant: EMPORIA MOTOR FREIGHT, INC., P.O. Box 1103, Emporia, KS 66801. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *alcoholic beverages*, from points in the U.S., to the facilities of A B Sales, Inc., at or near Wichita and Hutchinson, KS.

MC 146402 (Sub-26F), filed October 14, 1980. Applicant: CONALCO CONTRACT CARRIER, INC, P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske, (same address as applicant). Transporting (1) *primary metal products;* inc. galvanized; except coating or other allied processing, *fabricated metal products;* except ordnance; *machinery;* except Electrical; *electrical machinery or equipment;* aao. *supplies;* and *transportation equipment* as described in Items 33, 34, 35, 36, and 37 respectively, of the *Standard Transportation Commodity Code Tariff, and* (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, between those points in TN in and west of Dickson, Giles, Hickman, Montgomery, and Maury Counties, on the one hand, and, on the other, points in the U.S.

MC 149483F filed October 8, 1980. Applicant: C & H TRUCK BROKERS, INC., P.O. Box 236, Harrington, DE 19952. Representative: John A. Guernsey 2001 The Fidelity Bldg., Philadelphia, PA 19109. Transporting *foodstuffs*, between points in Caroline, Dorchester, Queen Annes, Talbot, Wicomico, Worcester, Baltimore, and Somerset Counties, MD,

Sussex, Kent, and New Castle Counties, DE, Northampton and Accomack Counties, VA, Chester, Philadelphia, Lancaster, and York Counties, PA, Camden County, NJ, and Queens County, NY, on the one hand, and on the other, points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY, and DC.

MC 149583F, filed October 10, 1980. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Avenue, Pennsauken, NJ 08110. Representative: L. C. Major, Jr., P.O. Box 11278, Alexandria, VA 22312. Transporting *general commodities*, (except household goods as defined by the Commission and Classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Hammermill Paper Company, of Erie, PA.

MC 149583 (Sub-1F), filed October 10, 1980. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Avenue, Pennsauken, NJ 08110. Representative: L. C. Major, Jr., P.O. Box 11278, Alexandria, VA 22312. Transporting *general commodities*, (except household goods as defined by the Commission and Classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Borden, Inc., of Columbus, OH.

MC 149583 (Sub-2F), filed October 10, 1980. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Avenue, Pennsauken, NJ 08110. Representative: L. C. Major, Jr., P.O. Box 11278, Alexandria, VA 22312. Transporting *general commodities*, (except household goods as defined by the Commission and Classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Nabisco, Inc., of East Hanover, NJ.

MC 149583 (Sub-3F), filed October 10, 1980. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Avenue, Pennsauken, NJ 08110. Representative: L. C. Major, Jr., P.O. Box 11278, Alexandria, VA 22312. Transporting *general commodities*, (except household goods as defined by the Commission and Classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with The Nestle Company, Inc., of White Plains, NY.

MC 149583 (Sub-4F), filed October 10, 1980. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Avenue, Pennsauken, NJ 08110. Representative: L. C. Major, Jr., P.O. Box 11278, Alexandria, VA 22312. Transporting *general commodities*, (except household goods as defined by the Commission and Classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Owens-Illinois, Inc., of Toledo, OH.

MC 151223 (Sub-1F), filed October 14, 1980. Applicant: SMITHWAY COACHES, LTD., P.O. Box Drawer V, Fort Dodge, IA 50501. Representative: Russell J. Hiken (same address as applicant). Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations, beginning and ending at points in Clay County, IA, and extending to points in the U.S. (except AK and HI).

MC 152223F, filed October 14, 1980. Applicant: WALTER WICKERT DELIVERY SERVICE CO., a corporation, P.O. Box 2206, E. Peoria, IL 61611. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting: *general commodities*, (except household goods as defined by the Commission and classes A and B explosives), between points in Cook, Knox, McLean, Peoria, and Tazewell, Counties, IL.

Volume No. OP2–081

Decided: October 28, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 144803F, filed October 16, 1980. Applicant: LASSITER BUS SERVICE, INC., 3400 Nansemond Parkway, Suffolk, VA 23435. Representative: Blair P. Wakefield, Suite 1001 First and Merchants National Bank Building, Norfolk, VA 23510. Transporting *passengers and their baggage, in the same vehicle with passengers*, in special and charter operations, beginning and ending at points in Accomack and Northampton Counties, VA, and those in VA on, and east and south of a line beginning at the NC–VA State line and extending along U.S. Hwy 360 to junction VA Hwy 33, then along VA Hwy 33 to the Chesapeak Bay, and those in NC on, east and north of a line beginning at the NC–VA State line and extending along U.S. Hwy 29 to junction U.S. Hwy 64, then along U.S. Hwy 64 to the Atlantic Ocean, and extending to points in the U.S. (except AK and HI).

Volume No. OP3–054

Decided: October 21, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 2934 (Sub-83F), filed October 8, 1980. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant). Transporting *furniture*, from Jackson, MS, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 30504 (Sub–22F), filed October 8, 1980. Applicant: TUCKER FREIGHT LINES, INC., 1415 South Olive St., South Bend, IN 46619. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Toledo, OH and Peru, IN: From Toledo over U.S. Hwy 24 to junction IN Hwy 19, then over IN Hwy 19 to Peru, and return over the same route; (2) Between coldwater, MI, and Indianapolis, IN, over Interstate Hwy 69; (3) Between Elkhart, IN and Cincinnati, OH: from Elkhart over U.S. Hwy 33 to junction U.S. Hwy 27, then over U.S. Hwy to Cincinnati, and return over the same route; (4) Between Gary, IN and Indianapolis, IN, over Interstate Hwy 65; (5) Between Hammond, IN and Evansville, IN, over U.S. Hwy 41; (6) Between Toledo, OH and Cincinnati, OH, over Interstate Hwy 75; (7) Between Dayton, OH and Veedersburg, IN; From Dayton over Interstate Hwy 70 to junction Interstate Hwy 74, then over Interstate Hwy 74 to Veedersburg, and return over the same route; (8) Between junction IN Hwys 29 and 26 and Lafayette, IN, over IN Hwy 26; (9) Between Hammond, IN and Ft. Wayne, IN, over U.S. Hwy 30; and (10) Between Findley, OH and Ft. Wayne, IN: From Findley over U.S. Hwy 224 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Ft. Wayne, and return over the same route; in (1) through (10) above, serving all intermediate points and serving as off-route points all in IN and those in OH on and west of Interstate Hwy 75 as off-route points.

Note.—Applicant intends to tack this authority with its existing authority.

MC 52614 (Sub-14F), filed October 9, 1980. Applicant: R. S. POWELL, INCORPORATED, P.O. Box 338, Madison Heights, VA 24572. Representative: Morton E. Kiel, 2 World Trade Center, Suite 1832, New York, NY 10048. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cast iron products (except commodities in bulk, in tank vehicles), between points in the U.S.,

under continuing contract(s) with Griffin Pipe Products Co., Oak Brook, IL.

Note.—Issuance of a certificate in this proceeding is conditioned upon coincidental cancellations of permits Nos. MC–52614 Sub 5, MC–52614 Sub 6, and MC–52614 Sub 8, at applicant's written request.

MC 60014 (Sub-192F), filed October 8, 1980. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 19106. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), (1) between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, and (2) between points in (1) above, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, IA, KS, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY.

MC 61825 (Sub-136F), filed October 8, 1980. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting *building materials*, from points in NJ and MA, to those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 94265 (Sub-367F), filed October 10, 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* (except in bulk), from points in IN to points in VA.

MC 106074 (Sub-160F), filed October 10, 1980. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221, S., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting (1) *liquid resin solution* (except in bulk), from points in Mayes County, OK to points in CO, FL, GA, and IA, and (2) *materials* used in the manufacture of liquid resin solutions, from points in AL, TX, and IL to points in Mayes County, OK.

MC 117765 (Sub-300F), filed October 8, 1980. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting (1) *plastic pipe, aluminum pipe, fittings and accessories* for plastic pipe and aluminum pipe, (2) *irrigation systems*, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of (1) and (2) above, between points in Finney County, KS, and York County, NE, on the one hand, and, on the other, points in AL, AR, CO, GA, IA, IL, IN, KS, KY, LA, MN, MO, MS, ND, NE, NM, OK, SD, TN, TX, WI, and WY.

MC 117765 (Sub-301F), filed October 8, 1980. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting (1) *insulating materials*, and (2) *materials and equipment* used in the manufacture and installation of insulating materials, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Rockwool Industries, Inc.

MC 117765 (Sub-302F), filed October 8, 1980. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting (1) *salt, salt products, and mineral feed mixtures*, and (2) *materials and supplies* used in agricultural, water treatment, food processing, wholesale grocery, and in institutional supply industries, (except those in (1) above) between points in KS, LA and OK, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, KY, LA, MS, MO, NE, NM, OH, OK, TN, and TX. Condition: Issuance of a certificate is subject to prior or coincidental cancellation of Certificate No MC 117765 Subs 34, 57, 61, 63, 92, 100, 159, 181 and 275, at applicant's written request.

MC 124054 (Sub-5F), filed October 8, 1980. Applicant: MERLIN HERRMANN, 510 E. Dodge, Luverne, MN 56156. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *livestock keeping and feeding systems*, and (2) *materials, supplies, and equipment* used in the manufacture of the commodities in (1) above (except commodities in bulk), between points in the U.S., under continuing contract(s) with A. R. Wood Manufacturing Company, of Luverne, MN.

MC 138144 (Sub-59F), filed October 10, 1980. Applicant: FRED OLSON CO., INC., 6022 West State St., Milwaukee, WI 53213. Representative: William D. Brejcha, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Transporting (1) *such commodities* as are manufactured or distributed by manufacturers of buildings, building sections and panels, and (2) *equipment, materials, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above (except commodities in bulk), between points in WI, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate is subject to prior or coincidental cancellation of Certificate No. MC 138144 Sub 7 at applicant's written request.

MC 133805 (Sub-61F), filed October 8, 1980. Applicant: LONE STAR CARRIERS, INC., Route 1—Box 48, Tolar, TX 76476. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701. Transporting, *chemicals* (except in bulk) between Los Angeles, CA and Cincinnati, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 141774 (Sub-36F), filed October 8, 1980. Applicant: R & L TRUCKING CO., INC., 105 Rocket Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting (1) *carbon steel vessels, storage racks, hand trucks, carts, wagons, textile mill equipment, chemical processing equipment, and containers*, (2) *parts and accessories* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Opelika, AL, Altoona, PA, Deep Water, NJ, Baton Rouge, LA, Brevard, NC, and Atlanta, GA.

MC 142715 (Sub-113F), filed October 10, 1980. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between those points in the U.S. in and east of ND, SD, WY, CO, and NM.

Note.—Issuance of a certificate is conditioned upon coincidental cancellation of certificate No. MC 142715 Sub 44F, served September 10, 1980, at applicant's written request.

MC 144605 (Sub-11F), filed October 8, 1980. Applicant: HOPPY LINES, INC., P.O. Box 368, Brea, CA 92621. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting *brass articles*, between points in the U.S., restricted to traffic originating at or destined to the facilities of Bridgeport Brass Company, of Indianapolis, IN.

MC 146754 (Sub-5F), filed October 9, 1980. Applicant: TENNANT TRUCK LINES, INC., R.R. 1, P.O. Box 233, Orion, IL 61273. Representative: Joseph Winter, 29 S. La Salle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers and dealers of agricultural machinery, equipment and implements, between points in IL and IA, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, NE, OH, PA, and WI.

MC 147214 (Sub-3F), filed October 10, 1980. Applicant: DETERMANN INDUSTRIES, INC., 1425 N. Washington Blvd., Camanche, IA 52730. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001. Transporting *dry corn products,* in bulk, from Cedar Rapids, IA, to points in IL.

MC 148414 (Sub-3F), filed October 10, 1980. Applicant: UNIDYNE CORPORATION, 3835 East Princess Anne Rd., Norfolk, VA 23502. Representative: H. L. Davenport (same address as applicant). Transporting (1) *glass fibre products,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under a continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA.

MC 152144F, filed October 9, 1980. Applicant: COMBINED TRANSPORT, INC., P.O. Box 3815, Central Point, OR 97502. Representative: David C. White, 2400 SW. Fourth Ave., Portland, OR 97201. Tranporting *lumber, wood products, and building materials,* (except in bulk, in tank or hopper-type vehicles), between points in CA, OR, and WA.

MC 152145F, filed October 9, 1980. Applicant: MPO TRANSPORT, INC., P.O. Box 72, Butler, NJ 07405. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Tranporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, NY, on the one hand, and, on the other, points in Warren County, NJ.

MC 152154F, filed October 8, 1980. Applicant: J.L.W., INC., d.b.a. AQUARIUS FAST FREIGHT, 3–7 West First St., Clifton, NJ 07011. Representative: Edward L. Nehez, P.O. Box 1409, Fairfield Rd., Fairfield, NJ 07006. Tranporting *such commodities* as are dealt in or used by manufacturers of chemicals and dyestuffs (except commodities in bulk), between points in the U.S., under continuing contract(s) with (1) Crompton & Knowles Corporation, of Fair Lawn, NJ, (2) Sodyeco Division, Martin Marietta Chemicals, of Charlotte, NC, (3) Hydrolabs, Inc., of Paterson, NJ, (4) American Color & Chemical Corporation, of Wyomissing, PA, and (5) Sandoz Colors & Chemicals, Division of Sandoz, Inc., of East Hanover, NJ.

Volume No. OP3–056

Decided: October 21, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (Same address as applicant). Over regular routes, transporting *passengers and their baggage and express and newspapers,* in the same vehicle with passengers, (1) between junction CA Hwy 22 and Interstate Hwy 405 at or near Westminster, CA and junction Interstate Hwy 405 and Interstate Hwy 5 near Irvine, CA over Interstate Hwy 405; (2) between junction Interstate Hwy 405 and unnumbered Hwy (Magnolia Ave.) and Santa Ana, over unnumbered Hwy (Magnolia Ave.) and Santa Ana, over unnumbered Hwy, in (1) and (2) above, serving all intermediate points.

MC 2934 (Sub-84F), filed October 10, 1980. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant). Transporting *metal office furniture,* from Youngstown, OH, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, MJ, NY, NC, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 22675 (Sub-9F), filed October 10, 1980. Applicant: ALLSTATES VAN LINES CORP., 53–13 97th place, Corona, NY 11368. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Washington, DC 20036. Transporting *household goods,* as defined by the Commission, (1) between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, DE, VA, NC, SC, GA, AL, FL, WV, and DC, (2) between points in (1) above, on the one hand, and, on the other, points in OH, IN, MI, IL, WI, IA, NE, KS, MO, KY, TN, MS, AR, and OK, and (3) between points in NY, NJ, CT, DE, FL, GA, IL, IA, MD, MA, NH, NC, OH, PA, RI, SC, VT, VA, WV, KS, OK, AR, TX, MO, and DC, on the one hand, and, on the other, points in AZ, CA, NV, TX, NM, CO, LA, AL, MI, and TN.

MC 73165 (Sub-528F), filed October 8, 1980. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., Birmingham, AL 35222. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting *general commodities* (except household goods—as defined by the Commission and classes A and B explosives), between points in AL on the one hand, and, on the other, points in the U.S., (except AK and HI).

Note: Issuance of a certificate is subject to prior or coincidental cancellation of certificate No. MC–73165 and Subs 153, 156, 179, 184, 197, 203, 213, 236, 241, 257, 270, 274, 275, 288, 308, 314, 315, 316, 318, 327, 330, 333, 338, 373, and 429, at applicant's written request.

MC 89084 (Sub-7F), filed October 10, 1980. Applicant: INTERSTATE HEAVY HAULING, INC., P.O. Box 20536, Portland, OR 97220. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. Transporting *machinery* (except electrical), and *supplies,* as described in Item 35 of the Standard Transportation Commodity Code (STCC), between points in OR and WA, on the one hand, and, on the other, points in ID, MT, WY, UT, NM, CO, NV, and AZ.

MC 113855 (Sub-515F), filed October 8, 1980. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting explosives, weapons and articles designated sensitive by the United States Government, between points in the U.S. (including AK, but excluding HI), restricted to the transportation of traffic handled for the United States Government or on behalf of the United States Government where the Government contractor (consignee or consignor) is directly reimbursed by the Government for the transportation cost.

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 118535 (Sub-160F), filed October 10, 1980. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Jim Tiona, Jr., (same address as applicant). Transporting (a) *canned preserved foodstuffs* and (b) *frozen foodstuffs* (except those in (a)) from points in Hidalgo and Cameron Counties, TX, to points in AR, AZ, CO, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NE, NM, ND, OH, OK, SD, TN, WI, WY, ID, MT, and UT.

MC 119315 (Sub-33F), filed October 10, 1980. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Rd., Toledo, OH 43612. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting *alcoholic beverages,* between points in Milwaukee County, WI, Ramsey and Henepin Counties, MN, Campbell County, KY, Allegheny County, PA, and Peoria County, IL, on the one hand, and, on the other, points in Lucas and Defiance Counties, OH.

MC 123255 (Sub-222F), filed October 10, 1980. Applicant: B & F MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr., (same address as applicant). Transporting *wine,* in containers, from Westfield, NY, to those points in the

U.S., in and east of MT, WY, CO, OK, and TX.

MC 144645 (Sub-6F), filed October 10, 1980. Applicant: ROBERT HANSEN TRUCKING, INC., Rt. 2 Box 125, Delavan, WI 53115. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. Transporting (1) *liquid cleaning compounds,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of liquid cleaning compounds, between points in the U.S., under continuing contract(s) with Magee Industries, Inc., of Des Plaines, IL.

MC 144645 (Sub-7F), filed October 10, 1980. Applicant: ROBERT HANSEN TRUCKING, INC., Rt. 2, Box 125, Delavan, WI 53115. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. Transporting (1) *fruit juices, fruit drinks, and drinking water,* and (2) *materials, equipment* and *supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Ohio Pure Foods, Inc., Akron, OH.

MC 151685 (Sub-1F), filed October 10, 1980. Applicant: W D P TRANSPORTATION, INC., 453 Versailles Rd., Frankfort, KY 40601. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in the U.S. (except AK and HI), under continuing contract(s) with Curtis Industries, Inc., of East Lake, OH, and Johnson Controls, Inc., of Milwaukee, WI.

MC 151224F, filed October 9, 1980. Applicant: NORTHERN STEEL TRANSPORT CO., a Corporation, 6041 Benore Rd., Toledo, Oh 43612. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. Transporting (1) *primary metal products, including galvanized,* (except coating or other allied processing), and *fabricated metal products,* (except ordnance), as described in Items 33 and 34, respectively, of the Standard Transportation Commodity Code Tariff, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1), between points in IL, IN, KY, Lower Peninsula of MI, OH, TN, PA (on and west of U.S. 219) St. Louis, Jefferson, Franklin, Warren, Osage, Cole, Callaway, Audrain, Montgomery, Lincoln, St. Charles, Pike, Gasconade, Ste. Genevieve, St. Francois, Washington, Crawford, Phelps, Maries, Perry, Cape Girardeau, Bollinger, Madison, Iron, Reynolds, Dent, Monroe, Marion, and Ralls Counties, MO, and Chautauqua, Niagara, Cattaraugus, Orleans, Monroe, Genesee, Wyoming, Allegany, Steuben, Chemung, Schuyler, Tioga, Broome, Tompkins, Cortland, Cayuga, Yates, Livingston, Ontario, Seneca, Onondaga, and Oswego Counties, NY.

MC 152185F filed October 10, 1980. Applicant: MAKO MARINE, INC., 4355 NW., 128th St., Miami, FL 33054. Representative: Gerard J. Donovan, 4791 SW., 82nd Ave., Davie, FL 33328. Transporting *boats,* between points in AL, CT, DE, FL, GA, IN, LA, ME, MD, MA, MI, MS, NJ, NY, NC, OH, PA, RI, SC, TX, and WI.

Volume No. OP3–057

Decided: October 23, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 102295 (Sub-44F), filed October 15, 1980. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, PA 19438. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Transporting *sand, stone, and gravel,* from points in Lehigh and Northampton Counties, PA, to points in NJ, DE, and MD.

MC 105045 (Sub-156F), filed October 15, 1980. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and (2) *materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines including the stringing and picking up of pipe, between points in the U.S., restricted to traffic originating at or destined to the facilities of Delta Drilling Company, or its customers or suppliers.

MC 108194 (Sub-15F), filed October 15, 1980. Applicant: WILLIAM B. MEYER INCORPORATED, Long Beach Blvd., Stratford, CT 06497. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036. Transporting *households goods,* as defined by the Commission, between points in NY, CT, RI, and MA, on the one hand, and, on the other, points in ME, NH, VT, NJ, PA, DE, MD, OH, VA, NC, SC, GA, FL, NY, CT, RI, MA, IN, IL, MI, and DC.

Note.—Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation of certificate. MC 108194, at applicant's written request.

MC 110325 (Sub-162F), filed October 15, 1980. Applicant: TRANSCON LINES, a Corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. Over regular routes, transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), (1) between Dallas, TX and Shreveport, LA, (a) over U.S. Hwy 80, and (b) over Interstate Hwy 20; (2) Between Longview, TX and Waco, TX, from Longview over U.S. Hwy 259 to junction TX Hwy 31, then over TX Hwy 31 to Waco, and return over the same route; (3) between Longview, TX, and Hearne, TX, from Longview over U.S. Hwy 259 to junction U.S. Hwy 79, then over U.S. Hwy 79 to Hearne, and return over the same route; (4) Between Longview, TX, and Houston, TX, from Longview over U.S. Hwy 259 to junction U.S. Hwy 59, then over U.S. Hwy 59 to Houston, and return over the same route; (5) Between Nacogdoches, TX and Memphis, TN, from Nacogdoches over U.S. Hwy 59 to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, and return over the same route; and (6), serving in (1) through (6) above all intermediate points and off-route points in Rockwall, Kaufman, Hunt, Van Zandt, Hopkins, Wood, Raine, Henderson, Smith, Upshur, Gregg, Rusk, Cass, Marion, Harrison, and Panola Counties, TX.

Note.—Applicant intends to tack this authority with its existing authority.

MC 134775 (Sub-18F), filed October 15, 1980. Applicant: GUNTER BROTHERS, INC., 19060 Frager Rd., Kent, WA 98031. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. Transporting *animal and poultry feed, animal and poultry feed ingredients, and seed,* between points in the U.S., under continuing contract(s) with A. R. Smith & Co., Inc., of Redmond, WA.

MC 145734 (Sub-13F), filed October 15, 1980. Applicant: B D TRUCKING CO., a Corporation, P.O. Box 817, Ripon, CA 95366. Representative: E. J. Hegarty, Loughran & Hegarty, 100 Bush St.—21st Fl., San Francisco, CA 94104. Transporting (1) *construction materials, equipment and supplies,* (2) *iron and steel articles,* (3) *pipe and pipe fittings,* (4)(a) *commodities* which because of

size or weight require the use of special equipment, and (b) *commodities* which do not require the use of special equipment, in mixed loads with commodities described in (4)(a) above, (5) *lumber, lumber mill products, particleboard, and fiberboard,* and (6) *non-ferrous metal articles,* between points in CA, OR, WA, AZ, NV, ID, UT, CO, MT and WY.

MC 149155 (Sub-6F), filed October 15, 1980. Applicant: JOHN PEPPER d.b.a. MIDWEST CARTAGE COMPANY, P.O. Box 318, Atchison, KS 66002. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *general commodities* (except household goods as defined by the Commission, and explosives), between points in CO, IA, IL, KS, MN, MO and NE.

MC 149514F, filed October 10, 1980. Applicant: PACER TRANSIT CORP., 2031 East Sherman Blvd., Muskegon, MI 49444. Representative: William B. Elmer, 21635 East Nine Mile Rd., St. Clair Shores, MI 48080. Transporting *anhydrous ammonia,* from points in Huntington County, IN, to points in MI and OH.

MC 150385F, filed October 15, 1980. Applicant: VISALIA EXPRESS LINES, INC., P.O. Box 3692, 3750 Nicholas Drive, Visalia, CA 93278. Representative: Marshall A. Smith, Jr., 2322 North Maroa Ave., Fresno, CA 93704. Transporting (1) *paper and paper products,* and (2) *plastic trays,* between points in the U.S., under continuing contract(s) with Malanco of California, Inc.

MC 151394F, filed October 15, 1980. Applicant: BERNHARDT FURNITURE COMPANY, a corporation, 1839 Morganton Blvd., P.O. Box 740, Lenoir, NC 28645. Representative: Fred R. Piercy (same address as applicant). Transporting *molded pulp forms,* from points in Lake County, IN, to points in NC, VA, and TN.

Volume No. OP3–058

Decided: October 21, 1980.

By the commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 107295 (Sub-998F), filed October 14, 1980. Applicant: PRE-FAB TRANSIT CO., a Corporation P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting *general commodities* (except commodities in bulk and classes A and B explosives), between points in the U.S., restricted to traffic originating at or destined to the facilities used by The Burke Company.

MC 115924 (Sub-37F), filed October 14, 1980. Applicant: SUGAR TRANSPORT, INC., P.O. Box 4063, Port Wentworth, GA 31407. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting *general commodities,* between points in the U.S., under continuing contract(s) with Savannah Foods & Industries, Inc., and its subsidiaries, of Savannah, GA.

Note.—To the extent that this Permit authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 123744 (Sub-89F), filed October 14, 1980. Applicant: BUTLER TRUCKING CO., a Corporation, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. Transporting *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between points in Augusta County, VA, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 123744 (Sub-90F), filed October 14, 1980. Applicant: BUTLER TRUCKING CO., a Corporation, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. Transporting *iron and steel articles,* between Youngstown, OH, and Pittsburgh, PA, on the one hand, and, on the other, points in NJ, DE, MD, VA, MO, NY, and those points in IL within the St. Louis, MO, commerical zone. Condition: Issuance of a certificate is subject to prior or coincidental cancellation of Certificate No. MC–123744 Sub 52F, served July 21, 1980, at applicant's written request.

MC 124964 (Sub-67F), filed October 14, 1980. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 265 Tavares, FL 32778. Representative: E. Stephen Heisley, 805 MCLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *foodstuffs,* between points in the U.S., under a continuing contract(s) with Borden Inc., of Columus, OH.

MC 125505 (Sub-1F), filed October 10, 1980. Applicant: MATTSON TRANSPORTATION COMPANY, INC., P.O. Box 6399, Charleston Heights, SD 29405. Representative: Demal I. Mattson, Jr., P.O. Box 1240, Charleston, SD 29402. Transporting *petroleum products,* from Charlotte, NC, to points in SC.

MC 129444 (Sub-8F), filed October 10, 1980. Applicant: KNOBLOCH TRUCKING CO., INC., Yaphank Ave., Brookhaven, NY 11719. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract with Kraft, Inc., of Chicago, IL.

MC 143394 (Sub-11F), filed October 14, 1980. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant). Transporting *such commodities,* as are dealt in or used by chain grocery and food business houses (except alcoholic beverages), between points in the U.S., under a continuing contract(s) with Autry Greer & Sons, Inc., of Mobile, AL.

MC 143394 (Sub-12F), filed October 14, 1980. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant). Transporting *general commodities* (except commodities in bulk, in tank vehicles, used household furniture, those requiring special equipment, automobiles, trucks, and buses, and classes A and B explosives), between points in the U.S., under a continuing contract(s) with Piggy Back Shippers Association of Florida, Inc., of Hialeah, FL.

MC 150445 (Sub-1F), filed October 14, 1980. Applicant: ALFONSO V. MANGIONE, 510 S. Main St., Pittston, PA 18640. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Transporting *coal,* (1) from Ashley, Hazleton and Shenandoah, PA, to points in CT, MA, and RI, and (2) from points in Lackawanna and Luzerne Counties, PA, to Binghamton, NY.

MC 150724 (Sub-3F), filed October 14, 1980. Applicant: DONALD SANTISI TRUCKING CO., a Corporation, 340 Victoria Rd., P.O. Box 4145, Youngstown, OH 44515. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting *such commodities* as are dealt in by wholesale, and retail stores (except commodities in bulk), between points in Franklin County, OH, St. Joseph County, MI, and Campbell County, VA, on the one hand, and, on the other, points in the U.S., (except AK and HI).

MC 151504 (Sub-2F), filed October 14, 1980. Applicant: PHELCO, INC., 11841 Missouri Bottom Rd., St. Louis, MO 63042. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Transporting *such commodities* as are dealt in or used by retail chain grocery and food business houses, (except commodities in bulk),

between CA, CO, FL, GA, LA, MD, MI, MN, MO, NJ, NC, OH, OR, RI, and TX.

MC 151504 (Sub-3F), filed October 14, 1980. Applicant: PHELCO, INC., 11842 Missouri Bottom Rd., St. Louis, MO 63042. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Transporting *pulp, paper, and paper products,* between points in AL, AZ, AR, CA, CO, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NV, NH, NM, NY, NC, ND, OH, OK, SD, TN, TX, UT, VA, WI, and WY.

MC 152184F, filed October 9, 1980. Applicant: DOWNS MOVING & STORAGE CO., a corporation, 10460 Hyne, Brighton, MI 48116. Representative: Aubrey W. Downs (same address as applicant). Transporting (1) *household goods* and (2) *furniture or fixtures,* as described in item 25 of the Standard Transportation Commodity Code, between points in MI on the one hand, and, on the other, points in OH, IN, IL, PA, and KY.

Volume No. OP3–059

Decided: October 24, 1980.

By the Commission Review Board Number 2, Members Chandler, Eaton, and Liberman. Member Chandler not participating.

MC 2934 (Sub-85F, filed October 14, 1980. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant). Transporting (1) *new office furniture and fixtures,* and (2) *parts* used in the manufacture of new office furniture and fixtures, from Muscatine, IA, and Cedartown, GA, to points in AL, AR, CT, DE, FL, GA, IL, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 2934 (Sub-86F), filed October 14, 1980. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant). Transporting *modular office systems,* from Atlanta, GA, Grand Rapids, Grandville, Holland, and Zeeland, MI, and Dallas, TX, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 2934 (Sub-87F), filed October 14, 1980. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant). Transporting *institutional and hotel furniture,* from Sheboygan, WI, to points in AR, AL, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC.

MC 22425 (Sub-8F), filed October 15, 1980. Applicant: MALFIN EXPRESS, INC., 155 Lenox Street, Norwood, MA 02060. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. Transporting (1) *piece goods, adhesives, cleaning compounds, synthetic fibers, and tricot,* and (2) *equipment, materials, and supplies* used in the manufacture, processing, and distribution of the commodities in (1) above, between points in MA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 52704 (Sub-288F), filed October 15, 1980. Applicant: GLENN NcCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H" LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *salt and salt products,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of salt and salt products, between points in Harris and Ft. Bend Counties, TX, on the one hand, and, on the other, points in AR, LA, and TX.

MC 102295 (Sub-43F), filed October 15, 1980. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, PA 19438. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Transporting *coal,* from points in Carbon, Luzerne, Schuylkill, Lackawanna, and Northumberland Counties, PA, to points in DE, MD, MA, NJ, NY, PA, and VA.

MC 113624 (Sub-88F), filed October 15, 1980. Applicant: WARD TRANSPORT, INC., P.O. Box 753, Pueblo, CO 81002. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Transporting *chemicals, petroleum, and petroleum products,* in bulk, between points in AZ, CA, CO, ID, IL, IA, KS, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY.

MC 114604 (Sub-117F), filed October 15, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Box I, State Farmers Market #33, Forest Park, GA 30050. Representative: Jean E. Kesinger (same address as applicant). 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 Palestine, TX to those points in the U.S. in and east of ND, SD, NE, KS, OK, AR, and LA.

MC 117304 (Sub-42F), filed October 15, 1980. Applicant: DON PAFFILE, d.b.a. PAFFILE TRUCK LINE, 5735 North & South Highway, Lewiston, ID 83501. Representative: Michael J. O'Neil, 2345 N.W. Nicolai, Portland, OR 97210. Transporting (1) *lumber, lumber products, wood products, paper products;* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Benewah, Clearwater, Kootenai, Latah, Lewis, and Nez Perce Counties, ID, on the one hand, and, on the other, points in CA, MT, OR, and WA.

MC 133975 (Sub-11F), filed October 15, 1980. Applicant: FLAMINGO TRANSPORTATION, INC., 11405 NW 36th Ave., Miami, FL 33167. Representative: S. S. Eisen, 370 Lexington Ave., New York, NY 10017. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and mobile homes), moving on bills of lading of freight forwarders as defined in 49 U.S.C. § 10102(8) between the facilities of Florida-Texas Freight, Inc., in CT, MD, MA, NJ, NY, PA, and RI, on the one hand, and, on the other, points in FL.

MC 140665 (Sub-115F), filed October 15, 1980. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: H. J. Anderson (same address as applicant). Transporting *such commodities* as are used in the erection or operation of electric generating facilities (except commodities in bulk and those requiring special equipment), between points in WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 141785 (Sub-1F), filed October 15, 1980. Applicant: HENNES ERECTING COMPANY, INC., 1600 W. Haskell St., Appleton, WI 54911. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *commodities* the transportation of which, by reason of size or weight, require the use of special equipment, and *contractors' equipment,* between points in Winnebago, Brown, and Fond du Lac Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 143394 (Sub-13F), filed October 14, 1980. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant). Transporting *beer,* between points in the U.S., under continuing contract(s) with

Budweiser Busch Distribution Company, Inc., of Mobile, AL.

MC 144344 (Sub-4F), filed October 15, 1980. Applicant: DE ANZA DELIVERY SYSTEM, INC., P.O. Box 1848, Fremont, CA 94538. Representative: James H. Gulseth, 100 Bush Street, 21st Floor, San Francisco, CA 94104. Transporting *such commodities* as are dealt in by department stores and mail order houses, between points in Alameda and Los Angeles Counties, CA, and Washoe, Storey, Lyon, Douglas, Churchill, and Carson City Counties, NV.

MC 149364 (Sub-1F), filed October 15, 1980. Applicant: DOUDELL TRUCKING COMPANY, a corporation, 555 E. Capitol Ave., Milpitas, CA 95305. Representative: Ronald C. Chauvel, 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting *evaporative air coolers and components* of evaporative air coolers, between points in the U.S., under continuing contract(s) with Phoenix Manufacturing, Inc., of Phoenix, AZ. Condition: Applicant must submit a statement indicating how it proposes to satisfy the statutory criteria of contract carriage by furnishing transportation services designed to meet the distinct need of the supporting shipper. In particular, applicant must describe briefly the distinct need for which transportation services have been designed. The statement will be examined by a review board prior to issuance of any permit.

MC 149075 (Sub-6F), filed October 15, 1980. Applicant: OVER LAND, INC., 4121 Augusta Road, Garden City, GA 31408. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Transporting *liquid chemicals*, in bulk, in tank vehicles, between points in Chatham County, GA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

Volume No. OP4.099

Decided: October 22, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill. Member Hill not participating.

MC 21866 (Sub-182F), filed October 15, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, Transporting (1) *iron and steel articles*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles (except commodities in bulk), between points in Cuyahoga County, OH, on the one hand, and, on the other, points in the United States in and east of NY, PA, WV, VA, NC, GA, and FL.

MC 41347 (Sub-12F), filed October 15, 1980. Applicant: DE BACK CARTAGE CO., INC., 4841 W. Burnham St., Milwaukee, WI 53219. Representative: William P. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. Transporting *such commodities as are dealt in or used by a manufacturer of hydraulic tools*, between points in the U.S. under continuing contract(s) with Applied Power, Inc., of Milwaukee, WI.

MC 110656 (Sub-17F), filed July 28, 1980, and previously notice in the **Federal Register** issue of August 26, 1980. Applicant: PARKER MOTOR FREIGHT, INC., 5692 South U.S. Hwy 131, Petoskey, MI 49770. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226. Over regular routes, transporting *general commodities*, (A) Service Routes: (1) Between Grand Rapids, MI, and Detroit, MI, over I–96, (2) Between Cadillac, MI, and Detroit, MI, from Cadillac over US Hwy 131 to junction MI Hwy 115, then over MI Hwy 115 to junction US Hwy 10 and then over US Hwy 10 to Detroit, and return over the same route, (3) Between junction US Hwy 10 and US Hwy 23 and junction US Hwy 23 and I–96 over US Hwy 23, (4) Between junction I–75 and US Hwy 10 (near Pontiac, MI) and Detroit, MI over I–75, (5) Between Grand Rapids, MI, and Cadillac, MI, over US Hwy 131, and (6) Serving all intermediate points on the routes described in Paragraphs A (1) through (4) above, all points in Kalkaska County, MI and those within three miles of the routes described in Paragraphs A (1) through (4) above as off-route points and the commercial zones of all authorized points. Restriction: Service at points on the routes described in Paragraphs A (1) through (4) above is restricted to the transportation of traffic which carrier either receives at or delivers to its authorized points north of Cadillac, MI (not including Cadillac) and excluding service to such points lying north of Cadillac, MI as are on and east of I–75. B. Alternate Routes for Operating Convenience Only: (1) Between Lansing, MI, and junction US Hwy 27 and US Hwy 10 over US Hwy 27, (2) Between Lansing, MI, and junction US Hwy 27 and I–75 over US Hwy 27, (3) Between junction MI Hwy 37 and MI Hwy 113 and junction MI Hwy 55 and MI Hwy 115, from junction MI Hwy 37 and MI Hwy 113 over MI Hwy 37 to junction MI Hwy 115 and then over MI Hwy 115 to junction MI Hwy 55, and return over the same route, (4) Between junction US Hwy 27 and US Hwy 10 and East Jordan, MI, from junction US Hwy 27 and US Hwy 10 over US Hwy 27 to junction I–75, then over I–75 to junction MI Hwy 32 and then over MI Hwy 32 to East Jordan, and return over the same route, (5) Between junction US Hwy 27 and I–75 and East Jordan, MI, from junction US Hwy 27 and I–75 over I–75 to junction MI Hwy 32 and then over MI Hwy 32 to East Jordan, and return over the same route, (6) Between junction I–75 and MI Hwy 72 and junction MI Hwy 72 and US Hwy 131 over MI Hwy 72, (7) Between Lansing, MI, and Flint, MI, from Lansing over I–69 to junction MI Hwy 21 and then over MI Hwy 21 to Flint, and return over the same route, (8) Between junction I–96 and MI Hwy 59 and Pontiac, MI over MI Hwy 59, (9) Between Saginaw, MI, and junction MI Hwy 46 and US Hwy 131 over MI Hwy 46, (10) Between Flint, MI, and Grand Rapids, MI, over MI Hwy 21, (11) Between Flint, MI, and Grand Rapids, MI, from Flint over MI Hwy 56 to junction MI Hwy 21 and then over MI Hwy 21 to Grand Rapids, and return over the same route, (12) Between junction of County Road 42 and US Hwy 131 at Alba, MI and Mackinaw City, MI, from Junction County Road 42 and US Hwy 131 over County Road 42 to junction MI Hwy 32, then over MI Hwy 32 to junction I–75 and then over I–75 to Mackinaw City, and return over the same route, and (13) Between junction I–75 and US Hwy 10 (near Bay City, MI) and junction I–75 and US Hwy 27 (south of Grayling, MI) over I–75. Service over the routes and at points on the routes described in Paragraph B above shall include the right to join such routes, including any point on such routes, with otherwise authorized route(s). Condition: To the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

Note.—This republication is to correct the commodity description and to impose the 5 year limitation. This is an application to convert certificates of registration to a certificate of public convenience and necessity.

MC 120316 (Sub-5F), filed October 14, 1980. Applicant: WALTON TRANSPORTATION COMPANY, a corporation, 13020 Sarah Lane, Houston, TX 77015. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024. Transporting *primary metal products* including galvanized as described in Item 33 of the Standard Transportation Commodity Code Tariff, between points in Harris, Ft. Bend, Brazoria, Galveston, Chambers, Liberty, Montgomery, Waller and Austin

Counties, TX, on the one hand, and, on the other, points in LA, AR, OK, and NM.

MC 121667 (Sub-9F), filed October 16, 1980. Applicant: SMALLEY TRANSPORTATION COMPANY, a corporation, P.O. Box 5175, Tampa, FL 33675. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, those requiring special equipment, commodities in vehicles equipped with mechanical refrigeration, household goods as defined by the Commission, and building and construction materials in truckload lots on flatbed trailers) (1) between Tampa and St. Petersburg, FL, over U.S. Hwy 92, serving all intermediate points; (2) between Tampa and Clearwater, FL, over FL Hwy 60, serving all intermediate points; (3) between St. Petersburg and Clearwater, FL, over U.S. Hwy 19; (4) between Tampa and Brooksville, FL, over U.S. Hwy 41, serving all intermediate points; (5) between Tampa and Homosassa Springs, FL, from Tampa over Interstate Hwy 275 to St. Petersburg, then over U.S. Hwy 19 to Homosassa Springs, and return over the same route, serving all intermediate points; (6) between Tampa and Ocala, FL, over U.S. Hwy 301, serving all intermediate points; (7) between Tampa and Ocala, FL, over Interstate Hwy 75; (8) between Tampa and Orlando, FL, over Interstate Hwy 4, serving all intermediate points; (9) between Tampa and Sarasota, FL, over U.S. Hwy 301, serving all intermediate points; (10) between St. Petersburg and Sarasota, FL, over U.S. Hwy 19, serving all intermediate points; (11) between Lakeland and Haines, FL, over U.S. Hwy 92, serving all intermediate points; (12) between the junction of Interstate Hwy 4 and U.S. Hwy 192 (FL Hwy 530) near Lake Buena Vista, FL, and junction U.S. Hwys 27 and 192, over U.S. Hwy 192, serving all intermediate points, (13) between Ocala and Yankeetown, FL, over FL Hwy 40, serving all intermediate points; (14) between Ocala and Hernando, FL, over FL Hwy 200, serving all intermediate points; (15) between Dunnellon and Brooksville, FL, over U.S. Hwy 41, serving all intermediate points; (16) between Dunnellon, FL, and junction FL Hwys 200 and 484, over FL Hwy 484, serving all intermediate points; (17) between Miami and Orlando, FL; from Miami over U.S. Hwy 1 and/or FL Hwy A1A to Titusville, then over FL Hwy 405 to its junction with FL Hwy 50, then over FL Hwy 50 to Orlando, and return over the same routes, serving all intermediate points; (18) between Miami and Orlando, FL; from Miami over U.S. Hwy 27 to South Bay, then over FL Hwy 80 to Belle Glade, then over U.S. Hwy 441, to Orlando, and return over the same routes, serving all intermediate points; (19) between South Bay and Orlando, FL; from South Bay over U.S. Hwys 27 and 27A to Haines City, then over U.S. Hwy 17 to Orlando, and return over the same routes, serving all intermediate points; (20) between Miami and Tampa, FL: From Miami over U.S. Hwy 41 to Punta Gorda, then over U.S. Hwy 17 to Bartow, then over U.S. Hwy 98 to Lakeland, then over U.S. Hwy 92 to Tampa, and return over the same routes, serving all intermediate points; (21) between Punta Gorda and Tampa, FL, over U.S. Hwy 41, serving all intermediate points; (22) between the junction of U.S. Hwy 41 and FL Hwy 29, near Everglades, FL, and Fort Myers, FL, over FL Hwy 29 to its junction with FL Hwy 82, then over FL Hwy 82 to Fort Myers, serving all intermediate points; (23) between Miami, FL, and the junction of the Sunshine State Parkway and U.S. Hwy 17, over the Sunshine State Parkway, as an alternate route for operating convenience only; (24) between West Palm Beach and Arcadia, FL: From West Palm Beach over FL Hwy 710 to Okeechobee, then over FL Hwy 70 to Arcadia, and return over the same routes, serving all intermediate points; (25) between Miami and West Palm Beach, FL, over U.S. Hwy 441, serving all intermediate points; (26) between West Palm Beach and Fort Myers, FL, over FL Hwy 80, serving all intermediate points; (27) between Parrish, FL, and the junction of FL Hwy 62 and U.S. Hwy 17, over FL Hwy 62, serving all intermediate points; (28) between Fort Myers, FL, and Fort Myers Beach, FL, over FL Hwys 865 and 867, serving all intermediate points; (29) between the junction of U.S. Hwy 41 and FL Hwy 78, north of Fort Myers, and Bokeelia and St. James City, FL, over FL Hyws 78 and 767, serving all intermediate points, (30) between Okeechobee and West Palm Beach, FL, via Canal Point, over U.S. Hwy 98 and 441, serving all intermediate points, (31) between Miami, FL, and the junction of U.S. Hwy 1 with S.W. 216th St., south of Miami, serving all intermediate points; (32) between Jacksonville and Titusville, FL, over U.S. Hwy 1 and/or FL Hwy A1A, serving all intermediate points, (33) between Jacksonvile and Ocala, FL, over U.S. Hwy 301, serving all intermediate points, and serving Gainesville, FL, as an off-route point; (34) between Sanford and Daytona Beach, FL, over U.S. Hwys 17/92 and 92, serving no intermediate points; (35) between Orlando and Sanford, FL, over U.S. Hwy 17/92, serving all intermediate points; (36) between Jacksonville and Sanford, FL, over U.S. Hwy 17, serving no intermediate points; (37) between Orlando and Ocala, FL, over FL Hwy 50 and U.S. Hwy 27 and 441, serving all intermediate points, and (38) serving (A) all points in Hillsborough, Pinellas, Pasco, Hernando, Polk, Citrus and Sumter Counties, FL, (B) all points within a ten-mile radius of Orlando, FL, (C) all points within a five mile radius of Ocala, FL, and (D) all other points in FL (except points in Monroe County and those points in Dade County lying south of SW., 216th St.) on or south of a line beginning at the western termimus of FL Hwy 60, then easterly along FL Hwy 60 to its junction with Interstate Hwy 4, then easterly along Interstate Hwy 4 to its junction with FL Hwy 50, then easterly along FL Hwy 50 to its junction with FL Hwy 405, then northeasterly along FL Hwy 405 to its junction with FL Hwy 402, to its eastern terminus, not served on a regular route, as off-route points. All regular routes sought to be served are to be joined or tacked to other routes to be served, at common points, to provide through service. Alternate Routes for operating convenience only: (A) between Fort Lauderdale, FL, and Naples, FL, over FL Hwy 84; (B) between Jacksonville, FL, and Miami, FL, over Interstate Hwy 95, from Jacksonville to its junction with FL Hwy 614, then over FL Hwy 614 to its junction with FL Hwy 713, then over FL Hwy 713 to its junction with the Sunshine State Parkway, then over the Sunshine State Parkway to Miami (upon completion of Interstate Hwy 95: between Jacksonville, FL, and Miami, FL, over Interstate Hwy 95); (C) between Okeechobee, FL, and junction U.S. Hwys 27 and 98, over U.S. Hwy 98; (D) between Okeechobee, FL, and Fort Pierce, FL, over FL Hwy 70; (E) between Bartow, FL and Haines City, FL, over U.S. Hwy 17; (F) between Miami, FL, and West Palm Beach, FL, over Interstate Hwy 95; (G) between junction U.S. Hwy 301 and FL Hwy 675, south of Parrish, FL, and Fort Myers, FL, over FL Hwy 675 to its junction with FL Hwy 70, then over FL Hwy 70 to Arcadia, then over FL Hwy 31 to its junction with FL Hwy 80, then over FL Hwy 80 to Fort Myers; and (H) between Orlando, FL, and the junction of Interstate Hwys 4 and 95, near Daytona Beach, FL, over Interstate 4.

Note.—The purpose of this application is to convert seven certificates of registration presently held by applicant under MC-121667 and subs, to a certificate of public convenience and necessity and, in connection therewith: (1) to extend approximately 32

blocks southward the southern terminus of applicant's present regular route on U.S. Hwy 1 south of Miami, FL; (2) to extend approximately 32 blocks southward the southern boundary of applicant's present off-route point authority in Dade County, FL; (3) to remove the restriction contained in applicant's Certificate of Registration MC-121667 Sub-No. 7 against interlining with motor common carriers so as to render service on traffic originating at, or destined to, points in Monroe County, FL, and those points in Dade County, FL, lying south of S.W. 184th St., and (4) to make uniform the "exceptions" from general commodities contained in applicant's present certificates of registration.

MC 142646 (Sub-3F), filed October 15, 1980. Applicant: ALVIN O. PETERSON, d.b.a., K & TRUCKING, Box 209A, Route 4, Eau Claire, WI 54701. Representative: James Ward, P.O. Box 358, Eau Claire, WI 54701. Transporting *greases and hides*, between points in the U.S., under continuing contracts(s) with Eau Claire Rendering Co., Inc., of Eau Claire, WI.

MC 144667 (Sub-20F), filed October 15, 1980. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *food* or *kindred products*, as described in Item 20 of the Standard Transportation Commodity Code, between the facilities of Geo. A. Hormel & Co. at Scottsbluff and Fremont, NE, on the one hand, and, on the other, points in CO, SD and WY.

MC 149067 (Sub-1F), filed October 15, 1980. Applicant: WILLIAM BARRY AND FRANK VASSALLO, d.b.a. SUN VALLEY TRUCKING, 231 Franklin Street, Oakland, CA 94067. Representative: James H. Gulseth, 100 Bush Street, 21st Floor, San Francisco, CA 94104. 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 Delft Blue-Provimi Provimi, Incorporated, of Pleasanton, CA.

MC 151036 (Sub-1F), filed October 15, 1980. Applicant: Decatur Transit, Inc., 161 First Ave. NE., Decatur, AL 35601. Representative: Eric G. Hancock (same address as applicant). Transporting *petroleum products*, in bulk, in tank vehicles, from Sheffield, AL, (a) to points in Tennessee in and west of the counties of Sumner, Wilson, Rutherford, Bedford, Moore, and Lincoln, and (b) points in Mississippi in and north of the counties of Lauderdale, Neshoba, Attala, Holmes, Humphreys, Washington.

MC 151217 (Sub-1F), filed October 15, 1980. Applicant: JOHN WILLIAM HART, d.b.a. HART TRUCKING, 1920 Kathryn Court, Bakersfield, CA 93308. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650. Transporting (1) *pump parts*, and (2) *pipe and pipe fittings*, between points in the U.S., under continuing contract(s) with Holz Rubber Company, of Lodi, CA.

Volume No. OP4-101

Decided: October 22, 1980.

By the Commission, Review Board Number 2.

Members Chandler, Eaton and Liberman. Member Chandler not participating.

MC 28307 (Sub-30F), filed October 8, 1980. Applicant: FREDRICKSON MOTOR EXPRESS CORPORATION, 3400 No. Graham St., Charlotte, NC 28206. Representative: Robert D. Hoagland, 1204 Cameron Brown Bldg., 301 S. McDowell St., Charlotte, NC 28204. 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), (a) Between Knoxville, TN, and junction NC Hwy 28 and U.S. Hwy 129: From Knoxville over U.S. Hwy 129 to junction NC Hwy 28, and return over the same route, serving all intermediate points; (b) between Knoxville, TN and Cherokee, NC, over U.S. Hwy 441, serving all intermediate points; (c) Between the NC-TN State line west of Hot Springs, NC, and Knoxville, TN over U.S. Hwy 70, serving all intermediate points; (d) Between the NC-TN State line and junction U.S. Hwys 19W and 23: From the NC-TN State line over U.S. Hwy 23 to junction U.S. Hwy 19W south of Erwin, TN, and return over the same route, serving all intermediate points; Between Knoxville, and Johnson City, TN, in connection carrier's presently authorized and regular-route operations, between Knoxville and Johnson City, serving all intermediate points: From Knoxville over U.S. Hwy 11E to Johnson City, and return over the same route.

Note: The purpose of this application is to change the restriction "serving *no* intermediate points" to "serving all intermediate points" in a portion of Sub 12 [routes (a) through (d) above] and Sub 15 [route (e) above] in its entirety.

MC 59666 (Sub-2F), filed October 15, 1980. Applicant: TRAFIK SERVICES, INC., 11 Newark St., Providence, RI 02908. Representative: A. Joseph Mega (same address as applicant). Transporting *general commodities*, (1) between points in CT, RI and MA, and (2) between points in CT, RI and MA, on the one hand, and, on the other, those points in the U.S. on and east of Interstate Hwy 55. Condition: To the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 91306 (Sub-31F), filed October 15, 1980. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Ave. NE., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. Transporting (1) *wire and pipe*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between New York, NY and points in Nassau County, NY on the one hand, and, on the other, points in NC, SC, TN, GA, VA, and KY.

MC 99096 (Sub-3F), filed October 14, 1980. Applicant: FILLMORE FREIGHT LINES, INC., 14502 Liverpool Rd., E. Loverpool, OH 43920. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *fabricated metal products* and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) above, between those points in the U.S. in and east of MN, WI, IL, KY, TN, MS, and LA.

MC 102567 (Sub-253F), filed October 15, 1980. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy., Suite 130, Houston, TX 77040. Transporting *commodities*, in bulk, between points in the U.S., restricted to traffic originating at or destined to the facilities used by Ciba-Geigy Corporation.

MC 108247 (Sub-8F), filed October 15, 1980. Applicant: WESTCHESTER MOTOR LINES, INC., 35 Edgemere Rd., New Haven, CT 06504. Representative: Ronald G. Esposito (same address as applicant). Transporting (1) *beverages*, and (2) *materials* used in the manufacture and distribution of beverages, between points in MD, PA, NJ, NY, CT, RI, MA, VT, and ME.

MC 117686 (Sub-293F), filed October 16, 1980. Applicant: HIRSCHBACK MOTOR LINES, INC., 920 West 21st St., South Sioux City, NE 68776. Representative: George L. Hirschbach (same address as applicant). Transporting *food or kindred products*, as described in Item 20 of the Standard Transportation Commodity Code, between points in IA, on the one hand, and, on the other, points in AL, CA, GA, LA, MS, and TX.

MC 117786 (Sub-113F), filed October 15, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between the facilities of Griffin Corporation of Valdosta, GA, at (a) Valdosta and Bainbridge, GA, and (b) Mexico, MO, on the one hand, and, on the other, points in the U.S.

MC 143956 (Sub-20F), filed October 15, 1980. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, 3574 Piedmont Rd., Atlanta, GA 30305. Transporting (1) *such commodities* as are dealt in or used by automotive service stations or automotive supply dealers (except commodities in bulk, in tank vehicles), and (2) *petroleum products*, in containers, between points in GA, MA, and PA.

MC 144117 (Sub-68F), filed October 15, 1980. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting (1) *metal products*, from points in St. Clair County, IL, to points in NM, CO, WY, MT, ID, UT, AZ, CA, NV, OR, WA, TX, and FL, and (2) *equipment, materials, and supplies* used in the manufacture of metal products, in the reverse direction.

MC 144577 (Sub-2F), filed October 15, 1980. Applicant: SUNSET TRANSPORTATION COMPANY, a partnership, P.O. Box 126, Kanosh, UT 84637. Representative: Stuart L. Poelman, 700 Continental Bank Building, Salt Lake City, UT 84101. Transporting *gypsum board and gypsum board products*, between points in the U.S., under continuing contract(s) with L & W Supply Corp. of Denver, CO.

MC 144977 (Sub-2F), filed October 14, 1980. Applicant: BOBBY McDANIEL, d.b.a. SERVICE TRUCKING COMPANY, 2050 Beaver Rd., Rossville, GA 30741. Representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, TN 37402. 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 Charleston and Chattanooga, TN on the one hand, and, on the other, points in FL and GA, restricted to traffic originating at or destined to the facilities of Olin Corporation.

MC 143607 (Sub-28F), filed October 14, 1980. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Dr., Waco, TX 76706. Representative: Arthur W. Grimes (same address as applicant). Transporting *chemicals*, between points in the U.S., under continuing contract(s) with A. W. Arnold & Associates, of Houston, TX.

MC 145636 (Sub-18F), filed October 14, 1980. Applicant: BOB BRINK, INC., 165 Steuben St., Winona, MN 55987. Representative: Edward H. Instenes, 128½ Plaza East, P.O. Box 676, Winona, MN 55987. Transporting (1) *confectionery*, and (2) *materials, equipment, and supplies* used in the manufacture, and distribution of confectionery, between Winona, MN, on the one hand, and, on the other, Chattanooga, TN and Rock Hill, SC.

MC 150567 (Sub-5F), filed October 14, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217. Transporting (1)(a) *welding equipment and welding supplies*, and (b) *accessories* for the commodities in (1)(a), and (2) *compressed air and gas cylinders*, between points in the U.S., under continuing contract(s) with Brown Welding Supply, Inc., of Portland, OR.

MC 150567 (Sub-6F), filed October 14, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217. Transporting *liner board*, between points in the U.S., under continuing contract(s) with International Paper Company, of Portland, OR.

MC 150626 (Sub-2F), filed October 15, 1980. Applicant: HAROLD IVES TRUCKING CO., a corporation, P.O. Box 885, Hwy 79 East, Stuttgart, AR 72160. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. Transporting *chemicals or allied products*, as described in Item 28 of the Standard Transportation Commodity Code, in containers, between points in AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150806 (Sub-1F), filed October 15, 1980. Applicant: WECO, INC., 500 Scott St., P.O. Box 5128, Kansas City, KS 66119. Representative: Erle W. Francis, 719 Capitol Federal Bldg., Topeka, KS 66603. Transporting (1) *buffing and polishing compounds*, (2) *soap, soap powders, cleaning, scouring and washing compounds, sizing, and starch*, and (3) *materials* used in the manufacture of the commodities in (1) and (2) above, between points in the U.S., under continuing contract(s) with Faultless Starch/Bon Ami Company, of Kansas City, MO.

Volume No. OP4–103

Decided: October 20, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones. Member Carleton not participating.

MC 54567 (Sub-15F), filed September 16, 1980, and previously published in the **Federal Register** issue of October 3, 1980, and republished this issue. Applicant: RELIANCE TRUCK CO., a corporation, 2500 N. 24th Ave., Phoenix, AZ 85009. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85104. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in CA, AZ, NV, TX, UT, CO, and NM.

Note.—The purpose of this republication is to correctly state the territorial description.

MC 119777 (Sub-503F), filed October 9, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *general commodities*, between Steptoe, WA, Ethlyn and S. Troy, MO, and Ray, IL, on the one hand, and, on the other, points in the U.S. Condition: To the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issue.

Note.—The purpose of this application is to substitute motor service for abandoned rail service.

Volume No. OP4–104

Decided: October 24, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Hill not participating.

MC 21866 (Sub-179F), filed September 11, 1980, previously noticed in the FR issue of September 24, 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 *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of McGraw Edison Company, Power Systems Group.

Note.—The purpose of this republication is to correctly reflect the name of the shippers' facility.

MC 21866 (Sub-183F), filed October 17, 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 classes A and B explosives, and household goods as defined by the Commission), between points in the U.S., restricted to traffic originating at or destined to the facilities of Knoll International, its dealers and distributors.

MC 133566 (Sub-168F), filed October 15, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in or used by printers and printing companies (except commodities in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of W. F. Hall Printing Company, Inc.

MC 136407 (Sub-34F), filed October 17, 1980. Applicant: COORS TRANSPORTATION COMPANY, a corporation, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Transporting *clay, concrete, glass or stone products,* as described in Item 32 of the Standard Transportation Commodity Code Tariff, between points in the U.S., under continuing contract(s) with Libbey Glass Division of Owens Illinois, Inc., of Shreveport, LA.

MC 139906 (Sub-132F), filed October 21, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting (1) *headboards and frames and new furniture,* and (2) *materials and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, between points in Maricopa County, AZ, on the one hand, and, on the other, points in the U.S.

MC 143776 (Sub-9F), filed October 15, 1980. Applicant: C.D.B. INCORPORATED, 155 Spaulding, S.E., Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. 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 Herman Miller, Inc., of Zeeland, MI.

MC 146616 (Sub-14F), filed October 14, 1980. Applicant: B & H MOTOR FREIGHT, INC., 4024 West 21st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., 9 East Fourth St., Tulsa, OK 74103. Transporting *iron and steel articles,* and *materials, equipment* and *supplies* used in the manufacture and distribution of the *iron and steel articles,* between points in the U.S., under continuing contract(s) with Robberson Steel Company, of Oklahoma City, OK and Zelrich Steel Company, of Dallas, TX.

MC 146627 (Sub-2F), filed October 1, 1980, previously noticed in the FR issue of October 15, 1980, and republished this issue. Applicant: E. A. WILSON CO., 700 Broadway, Lowell, MA 01854. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Transporting *cement* in bulk, from points in Hampshire County, MA, and Providence County, RI, to points in CT, MA, ME, NH, RI, VT, and NY.

Note.—The purpose of this republication is to correctly state the territorial description.

MC 150807 (Sub-1F), filed September 10, 1980, previously noticed in the FR issue of September 23, 1980, and republished this issue. Applicant: DONALD WILKINSON d.b.a. WILCO BUS SERVICE, 2035 Delaware St., Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001. Over regular routes, transporting *passengers,* in commuter service, (1) between Galena, IL and Dubuque, IA, over U.S. Hwy 20, serving all intermediate points, (2) between Benton, WI and Dubuque, IA, over WI Hwy 11, serving all intermediate points, and (3) serving the facilities of John Deere Dubuque Works, in connection with the authority in (1) and (2) above.

Note.—The purpose of this republication is to correctly reflect Dubuque, IA in lieu of Dubuque, IL in (3) above.

Volume No. OP5–040

Decided: October 22, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 24379 (Sub-65F), filed October 10, 1980. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 14650 West Mile Road, Oak Park, MI 48237. Representative: Donald G. Hichman, R. D. #1, Box 7, Union Springs, NY 13160. Transporting *insulating materials,* from Lockport, NY, to those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 110878 (Sub-46F), filed October 15, 1980. Applicant: ARGO TRUCKING COMPANY, INC., P.O. Box 95, Elberton, GA 30635. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *salt and salt products* (except in bulk), from points in Fort Bend and Harris Counties, TX, to points in FL.

MC 123218 (Sub-1F), filed October 15, 1980. Applicant: EDWARD A. KERWIN, R.R. #1, Milyko Dr., Washington Crossing, PA 18977. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *petroleum products, chemicals, and fertilizer,* in bulk, between points in the U.S., under continuing contract(s) with The Kingsford Company, of Louisville, KY.

MC 124679 (Sub-128F), filed October 8, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same as above). 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 commodities in bulk and hides), from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY, CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and WV.

MC 133119 (Sub-186F), filed October 15, 1980. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Drive, Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 1103, 226 n. Phillips Ave., Sioux Falls, SD 57101. Transporting *food and kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff between points in IL, IA, KS, MN, MO, NE, ND, SD, and WI, on the one hand, and, on the other, points in the U.S.

MC 135419 (Sub-3F), filed October 15, 1980. Applicant: CONTAINER CARRIER CORPORATION, P.O. Box 48, Fort Smith, AR 72902. Representative: William D. Hendrix (same as above). Transporting *motor vehicles,* in truckaway service, in secondary movements, between Houston and Dallas, TX, restricted to traffic have a prior or subsequent movement by water.

MC 135419 (Sub-4F), filed October 15, 1980. Applicant: CONTAINER CARRIER CORPORATION, 301 South Eleventh St., Fort Smith, AR 72901. Representative: William D. Hendrix, P.O. Box 48, Fort Smith, AR 72902. Transporting *charcoal briquettes* and *materials, equipment, and supplies* used in the manufacture and distribution of charcoal briquettes, between Cotter, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 135598 (Sub-48F), filed October 14, 1980. Applicant: SHARKEY

TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *urethane foam panels,* and *materials, equipment, and supplies* used in the manufacture of urethane foam panels, between Dallas, TX, and Salt Lake City, UT, on the one hand, and, on the other, points in the U.S.

MC 138438 (Sub-94F), filed October 15, 1980. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Avenue, Hagerstown, MD 21740. Transporting *animal litter,* from Kansas City, MO, to Boston, MA, Jersey City, NJ, and Frederick and Hagerstown, MD.

MC 138469 (Sub-251F), filed October 9, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in or used by manufacturers of adhesives and edible gelatin products (except commodities in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Peter Cooper Corporations.

MC 138469 (Sub-252F), filed October 9, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in by hardware dealers, between Vernon, CA, Middlesex, NJ, and Farmingdale, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143059 (Sub-138F), filed October 14, 1980. Applicant: MERCER TRANSPORTATION CO., a corporation, 12th & Main St., P.O. Box 35610, Louisville, KY 40232. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW, Washington, DC 20004. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S.

MC 152089F, filed October 8, 1980. Applicant: BEATRICE FREIGHT LINE, INC., 1935 Park Blvd., Lincoln, NE 68502. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *foodstuffs,* and *printed* matter, from points in Lancaster County, NE, to points in CA, CO, GA, IL, IN, KS, LA, MN, MO, OH, OK, TN, TX, WI, and WY, and (2) *materials, equipment and supplies* used in the manufacture and sale of the commodities in (1) above, in the reverse direction.

MC 152179F, filed October 14, 1980. Applicant: MARCUS MO, d.b.a. MARCUS TRUCKING CO., 240 N. Berendo St., Los Angeles, CA 90004. Representative: Greg P. Stefflre, 261 S. Figueroa St., Los Angeles, CA 90017. Transporting *waste products* for recycling or reuse, from Los Angeles, CA, to points in the US.

Volume No. OP5–041

Decided: October 22, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 2229 (Sub-246F), filed October 14, 1980. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Joseph S. Ruscetta (same as applicant). Over regular routes, transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between Denver, CO, and McCook NE: From Denver over U.S. Hwy 6 to junction U.S. Hwy 34, then over U.S. Hwy 34 to McCook, and return over the same route, serving no intermediate points.

Note.—Applicant intends to tack with its existing regular-route authority.

MC 2229 (Sub-247F), filed October 14, 1980. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Joseph S. Ruscetta (same as applicant). Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in Navarro County, TX, on the one hand, and, on the other, points in the U.S.

MC 48948 (Sub-21F), filed October 14, 1980. Applicant: THE HOCKING CARTAGE COMPANY, a corporation, 28424 Chieftain Dr., Logan, OH 43138. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting (1) *auto body parts,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in Hocking County, OH, on the one hand, and, on the other, points in the U.S.

MC 99149 (Sub-16F), filed October 10, 1980. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 8400 New Benton Highway, Little Rock, AR 72219. Representative: Charles J. Lincoln, 1550 Tower Bldg., Little Rock, AR 72201. Transporting *rubber tires and tubes,* and *equipment, materials, and supplies* used in the manufacture and distribution of rubber tires and tubes, (except commodities in bulk), between points in Miller County, AR, on the one hand, and, on the other, points in TX, LA, and OK.

Note.—Applicant intends to tack this authority with existing regular-route authority at Texarkana, AR/TX.

MC 113158 (Sub-47F), filed October 14, 1980. Applicant: TODD TRANSPORT COMPANY, INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *foodstuffs* (except frozen and in bulk), (a) from points in Lincoln County, NC, to points in AL, AR, FL, GA, LA, MS, OK, SC, TN, and TX, and (b) from points in Frederick and Rockingham Counties, VA, and Berkeley County, WV, to points in AL, AR, LA, MS, OK, TN, and TX.

MC 117589 (Sub-74), filed September 16, 1980, previously noticed in **Federal Register** issue of October 2, 1980. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Ave., South, Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. Transporting *meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses,* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, between points in NE, on the one hand, and, on the other, points in WA, ID, UT, and MT.

Note.—This republication changes the commodity description to include dairy products as described in Appendix I to the *Descriptions* case report.

MC 118468 (Sub-66F), filed October 8, 1980. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *such commodities* as are dealt in by manufacturers and distributors of cast iron products, between points in the U.S., Under continuing contract(s) with Griffin Pipe Products Co., of Oak Brook, IL. Condition: Any permit issued in this proceeding is subject to prior or coincidental dismissal, at applicant's written request, of the application in MC 124813 (Sub-225F), or, if a permit has been issued in that proceeding, prior or coincidental revocation, at applicant's written request, or Permit No. MC 114813 (Sub-225F).

MC 121568 (Sub-57F), filed October 15, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell, (same as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined

by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Allis-Chalmers Corporation.

MC 121568 (Sub-58F), filed October 15, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell (same as applicant). Transporting (1) *athletic goods and equipment*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., restricted to traffic originating at or destined to the facilities of Wilson Sporting Goods.

MC 124679 (Sub-129F), filed October 16, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Michael L. Bunnell (same address as applicant). Transporting *oil filters, gas filters, and air filters*, and *smog control devices*, between points in UT, on the one hand, and, on the other, points in OR, WA, CA, AR, and MO.

MC 128709 (Sub-10F), filed October 15, 1980. Applicant: PARRIS MOTOR FREIGHT, INC., P.O. Box 1787, Ft. Smith, AR 72901. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. Transporting (1) *household appliances* and *parts* for household appliances, (2) *television sets, recorders*, and *tape and wires*, and (3) *accessories* for the commodities in (2) above, from Little Rock, AR, to points in OK.

MC 138308 (Sub-128F), filed October 15, 1980. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *such commodities* as are dealt in or used by grocery and food business (except commodities in bulk), between points in the U.S. (except AK and HI).

MC 143029 (Sub-6F), filed October 10, 1980. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S., under continuing contract(s) with Kraft, Inc. of Chicago, IL.

MC 150019 (Sub-1F), filed October 15, 1980. Applicant: EDWARD E. GARBER, d.b.a. CUSTOM TRANSPORT, 6600 Sweet Air Lane, Sykesville, MD 21784. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Baltimore, MD, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Streamline Shippers Association.

MC 151439 (Sub-1F), filed October 14, 1980. Applicant: DONALD E. BUSSERT, ROUTE #2, Amanda, OH 43102. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. Transporting (1) *malt beverages* and *bottled mineral waters*, from Pabst, GA, Evansville, IN, Peoria, IL, Newport, KY, Detroit and Frankenmuth, MI, St. Louis, MO, Eden, NC, Fulton, NY, Allentown and Latrobe, PA, and LaCrosse and Milwaukee, WI, to points in Athens, Lorain, Muskingum, Scioto and Ross Counties, OH, and (2) *glass and metal containers*, in the reverse direction.

Volume No. OP0–042

Decided: October 22, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

FF 128 (Sub-6F), filed October 15, 1980. Applicant: CLIPPER EXXPRESS COMPANY, a corporation, 3401 West Pershing Rd., Chicago, IL 60632. Representative: Charles A. Webb, suite 1111, 1828 L St., NW., Washington, DC 20036. To operate as a *freight forwarder*, in interstate commerce, of *general commodities*, between points in AR, LA, MS, AL, GA, FL, and SC, on the one hand, and, on the other, points in WA, OR, CA, ID, NV, UT, and AZ.

MC 57808 (Sub-4F), filed October 16, 1980. Applicant: JABSCO, INC., P.O. Box 488, White Oak, TX 79066. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701. Transporting (1) *equipment, materials, and supplies* used, in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up therof, and (2) *earth drilling equipment, and equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transporation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes and wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes and wells, between points in AZ, AR, CO, KS, LA, KS, MT, NV, NM, OK, TX, UT, and WY.

MC 64808 (Sub-47F), filed October 9, 1980. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Ave., Fairmont, WV 26554. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting *Glass*, between points in Cumberland County, PA, and Allegany County, MD, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 76449 (Sub-33F), filed October 15, 1980. Applicant: NELSON'S EXPRESS, INC., 675 Market St., Millersburg, PA 17061. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) between Harrisburg, PA and Washington, DC, from Harrisburg over Interstate Hwy 83 to Baltimore, MD, then over U.S. Hwy 1 to Washington and return ove the same route; (2) between Baltimore, MD and Washington, DC, over Interstate Hwy 95; (3) between Harrisburgh, PA and New Kingstown, PA, over PA Hwy 11; (4) between Hogestown, PA and Mechanicsburg, PA, over PA Hwy 114; (5) between Mechanicsburg, PA and Camp Hill, PA, over PA Hwy 641; (6) between Harrisburg, PA and Lancaster, PA, from Harrisburg over U.S. Hwy 230 to junction Interstate Hwy 283, then over Interstate Hwy 283 to Lancaster, and return over the same route; (7) between Harrisburg, PA and Hershey, PA, from Harrisburg over U.S. Hwy 322 to junction U.S. Hwy 422, then over U.S. Hwy 422 to Hershey, and return over the same route; (8) between Hershey, PA and Elizabethtown, PA, over PA Hwy 743; (9) between Gettysburg, PA and Lancaster, PA, over U.S. Hwy 30; (10) between Harrisburg, PA and Gettysburg, PA, over U.S. Hwy 15; and (11) serving all intermediate points in connection with routes (1) through (10) above, and off-route points in MD and PA within 35 miles of York, PA. NOTE: Applicant intends to tack the above authority with its other rights. Condition: Issuance of a certificate in this proceeding is conditioned upon prior or coincidental cancellation, at applicant's written request, of Certificate MC 76449 (Sub-26), issued June 16, 1978 and MC 76449 (Sub-27), issued September 1, 1978.

MC 118899 (Sub-16F), filed October 14, 1980. Applicant: BALTIMORE TANK LINES, INC., 180 Eighth Ave., Glen Burnie, MD 21061. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., NW., Washington, DC. 20004. Transporting *petroleum and petroleum products*, in bulk, in vehicles, from points in DC, to Alexandria, VA, points in Arlington, Fairfax, Prince William, Loudoun, Fauquier, Stafford, Shenandoah, Rockingham, Culpeper, Clarke, Frederick, Warren, Page, Madison, Greene, Orange, Spotsylvania, Caroline, Rappahannock, and King George Counties, VA, and points in MD.

MC 121699 (Sub-12F), filed October 14, 1980. Applicant: VOLUNTEER EXPRESS, INC., 404 Arlington Ave., P.O. Box 100886, Nashville, TN 37210. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. Transporting *books, magazines, phonograph records, tapes, and musical instruments*, between points in the U.S., restricted to traffic originating at or destined to the facilities of CBS, Inc. or its suppliers.

MC 127299 (Sub-4F), filed October 10, 1980. Applicant: PENNY EXPRESS, INC., 718 W. Birchtree Lane, Claymont, DE 19703. Representative: Norman N. Chernekoff (same address as applicant). Transporting *automotive parts, building materials, metal products, and chemical products* (except commodities in bulk), between points in New Castle County, DE, and Philadelphia County, PA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 139958 (Sub-15F), filed October 14, 1980. Applicant: R. T. TRUCK SERVICE, INC., 2334 Millers Lane, Louisville, KY 40216. Representative: Rudy Yessin, 113 W. Main St., Frankfort, KY 40601. 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), serving the facilities of Hobart Corporation, at or near Seymour, IN, as an off-route point in connection with applicant's otherwise authorized regular route operations.

MC 142559 (Sub-158F), filed October 9, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission) between points in the US (except AK and HI), restricted to traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102(8).

MC 142559 (Sub-159F), filed October 14, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of welding equipment and welding supplies (except commodities in bulk), between points in Miami County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 144069 (Sub-23F), filed October 8, 1980. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W. T. Trowbridge (same address as applicant). Transporting *iron and steel articles*, between points in Darlington County, SC, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 145738 (Sub-22F), filed October 15, 1980. Applicant: EAST-WEST MOTOR FREIGHT, INC., P.O. Box 607, Selmer, TN 38375. Representative: Sonny C. Curtner (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) from Oakland, CA, to points in the U.S. (except AK and HI).

MC 145838 (Sub-2F), filed October 10, 1980. Applicant: OHIO CONTAINER SERVICE, INC., 2701 Lakeside Ave., Cleveland, OH 44114. Representative: Lewis S. Witherspoon, 88 East Broad St., Columbus, OH 43215. Transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), (a) between points in OH, on the one hand, and, on the other, Port Everglades, FL, Philadelphia, PA, and Norfolk, VA, (b) between Baltimore, MD, New York, NY, Philadelphia, PA, Norfolk, VA, and Port Everglades, FL, on the one hand, and, on the other, points in IL, IN, MI, PA, and WI, and (c) between points in Cook County, IL, on the one hand, and, on the other, points in OH, restricted in (a), (b), and (c) above to traffic having a prior or subsequent movement by water or rail.

MC 148188 (Sub-17F), filed October 15, 1980. Applicant: RETAIL LEASING CORPORATION, d.b.a. RETAIL TRANSPORTATION COMPANY, 11301 Rockville Pike, Kensington, MD 20795. Representative: Edward F. Schiff, 1333 New Hampshire Ave., Suite 400, Washington, DC 20036. Transporting *addressed forms*, between points in the U.S. under continuing contract(s) with Fulfillment Corporation of America, of Marion, OH. Condition: Applicant must submit a statement indicating how it proposes to satisfy the statutory criteria of contract carriage, i.e., either by (1) furnishing transportation service through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served, or (2) furnishing transportation services designed to meet the distinct need of each applicant must describe briefly the distinct need for which transportation services have been designed. The statement will be examined by a review board prior to issuance of and permit.

MC 149208 (Sub-1F), filed October 8, 1980. Applicant: FEMWORK, INC., P.O. Box 188, Millville, WV 25432. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. Transporting *crushed stone, asphalt, and concrete mix*, between points in Loudoun, Clarke, and Frederick Counties, VA, Jefferson and Berkeley Counties, WV, and Frederick, Washington, and Montgomery Counties, MD, and points in DC.

MC 150229 (Sub-2F), filed October 8, 1980. Applicant: CENTRAL PETROLEUM TRANSPORT, INC., P.O. Box 622, Sergeant Bluff, IA 51054. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *fertilizer* (1) from those points in IA on and west of Interstate Hwy 35, to points in MN, SD, and NE, and (2) from Blair, NE, to points in MN, SD, and IA.

MC 150849F, filed October 10, 1980. Applicant: NEIL CURTIS, P.O. Box 97, Blandinsville, IL 61420. Representative: Douglas G. Brown, The INB Center, Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting *petroleum, petroleum products, fertilizer, alcohol, feed, feed ingredients, soybean meal, and anhydrous ammonia*, between points in IN, IA, and MO, on the one hand, and, on the other, points in IL.

MC 150939, (Sub-2F), filed October 9, 1980. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Grady, 2310 Grant Bldg., Pittsburgh, PA 15219. 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 Borg-Warner Chemicals, of Parkersburg, WV.

MC 150958 (Sub-1F), filed October 8, 1980. Applicant: GRANNY'S EXPRESS, INC., 2101 Ross Ave., Norwood, OH 45212. Representative: E. H. van Deusen, 220 W. Bridge St., Dublin, OH 43017. 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 Levi Strauss & Co., of Cincinnati, OH, The Williamson Company, of Cincinnati, OH, DuBois Chemical Division of Chemed, of Sharonville, OH, International Paper Company, of Cincinnati, OH, The Zumbiel Box Company, of Norwood, OH, Sabin Robbins Paper Company, of Cincinnati, OH, and Heads and Threads Company, of Cincinnati, OH.

MC 152178F, filed October 14, 1980. Applicant: LEVY T. POWELL d.b.a. POWELL'S DELIVERY SERVICE, 14916 Stuebner Airline, P.O. Box 11374, Houston, TX 77016. Representative: Sharon E. Fobbs, 2024 Richmond Ave., Houston, TX 77098. Transporting *diesel engine parts and oil field equipment,* between points in Harris County, TX, on the one hand, and, on the other, points in MS, LA, OK, CA, NV, UT, NM, WY, KS, ND, SD, and MT.

MC 152188F, filed October 10, 1980. Applicant: EDWIN K. WHITTAKER d.b.a. E. K. WHITTAKER, 1024 Massachusetts Ave., Lexington, MA 02173. Representative: Edwin K. Whittaker (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in CT, MA, ME, NH, RI, and VT.

Volume No. OP5–043

Decided: October 23, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 129908 (Sub-58F), filed October 15, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th, Oklahoma City, OK 73147. Representative: John S. Odell, P.O. Box 75410, Oklahoma City, OK 73147. Transporting (1) *aluminum sheet, aluminum foil, and packaging materials,* from points in Forsyth County, NC, to points in AR, AZ, CA, CO, IL, IN, KS, KY, LA, MO, OK, OR, TN, TX, and WA, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1), in the reverse direction.

MC 129908 (Sub-59F), filed October 15, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th, Oklahoma City, OK 73147. Representative: John S. Odell, P.O. Box 75410, Oklahoma City, OK 73147. Transporting (1) *finished textile products,* and (2) *furniture and fixtures,* between points in Chatham and Granville Counties, NC, on the one hand, and, on the other, points in AR, AZ, CA, CO, IA, IL, IN, KS, KY, LA, MO, NE, NM, NV, OH, OK, TX, and UT.

MC 129908 (Sub-60F), filed October 15, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th, Oklahoma City, OK 73147. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. Transporting *glass, and materials, equipment, and supplies* used in the manufacture and distribution of glass, (1) between points in Jefferson County, MO, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM, and (2) between points in Wichita County, TX, Cumberland County, PA, Allegany County, MD, and Macon County, IL, on the one hand, and, on the other, points in the U.S.

MC 143059 (Sub-139F), filed October 10, 1980. Applicant: MERCER TRANSPORTATION CO., a corporation, P.O. Box 35610, Louisville, KY 40232. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. Transporting *lumber, lumber products,* and *forest products,* between those points in the U.S. in and east of ND, SD, OK, KS, NE, and TX.

MC 143179 (Sub-22F), filed October 15, 1980. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 686101. Representative: Foster L. Kent (same address as applicant). Transporting *packaging materials, and cushioning* materials, between points in the U.S., under continuing contract(s) with American Converters, Inc., and Lydall, Inc./Federal Package Division, of Minneapolis, MN.

MC 146209 (Sub-3F), filed October 14, 1980. Applicant: EARL L. HENDERSON TRUCKING COMPANY, a corporation, 1439B Westgate, Salem, IL 62881. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *printed matter,* between points in the U.S., under continuing contract(s) with World Color Press, Inc., of Effingham, IL.

MC 148188 (Sub-15F), filed October 14, 1980. Applicant: RETAIL LEASING CORPORATION, d.b.a. RETAIL TRANSPORTATION COMPANY, 11301 Rockville Pike, Kensington, MD 20795. Representative: Edward F. Schiff, 1333 New Hampshire Ave., NW., Suite 400, Washington, D.C 20036. Transporting (1) *boots, shoes, soles,* and *heels,* and (2) materials used in the manufacture of the commodities in (1), between points in the U.S., under continuing contract(s) with R. G. Barry Corp., of Pickerington, OH. Condition: Applicant must submit a statement indicating how it proposes to satisfy the statutory criteria of contract carriage, i.e., either by (1) furnishing transportation service through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served, or (2) furnishing transportation services designed to meet the distinct need of each individual customer, and if the latter, applicant must describe briefly the distinct need for which transportation services have been designed. The statement will be examined by a review board prior to issuance of any permit.

MC 148188 (Sub-16F), filed October 15, 1980. Applicant: RETAIL LEASING CORPORATION, d.b.a. RETAIL TRANSPORTATION COMPANY, 11301 Rockville Pike, Kensington, MD 20795. Representative: Edward F. Schiff, 1333 New Hampshire Ave., Suite 400, Washington, D.C. 20036. Transporting *such commodities* as are dealt in by retail department stores, between points in the U.S., under continuing contract(s) with Mast Industries, Inc., of Woburn, MA. Condition: Applicant must submit a statement indicating how it proposes to satisfy the statutory criteria of contract carriage, i.e., either by (1) furnishing transportation service through the assignment to motor vehicles for a continuing period of time to the exclusive use of each person served, or (2) furnishing transportation services designed to meet the distinct need of each individual customer, and if the latter, applicant must describe briefly the distinct need for which transportation services have been designed. The statement will be examined by a review board prior to issuance of any permit.

MC 149199 (Sub-3F), filed October 9, 1980. Applicant: O. R. MILLER, d.b.a. FRONTIER EXPRESS, 932 Southwest Second, Oklahoma City, OK 73102. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Over regular routes, transporting (1) *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between Newkirk, OK and Winfield, KS, over U.S. Hwy 77, serving all intermediate points.

MC 150378 (Sub-2F), filed October 15, 1980. Applicant: CHASE EXPRESS, INC., 22410 72nd Ave. South, Kent, WA 98031. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting *general commodities* (except classes A and B explosives), between points in WA and OR, restricted to traffic having

and immediately prior or subsequent movement by water.

MC 150979F, filed October 8, 1980. Applicant: CEMCO HEAVY HAULERS, INC., Box 101, Riverton, IL 62561. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *dump trucks, truck bodies, rotary tractors, snow plows, and pickup trucks,* between points in Green County, WI, and points in MO, on the one hand, and, on the other, points in IL.

MC 151028 (Sub-1F), filed October 15, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. 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 Hercules Incorporated, of Wilmington, DE. Condition: Applicant must submit a statement indicating how it proposes to satisfy the statutory criteria of contract carriage, i.e., either by (1) furnishing transportation service through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served, or (2) furnishing transportation services designed to meet the distinct need of each individual customer, and if the latter, applicant must describe briefly the distinct need for which transportation services have been designed. The statement will be examined by a review board prior to issuance of any permit.

MC 151118 (Sub-5F), filed October 15, 1980. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting (1) *Plastic articles* (except in bulk), and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk and those requiring special equipment), between the facilities of The Vollrath Company, at Arlington and Gallaway, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151129F, filed October 15, 1980. Applicant: BRONC ENTERPRISES, INC., 14315 West Hardy, P.O. Box 38583, Houston, TX 77088. Representative: C. W. Ferebee, 720 N. Post Oak Rd., Suite 230, Houston, TX 77024. Transporting *Pipe, pipe fittings, and pipe accessories, between points in Harris, Tarrant and Wichita Counties, TX, and Tulsa and Oklahoma Counties, OK, on the one hand, and, on the other, points in AR, KS, LA, MS, NM, OK, and TX.*

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34324 Filed 11-3-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Transfer Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find.

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

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.

Petitions seeking reconsideration must be filed on or before November 24, 1980. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices on or before December 4, 1980, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, The Motor Carrier Board, Members Krock, Williams and Taylor.

MC-FC-78703. By decision of August 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 5 approved the transfer to Delta Transport Corp. of Springfield, MA subject to publication in the **Federal Register** generally of the interstate operating rights of Feldman's Express, Inc. that are contained in MC-96986 Sub 3, 5, and 6, which authorizes the following: *MC-96986 Sub 3-General Commodities,* usual exceptions, irregular routes, between Boston, MA, and, points in MA; *MC-96986 Sub 5-* regular route, *Steel, Paper, Furniture, Liquors, Candy, Groceries, and Fruit and Produce,* between Boston, MA, and Providence, RI. Irregular Routes: *Fruit and Produce,* from Boston, Charlestown, and South Boston, MA, to Moosup, CT, with no transportation for compensation on return except as otherwise authorized. *MC-96986 Sub 6-General Commodities,* usual exceptions, regular routes, between Boston, MA and Providence, RI. Between Boston, MA, and Lowell, MA. *Groceries, Canned Goods, Cotton, Warp, Lubricating Oils and Greases, and Cotton Yarn,* between Boston, MA, and New Bedford, MA. *Textile Products, Machinery, Wool, Burlap Bags, Yarn, Groceries, Soaps, Dyes, Chemicals, and Machine and Lubricating Oils and Greases,* between Boston, MA, and Harrisville, RI. *Canned Goods and Groceries,* between Smithtown, NH, and Lowell, MA. Irregular Routes: *Wool, Greases,* in Drums and Barrels, from Providence, Woonsocket, and Harrisville, RI, to Lawrence, MA, with no transportation for compensation on return, except as otherwise authorized. *Textile Machinery,* from Hopedale, MA, to Harrisville, and Washington, RI, with no transportation for compensation on return, except as otherwise authorized. From Harrisville and Mapleville, RI, to Graniteville and Andover, MA, with no transportation for compensation on return, except as otherwise authorized. *Corrugated Paper Boxes,* from Boston, MA, to Nashua and Lincoln, NH, and points in RI, with no transportation for compensation on return, except as otherwise authorized. *Turpines,* between Lynn, MA, and Harrisville, RI. *Corrugated paper boxes* and *corrugated strawboard,* from Watertown, MA to points in RI with no transportation for compensation on return as otherwise authorized.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34312 Filed 11-3-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision—Notice

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.gs., 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 on or before December 19, 1980 (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.

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".

Volume No. OPI–055

Decided: October 16, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 140101 (Sub-9F), filed October 7, 1980. Applicant: I.T.A. TRUCKING, INC., P.O. Box 219, Amherst, WI 54406. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting *general commodities* (except used household goods, hazardous or secretive materials, and sensitive weapons and munitions) for the United States Government, between points in the U.S.

MC 144041 (Sub-48F), filed October 7, 1980. Applicant: DOWNS TRANSPORTATION CO., INC., P.O. Box 465, Conyers, GA 30207. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., restricted to traffic originating at or destined to the facilities of Husky Industries, Inc.

MC 147281 (Sub-4F), filed October 7, 1980. Applicant: ROBERT G. WILLMENT AND EDWARD J. BLYZWICK, JR. d.b.a. KEYSTONE AIR FREIGHT EXPEDITING, 119 McLaughlin Rd., Coraopolis, PA 15108. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. 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 152081F, filed September 29, 1980. Applicant: GREAT AMERICAN VAN LINES, INC., 4600 Eisenhower Ave., Alexandria, VA 22304. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006. 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.

Volume No. OP1–059

Decided: October 24, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 134501(Sub-89F), filed October 15, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: Dan R. Thomas (same address as applicant). Tranporting *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 151660 (Sub-1F), filed October 8, 1980. Applicant: IMPALA TRANSPORTATION SERVICES, INC., 1601 E. Irving Blvd., P.O. Box 678, Irving TX 75060. Representative: Larry P. Cardin (same address as applicant). 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.

Volume No. OP2–077

Decided: October 23, 1980.

By the Commission, Review Board Number 3, Member Parker, Fortier and Hill.

MC 20273 (Sub-5F), filed October 15, 1980. Applicant: NED E. BARD, P.O. Box 6, Leola, PA 17540. Representative: J. Bruce Walter, 410 North Third St., P.O. Box 1146, Harrisburg, PA 17108. 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 150602 (Sub-1F), filed October 15, 1980. Applicant: CHARLES A. McCAULEY, INC., 100 Industrial Way, Hawthorn, PA 16230. Representative: Larry D. McCauley (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between Belfast, Black Creek, Rockville and Shongo, NY, Larksville, PA, Baxter, Caro, Crandall, Cuney, Cushing, Eustace, Gallatin, Gastonia, Goscett, Kaufman, Kemp, LaRue, Mabank, Mahl, Ponta, Poynor, Reese, Reklay, Sacul, Seagoville, Trawick, and Turney, TX, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for complete abandoned rail carrier service.

Volume No. OP2–079

Decided: October 22, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 108053 (Sub-181F), filed October 15, 1980. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601.Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for

the U.S. Government, between points in the U.S.

MC 143522 (Sub-5F), filed October 15, 1980. Applicant: CONSOLIDATED CARRIERS, INC., 123 Sunrise Drive, P.O. Box D, Irwin, PA 15642. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. Government, between points in the U.S.

MC 152183F, filed October 9, 1980. Applicant: FLAMINGO TRANSPORT, INC., P.O. Box 890, Highway 140 East, Adairsville, GA 30103. Representative: Frank Linn (same address as applicant). Transporting *general commodities,* between Ramseur, NC, Mayes, New Lisbon, Sexton and Spiceland, IN, and Anchor, Barnes, Buckingham, Cabery, Cereal, Charlotte, Chatsworth, Colfax, Cooksville, Cropsey, Cullom, Fletcher, Herscher, Kempton, Merna, Risk and Saxony, IL, on the one hand, and, on the other, points in the U.S. Condition: Any certificate granted herein, to the extent it authorizes the transportation of dangerous commodities, shall be limited to a period of five (5) years from its date of issue.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 152233F, filed October 15, 1980. Applicant: COURIER SERVICES INTERNATIONAL, INC., P.O. Box 25016, Tampa, FL 33622. Representative: Martin S. Friedman, Suite 103, 1020 E. Lafayette St., Tallahassee, FL 32301. 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.

Volume No. OP3–055

Decided: Oct. 21, 1980.

By the Commission, Review Board. Number 1, Members Carleton, Joyce and Jones.

MC 14215 (Sub-3F), filed October 8, 1980. Applicant: HICKS CORNERS TRUCKING, INC., Rural Route 1, Shullsburg, WI 53586. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *general commodities,* between Blue Mounds, Barneveld, Ridgeway, Dodgeville, Edmund, Cobb, Montford, Fennimore, Stitzer, Lancaster, Livingston, Rewey, Leslie, Cuba City, and Platteville, WI, on the one hand, and, on the other, points in the U.S.

Notes.—(1) 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; and (2) the purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 45764 (Sub-37F), filed October 9, 1980. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 38, Essington, PA 19029. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 131064F, filed October 8, 1980. Applicant: Paul B. Waitze, d.b.a. LJD ENTERPRISES, 20 Mohawk St., Sharon, MA 02067. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. *Broker,* in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 152155F, filed October 8, 1980. Applicant: BOBBY R. COLE, d.b.a. COLE TRUCKING, 9660 Birchdale Ave., Downey, CA 90240. Representative: Bobby C. Cole (same address as applicant). Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

Volume No. OP3–058

Decided: Oct. 24, 1980

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman. Member Chandler not participating.

MC 143884 (Sub-4F), filed October 15, 1980. Applicant: PERSONALIZED AGENT SERVICE, INC., P.O. Box 45111, Atlanta, GA 30330. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. 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 143884 (Sub-3F), filed October 15, 1980. Applicant: PERSONALIZED AGENT SERVICE, INC., P.O. Box 45111, Atlanta, GA 30330. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. 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 22675 (Sub-10F), filed October 15, 1980. Applicant: ALLSTATES VAN LINES CORPORATION, 53–13 97th Place, Corona, NY 11368. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1112, Washington, DC 20036. Transporting *general commodities* (except used household goods, hazardous or secret materials, sensitive weapons and munitions, for the United States Government, between points in the U.S.

Volume No. OP4–100

Decided: October 22, 1980.

By the Commission, Review Board Number 3, members Parker, Fortier and Hill. Member Hill not participating.

MC 135797 (Sub-338F), filed October 15, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). 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.

Volume No. OP4–102

Decided: October 22, 1980.

By the Commission, Review Board Number 2, members Chandler, Eaton and Liberman. Member Chandler not participating.

MC 115557 (Sub-32F), filed October 15, 1980. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, PA 16242. Representative: Larry D. McCauley (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between Anchor, Buckingham, Cabery, Cereal, Charlotte, Colfax, Cooksville, Cropsey, Cullom Fletcher, Kempton, Merna, Orangeville, Red Oak, Scioto Mills, and Vista, IL; Archer, Calumet, Edna, Gaza, George, Larrabee, Matlock, and Primghar, IA; Steen, MN; Belfast, Black Creek, Rockville, and Shongo, NY; Larksville, PA; Benclare, East Sioux Falls, and Rowena, SD; Baxter, Caro, Crandall, Cuney, Cushing, Eustace, Gallatine, Gastona, Goscett, Kaufman, Kemp, LaRue, Mabank, Mahl, Ponta, Poynor, Reese, Reklaw, Sacul, Trawick, and Turney, TX; Balleville, Basco, Clarno, Fitchburg, Sterns, and Summit, WI, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

Volume No. OP4–105

Decided: October 24, 1980.

By the Commission, Review Board Number 3, members Parker, Fortier and Hill. Member Hill not participating.

MC 118446 (Sub-5F), filed October 16, 1980. Applicant: PARCEL DELIVERY & TRANSFER, INC., 1301 Whitney Rd.,

Anchorage, AK 99501. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. 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.

Volume No. OP5–044

Decided: Oct. 23, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 31879 (Sub-42F), filed October 15, 1980. Applicant: EXHIBITORS FILM DELIVERY & SERVICE, INC., 101 West 10th Avenue, North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. 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 119988 (Sub-267F), filed October 15, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Larry Norwood (same address as applicant). 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 119988 (Sub-268F), filed October 15, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Larry Norwood (same address as above). To engage in operations as a *broker*, in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 133939 (Sub-5F), filed October 15, 1980. Applicant: IMPERIAL AIR FREIGHT SERVICE, INC., 57 Freeman Street, Newark, NJ 07105. Representative: Michael R. Ryan (same address as applicant). 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 142059 (Sub-143F), filed October 9, 1980. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same address as applicant). Transporting *general commodities*, between Herscher, Buckingham, Cabery, Kempton, Saxony, Cullom, Charlotte, Chatsworth, Cereal, Risk, Cropsey, Anchor, Colfax, Cooksville, Fletcher, Merna, and Barnes, IL, Mays, New Lisbon, Sexton and Spiceland, IN, and Ramseur, NC, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

MC 150588 (Sub-1F), filed October 9, 1980. Applicant: OWINGS & SONS, INC., Box 297, Millington, MD 21651. Representative: Joseph I. Huesman, 504 Maryland Trust Bldg., Baltimore, MD 21202. Transporting *food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers*, if such transportation is provided by the owner of the motor vehicle in such vehicle (except in emergency situations) between points in the U.S.

MC 152148F, filed October 8, 1980. Applicant: CROWEL TRUCKING, INC., 4671 North Van Dyke, Almont, MI 48003. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. 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.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34310 Filed 11-3-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 386]

Increased Freight Rates and Charges—Nationwide—1981; Authority To File Master Tariff

Decided: October 3, 1980.

By petition and verified statement [1] filed September 30, 1980, United States railroads seek authority to increase freight rates and charges by 5 percent nationwide. The railroads state that their costs, including wages but excluding fuel, (except in the East), have increased by $1,440 million since the last general increase in Ex Parte No. 375 (Sub-No. 1). They estimate that if the sought 5 percent increase is granted in its entirety, they will realize about $1,197 million, $243 million short of the cost increased relied upon.

Petitioners seek permission to make the proposed increase effective December 31, 1980, upon not less than 60 nor more than 90 days' notice subject to the condition that refunds shall be made in the event that, after any investigation that the Commission deems necessary, no increase or a lesser increase than that requested is authorized. Petitioners also seek entry of a decision modifying all outstanding Commission decisions to the extent necessary to enable the railroads to file and make effective the proposed increased rates and charges. We are also requested to allow the entry of appropriate decisions under former sections 4 and 6 of the Interstate Commerce Act. (49 USC 10726 and 10761–65).

Petitioners seek authority to publish connecting-link supplements to connect the rate tariffs to the master tariff. Peitioners also seek to amend the master tariff without specific authority and to show a general statement concerning the sequence in which the proposed increase is to be applied.

The petitioners have filed and served verified statements constituting their evidential case pursuant to the requirements set forth in Ex Parte No. 290, *Procedures Governing Rail Carrier General Increase Proceedings*, 49 CFR 1102. [2] Petitioners have also submitted data of the type called for in Ex Parte No. 290 (Sub-No. 1), *Procedures-Rail Car. General Increase Proceedings*, 349 I.C.C. 22 (1974), namely, detailed information on estimated revenues which would have been obtained had the last authorized increase been fully applied, and the actual total increase in revenues realized by application of the last authorized general increase.

The petitioners have given notice of our petition and have furnished data to the public in compliance with Ex Parte No. 286, *Notice of Increases in Frt. Rates and Pass. Fares*, 349 I.C.C. 741 (1975), and with former section 5b of the Interstate Commerce Act (49 USC 10706).

The petitioners have also submitted information of the type called for in Ex Parte No. 55 (Sub-No. 4), *Revised Guidelines for the implementation of the National Environmental Policy Act of 1969*, 352 I.C.C. 451 (1976) and 49 CFR 1108, namely a supplemental evaluation of environmental consideration with regard to the petitioners' increased rate proposal. The petitioners contend that the requested increases will have no significant adverse effects upon the movement of the traffic or transportation of recyclable commodities by rail. Any persons believing that the requested increases, if

[1] A copy of the petition and verified statement may be obtained from the Committee of Counsel for Railroads, Room 527, 1920 L Street, NW, Washington, D.C. 20036.

[2] Relief from filing Schedules B (Part II) G, I, J, K and M was granted September 24, 1980. The provisions of 49 CFR 1102.4(c) pertaining to the base periods were stayed by this Commission's Ex Parte No. 290 order served June 27, 1979, and the request by petitioners here to use up-dated data in evidentiary schedules B and C is granted.

authorized, would have a significant impact upon the quality of the human environment are invited to comment upon this matter in verified statements authorized to be filed pursuant to this decision. Environmental matters and the requirements of the National Environmental Policy Act of 1969 will be considered by this Commission in any subsequent action on the merits of the requested general increases.

Petitioners have submitted information to satisfy the reporting requirements incidental to the preparation of a statement of energy impact, as set forth in 49 CFR 1106.5(a)(10) and (c) and 1106.7(a).

It is not clear whether the proposed increases violate President Carter's voluntary wage and price guidelines. We regard this as an important issue in this proceeding. Parties are invited to comment upon this matter in their verified statements, and we will consider it in our subsequent decision on the merits of the requested increases.

The petitioners request permission to file the master tariff upon not less than 60 nor more than 90 days' notice. It is essential that the master tariff be on file sufficiently long enough before the due date for protests in order to give interested parties an opportunity to lodge timely filed protests against the tariff. Notice of 75 days is justified. This will allow sufficient time after our decision for shippers to adjust their pricing systems to the Commission's action, should the increase be approved.

We also will not authorize the amendment of the master tariff with specific authority. The amendment of master increase tariffs are important enough for this Commission to consider each amendment on a case-by-case basis. This will continue our present practice.

We find that the railroads have justified an authorization to file their tariff upon not less than 75 days' notice and an expedited procedural schedule for considering the proposed increase.

The petitioners have requested that certain of the evidence submitted by them be treated as confidential by the Commission and not be released to the general public. We deny this request. The railroads have filed a petition in Ex Parte No. 290 requesting similar confidential treatment of evidence. We will deal with the issue of confidentiality in our decision on that petition.

We note that the railroad's petition for the proposed general increase was filed prior to passage of the Rail Act of 1980, which contains certain provisions applicable to rates for recycables. Comments are requested in the protests and the reply, on: (1) whether the provision of this Act as applied to recyclables should be applied in this proceeding, and (2) if so, how should they be applied to the general increase sought for recycables.

It is ordered:

1. All common carriers by railroad are made respondents to this proceeding.

2. Under the special permission authority granted in conjunction with this decision, the tariff schedules shall be published and filed upon not less than 75 days' notice effective December 31, 1980, *subject to protest and possible suspension.* These schedules are to contain an appropriate refund provision.

3. Any person opposing or wishing to comment on the proposed increase in rates and charges shall file and serve verified statements, as provided below, on or before November 7, 1980.[3]

(a) The verified statements shall contain all relevant evidence which the parties desire to have considered by the Commission as a basis for a decision on the merits. Any submissions on asserted environmental and energy impacts shall be segregated under an appropriate subheading.

(b) Verified statements may include arguments in support of an affiant's position, but arguments shall be segregated in a separate section of the document containing the verified statement or contained in a separate document simultaneously filed and served.

(c) Each verified statement shall be signed in ink by affiant and verified (notarized) in the manner provided by Rule 48 and Form No. 6 of the Commission's Rules of Practice (See 49 CFR 1100.48 and Appendix B, Form No. 6, to 49 CFR 1000). The post office address of affiant or his counsel shall be shown.

(d) Verified statements and arguments shall be filed and served as follows: The original and 24 copies of each document for the use of the Commission shall be addressed to the Secretary, and sent to the Office of Proceedings, Room 5340, Interstate Commerce Commission, Washington, DC 20423, except that a lesser number of copies may be filed upon a showing of good cause. All documents filed with the Commission in this matter shall contain the following notation on the envelope: Ex Parte No. 386. One copy shall be served upon the Committee of Counsel for the Railroads, Room 527 American Railroads Building, 1920 L Street, NW., Washington, DC 20036, which service shall constitute service upon all respondents. However, all parties able to do so shall serve 20 copies upon the railroads' representative. In all cases, where service is made by mail, the document shall be mailed in time to be received by the respective due dates.

(e) Each verified statement shall contain a certificate of service stating that it has been timely served on opposing parties.

(f) Verified statements and arguments by persons opposed to the proposed increase in rates and charges shall include all matters which they desire the Commission to consider with respect to statutory suspension of the rates pending completion of the investigation, as well as evidence relevant to the ultimate decision.

(4) On or before November 19, 1980, the respondents shall file with the Commission and service upon opposing parties their replies to protests or other pleadings and rebuttal evidence. Rebuttal evidence shall be filed in accordance with the regulations published in 49 CFR 1102, governing opening statements, except that replies and rebuttal evidence need to be served only upon the party (and his counsel if known) to whose evidence the reply or rebuttal is directed. However, replies or rebuttal statements proposing changes in the tariff shall be served on all parties. All such statement shall be furnished to interested parties upon request.

5. The Commission will endeavor to issue its decision by December 15, 1980, so that the shipping public will have adequate time to adjust its pricing system to the Commission's action.

6. The request for fourth-section relief will be considered following the filing of verified statements and replies.

By special Permission Order No. 81–0001 served in conjunction with this decision, the Commission is authorizing the filing of tariff schedules increasing rates and charges sought in the petition. These tariff schedules are to become effective upon not less than 75 days' notice to the Commission and the general public, subject to protest and possible suspension as provided by the Interstate Commerce Act. All documents filed with the Commission in this matter shall contain the following notation on the envelope: Ex Parte No. 386.

The petition is denied in all respects not specifically granted.

Special Permission No. 81–0001

It is ordered:

1. All railroads of the United States, and water and motor carriers to the extent they have joint rates with the railroads, and their tariff-publishing

[3] Section 10707(c) of the Interstate Commerce Act specifically requires the filing of *verified complaints* seeking suspension of proposed rate changes.

agents are authorized to depart from the Commission's tariff publishing rules in Part 1300 of Title 49 of the Code of Federal Regulations when publishing and filing tariffs and tariff amendments to become effective December 31, 1980, upon not less than 75 days' notice to the Commission and to the public providing for increased rates and charges as set forth in the petition.

(a) By publishing and filing a master tariff of increased rates and charges, and supplements to the master tariff, providing increases by means of conversion tables of rates and charges, which shall include, and maintain in effect, a refund provision reading as follows:

In the event any increases resulting from the application of this tariff exceed the increases subsequently approved or prescribed by the Interstate Commerce Commission, the carriers will refund the difference between the increases resulting from the application thereof and any increases which may subsequently be approved or prescribed by the Interstate Commerce Commission with percent interest.[4]

In the event any increase resulting from the application of the tariff is disapproved by the Commission and no increase is authorized, the carriers will refund the full amount of the increase collected with percent interest.[5]

The master tariff shall be conditioned to expire with December 31, 1982, and all relief granted in this decision expires with that date, which may not be extended or canceled except upon specific authorization of this Commission. Respondents are placed on notice that they must comply with the regulations in 49 CFR 1300.32 governing the transfer of railroad general increases from master tariffs. The master tariff must initially contain all provisions necessary to permit application of every aspect of this proposal. Subsequently, provisions other than those of a general character may be cancelled and transferred to the particular tariff affected upon a common effective date with appropriate notation to that effect in the master tariff.

(b) By publication and filing of a connecting link supplement to each tariff to be made subject to the master tariff, connecting such tariffs with the master. Such supplements may be blanket supplements (a common supplement issued to two or more tariffs).

(c) The master tariff and connecting link supplements issued and filed under this decision shall not provide for non-application on interstate traffic competitive with intrastate traffic between the same points unless the interstate rates and routes are specifically identified in the connecting link supplements or other amendments to the tariffs.

(d) By publication and filing of tariffs or amendments to tariffs effective concurrently with the master tariff and upon the same notice which provide specifically increased rates and charges but which do not result in an increase in charges for transportation and other services greater than those specified in the petition, provided all such publications are identified in the tariffs and made subject to a refund clause worded substantially as in paragraph 1(a) above.

2. (a) The master tariff, as amended, and all other tariffs and amendments to tariffs, that employ the shortform methods authorized here shall bear the notation:

Form of publication authorized, I.C.C. permission No. 81–0001.

(b) Tariffs or amendments to tariffs publishing specifically increased rates or charges shall provide a notation reading:

Publication made in accordance with I.C.C. permission No. 80–0001.

4. Connecting-link supplements authorized here shall be exempted from the Commission's tariff-publishing rules governing the number of supplements and the volume of supplemental matter permissible.

5. The master tariff filed under this decision shall not be amended, except to correct errors and to comply with findings and orders of the Commission, without specific authorization. The terms of 40 CFR 1300.9(e) are not waived as to supplements to the master tariff.

6. Tariff publishing agents must furnish a copy of the master tariff to subscribers of all tariffs which are governed by the master tariff. This must be done not later than the date that copies are sent to the Commission. When there is more than one tariff of a subscriber governed by the master tariff, only one copy of the master tariff need be furnished to the subscriber unless additional copies are requested.

7. Outstanding decisions of the Commission are modified only to the extent necessary to permit the filing of tariff publications containing the proposed increase, and all tariff publications filed shall be subject to protest and possible suspension and rejection. In that regard, we direct petitioners' attention to our admonitions in prior general increase proceedings concerning maintenance and preservation of existing port relationships. See, for example, *Increased Freight Rates and Charges, 1972*, 341 I.C.C. 288, 336, and *Increased Freight Rates, 1970 and 1971*, 339 I.C.C. 125, 188.

Notice of the filing of a railroad general increase petition will be given by sending a copy of this decision to each party to the Ex Parte No. 375 proceeding, to the Governor and public utility regulatory body of each State, the Environmental Protection Agency, the Special Assistant to the President for Consumer Affairs, and by depositing a copy in the Office of the Secretary of the Commission at Washington, DC, and by filing a copy with the Director, Office of The Federal Register for publication in the **Federal Register.**

8. This Special Permission will expire with December 31, 1982.

9. Volume coal rates which already include a factor for future labor wage increases shall not be subject to this increase. The proposed tariff will be amended to exempt all such tariffs if they have not already been excluded from this increase.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam. Commissioner Trantum dissenting with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Trantum, dissenting:

In their petition, the railroads have not demonstrated that another general rate increase is the only means of relief available. Their brief discussion of the status of Ex Parte No. 290 (Sub-No. 2), which would establish an automatic cost recovery program, falls far short of what the Commission contemplated one year ago in Ex Parte No. 368.

Across-the-board indexing is not the only tool available. Protests and replies in this proceeding should address the full range of alternatives. For example, rail contract filings at the Commission are increasing constantly. In addition, innovative independent tariffs have been approved and gone into effect (see Special Permission No. 80–4771, in which the Illinois Central Gulf established a zone of flexibility on freight-all-kinds boxcar traffic, within which rates can move between 55 and 120 percent of previous levels on 2-day's notice).

The imminent signing of the Staggers Rail Act of 1980 may well affect this proposal. It is not clear, however, that

[4] The interest rate to be inserted in the refund provision shall be equal to the average yield (on the date such schedule is filed) of marketable securities of the United States which have a duration of 90 days. See Section 10707(d) of the Interstate Commerce Act.

[5] See footnote 4.

getting one last general rate increase in under the wire is what the Congress had in mind.

[FR Doc. 80-34313 Filed 11-3-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-45 (Sub-No. 1)]

Interpretation of Commodity Classification: Wood Chips

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Commodity Interpretation.

SUMMARY: The Interstate Commerce Commission is proposing to interpret the commodity classification wood chips. This proceeding involves the question of whether wood waste, residue, slabs, trimmings, shavings and edgings should be embraced within the commodity classification wood chips. Representations are solicited concerning industry, or public, usage and practice as to the nature of wood chips, for transportation purposes.

DATE: Written comments should be filed on or before December 4, 1980.

ADDRESS: Send comments (an original and 15 copies, if possible) to: Ex Parte No. MC-45 (Sub-No. 1), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Judy Ann Barnes (202) 275-7962 or Edward E. Guthrie, (202) 275-7691.

SUPPLEMENTARY INFORMATION: The Motor Carrier Act of 1980, Public Law 96-296, July 1, 1980, Sec. 7.(C) amended Section 10526(a) of Title 49, United States Code, by exempting from regulation, by the Interstate Commerce Commission, the transportation of wood chips. We believe the new legislation requires the proposed interpretation of the scope of this exemption. While the intent to exempt wood chips is clear, the scope of the exempted commodity is not defined within the new Act. Therefore, we propose to define the exempted commodity. In so doing, we wish to consider industry or trade uses and practices, common understandings within the transportation industry, as well as prior administrative interpretations. We note that this Commission has found that "wood chips" embraces the commodity "wood shavings," see *Pudget Sound Truck Lines—Investigation & Revocation*, 114 M.C.C. 25, 29, (1971).

Our proposed interpretation would include wood residue, waste, slabs, trimmings, shavings and edgings within the definition of wood chips. However, others may be able to present reasons which would warrant a finding that other articles should be included within the definition, or that one or all of the articles specified would be beyond the scope of the wood chips definition. We believe that interested members of the public should be afforded an opportunity to present their views on this interpretation question.

Oral hearings do not appear necessary at this time, and none are contemplated. Anyone wishing to participate in the development of the record may do so by the submission of written data, views, or arguments. Written material submitted will be avialable for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, DC, during regular business hours.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

This notice is issued under the authority contained in 49 U.S.C. § 10321 and 5 U.S.C. § 553.

Date: October 10, 1980.

By the Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34322 Filed 11-3-80; 8:45 am]

BILLING CODE 7035-01-M

[No. 37474]

Kentucky Intrastate Freight Rates and Charges on Coal

Decided: October 21, 1980.

By a motion filed September 22, 1980, the Chesapeake and Ohio Railway Company (C&O or petitioner) requests leave to file an amended petition and submits its amended petition for filing. In a decision dated August 21, 1980, we granted C&O's original petition, filed July 7, 1980, to institute an investigation under 49 U.S.C. § 11501 into whether the intrastate rail freight rates and charges for coal, limestone, liquefied petroleum gas and common lime cause unreasonable discrimination against or impose an unreasonable burden upon interstate or foreign commerce due to the failure to apply to intrastate traffic the increases authorized for interstate traffic in Ex Parte Nos. 357-A and 368-A.

Petitioner now requests that the Commission include in its investigation a Kentucky Railroad Commission (KRC) rate decision not covered by C&O's original petition. C&O filed an application with the KRC on February 28, 1980, to apply the 4 percent general rate increase authorized by the Commission in Ex Parte No. 375 to the Kentucky intrastate rates. In an order issued September 10, 1980, the Kentucky Railroad Commission authorized an intrastate general rate increase of only 3.3 percent, lower than the interstate increase authorized in Ex Parte No. 375. We agree that this KRC order should be included in our investigation under the modified procedure order served September 30, 1980. We note that no parties have indicated their opposition.

It is ordered:

Petitioner's motion for leave to file an amended petition is granted and its amended petition is accepted for filing in this proceeding. In this investigation under 49 U.S.C. § 11501 we will consider whether the Kentucky intrastate rail freight rates for the above named commodities cause unreasonable discrimination against or impose an unreasonable burden upon interstate or foreign commerce due to the failure to apply to intrastate traffic the increases authorized by the Commission in Ex Parte Nos. 357-A, 368-A and 375. In the investigation we shall also determine if any rates or charges maintained by petitioner should be prescribed to remove any unreasonable discrimination, undue burden, or other violation of law found to exist.

A copy of this decision shall be served upon the petitioner, and copies shall be sent by certified mail to the Kentucky Railroad Commission and the Governor of Kentucky. Further public notice shall be made by depositing a copy of this decision in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and with the Director, Office of the Federal Register, for publication therein.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34318 Filed 11-3-80; 8:45 am]

BILLING CODE 7035-01-M

[Amendt. No. 5 to I.C.C. Order No. 65 Under Service Order No. 1344]

Railroads; Rerouting Traffic

To: All Railroads. Upon further consideration of I.C.C. Order No. 65, and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 65 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., December 15, 1980, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., October 31, 1980.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1980.

Interstate Commerce Commission.

Robert S. Turkington,

Agent.

[FR Doc. 80-34311 Filed 11-3-80; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 1 to I.C.C. Order No. 71 Under Service Order No. 1344]

Railroads; Rerouting Traffic

To: Fort Worth and Denver Railway Company. Upon further consideration of I.C.C. Order No. 71, and good cause appearing therefor:

It is ordered,

I.C.C. Service Order No. 71 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., October 31, 1980, unless otherwise modified, amended or vacated.

Effective date. This amendment shall become effective at 11:59 p.m., October 15, 1980.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 14, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-34323 Filed 11-3-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.115]

Principal Aid Officer, Oman; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Principal AID Officer, Oman, the authority to sign:

1. U.S. Government contracts, grants, or amendments thereto provided that the aggregate amount of each individual contract or grant does not exceed $50,000 or local currency equivalent;

2. Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent; and

3. Approvals authorizing the making of advance payments to other than profit-making organizations not collecting a fee.

The authority herein delegated may be redelegated in writing, in whole or in part, by the Principal AID Officer at his discretion to the person or persons designated by the Principal AID Officer as Contracting Officer. Such redelegation shall remain in effect until such designated person or persons cease to hold the office of Contracting Officer or until the redelegation is revoked by the Principal AID Officer whichever shall first occur. The authority so redelegated by the Principal AID Officer may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein redelegated may be exercised by duly authorized persons who are performing the functions of the Principal AID Officer in an acting capacity.

Actions within the scope of this delegation heretofore taken by officials designated in any previous delegation or redelegation are hereby ratified and confirmed.

This redelegation of authority is effective on October 17, 1980.

Dated: October 27, 1980.

Francis J. Moncada,

Acting Director, Office of Contract Management.

[FR Doc. 80-34409 Filed 11-3-80; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

National Advisory Committee for Juvenile Justice and Delinquency Prevention; Meeting

Notice is hereby given that the National Advisory Committee for Juvenile Justice and Delinquency Prevention and its Subcommittees will meet Wednesday, November 19 through Saturday, November 22, 1980, at Del Webb's Townhouse in Phoenix, Arizona. The meeting is open to the public.

Beginning Wednesday morning at 8:30 a.m., the Advisory Committee members will attend an orientation session in preparation for site visits to three Indian reservations. The visits to the Hopi Tribe in Keans Canyon, Arizona; the Gila River Tribe in Sacaton, Arizona; and the Papago Tribe in Sells, Arizona, will last until early evening.

The Advisory Committee will be called to order at 9 a.m., Thursday, November 20. After the welcome and keynote addresses, Mr. Ira Schwartz, Associate Administrtor of the Office of Juvenile Justice and Juvenile Prevention, will deliver his report to the Advisory Committee. Following a brief recess, a panel discussion on "Native American Youth and the Juvenile Justice System" will be held.

From Noon until 1:30 p.m., a luncheon will be held for Advisory Committee members and guests. After lunch, the presentation on Native American Youth will continue. Public commentary will be held from 3:30 p.m. until the 5 p.m. recess.

The Advisory Committee's Executive Committee will meet with Mr. Schwartz on Thursday evening from 6 p.m. to 8 p.m. His report will include discussion on the status of Reauthorization of the Juvenile Justice and Delinquency Prevention Act, Native American Juvenile Justice issues relevant to OJJDP, and issues for the Advisory Committee to discuss in the future.

Other topics to be considered by the Executive Committee include the White House Conference on Children and Youth and the Advisory Committee Work Plan for fiscal year 1981.

On Friday, November 21, 1980, the Advisory Committee's four subcommittees will convene at 9 a.m. and continue until 5 p.m. In addition to addressing Native American issues and

Subcommittee Work Plans, the Subcommittee to Advise the Administrator of OJJDP will discuss the Third Annual State Advisory Group Conference, recommendations made by the Technical Assistance Task Force, and Prevention as a major focus of OJJDP Programs; the Subcommittee on Concentration of Federal Effort will discuss Federal cordination efforts, including Federal Coordinating Council activities, the status, treatment and placement of Cuban refugee children, and follow-up to the Third Annual AG Conference; the Subcommittee to Advise the National Institute plans to consider follow-up on the re-analysis of the research in *Beyond Probation* at the Special meeting of the Institute Subcommittee on November 7, the National Juvenile Justice Assessment Centers, and NIJJDP's fiscal year 1981 Program Plan; and the Subcommittee on Standards will discuss the upcoming public hearings on the NAC Standards, and a comparative analysis of juvenile justice standards.

The full Advisory Committee will reconvene Saturday, November 22, at 9 a.m. and present their Subcommittee reports. Future agenda, the NAC policies and procedures, and the annual report will also be discussed at this time. Following adjournment of the meeting at 12:30 p.m., the Executive Committee will meet until 1:30 p.m.

For further information, contact Dr. James Howell, NAC Coordinator, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, 633 Indiana Avenue NW., Washington, DC 20531.

Ira M. Schwartz,

Administrator, Office of Juvenile Justice and Delinquency Prefention.

[FR Doc. 80-34330 Filed 11-3-80; 8:45 am]

BILLING CODE 4410-80-M

National Institute of Justice

Unsolicited Research Program, Announcement of Competitive Research Grant Program; Solicitation

The National Institute of Justice (NIJ) announces a competitive research grant program, the Unsolicited Research Program (URP). Through this program, NIJ sponsors a limited number of projects that address significant issues pertaining to adult criminal justice, that are of sound methodological design, and have potentially important implications for criminal justice policy, practice, research and/or theory.

During fiscal year 1981, two (2) funding cycles will be initiated. All papers postmarked before midnight December 31, 1980 will be considered for funding during Cycle 1. All papers postmarked after midnight December 31, 1980 and before June 30, 1981 will be considered for funding during Cycle 2.

All this time the NIJ appropriation for fiscal year 1981 has not been finalized. If the proposed request is adopted, the Institute will allocate approximately $1,000,000 for the URP, with approximately $500,000 available for each funding cycle. If a figure less than the amount requested is appropriated, this funding level will be modified and Cycle 2 funding may be eliminated. In either case, the total amount of awards will depend upon receipt of high quality proposals that meet all criteria. Approximately one-third of the amount available during each cycle will be allocated for grants of $60,000 or under. The range of funding for each grant will be from $10,000 to $120,000 for research of up to two years duration.

Copies of this solicitation may be obtained by sending a mailing label to: Solicitation Requests—Unsolicited Research Program, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: October 24, 1980.

Harry M. Bratt,

Acting Director, National Institute of Justice.

[FR Doc. 80-34329 Filed 11-3-80; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-10,901]

Davenport Pontiac, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 15, 1980 in response to a worker petition received on September 11, 1980 which was filed by the International Association of Machinists and Aerospace Worker on behalf of workers at Davenport Pontiac, Incorporated, St. Louis, Missouri. The workers sold and serviced Pontiac automobiles and trucks.

On August 4, 1980, an investigation (TA-W-9724) was initiated on behalf of the same group of workers as TA-W-10,901.

Since the identical group of workers is the subject of the ongoing investigation TA-W-9724, a new investigation would serve no purpose. Consequently the investigation has been terminated.

Signed at Washington, D.C. this 24th day of October 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-34359 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,668]

Florsheim Shoe Co.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 8, 1980 in response to a worker petition received on September 2, 1980 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers at Florsheim Shoe Company, West End Boulevard plant, Cape Girardeau, Missouri. The workers produce men's shoes.

The investigation revealed that another petition (TA-W-4528) resulted in a certification of eligibility to apply for trade adjustment assistance for the same group of workers. That certification was issued on February 28, 1979 and remains in effect until February 28, 1981. Workers at Florsheim Shoe Company, West End Boulevard plant, Cape Girardeau, Missouri are, therefore, eligible to apply for adjustment assistance under the existing certification (TA-W-4528). Consequently, the investigation has been terminated.

Signed in Washington, D.C., this 23d day of October 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-34358 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,582]

Thunderline Corp.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 8, 1980 in response to a worker petition received on August 26, 1980 which was filed on behalf of workers and former workers producing spark plug boots and related rubber and silicone parts for automobiles and trucks at the Thunderline Corporation, Wayne, Michigan (TA-W-10,582).

On August 15, 1980, a petition was filed on behalf of the same group of workers (TA-W-10,368).

Since the identical group of workers is the subject of the ongoing investigation TA-W-10,368, a new investigation

would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 24th day of October 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-34360 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,682]

United Technologies Corp., Automotive Group, Components Division; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was instituted on September 8, 1980 in response to a worker petition which was filed by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers at United Technologies Corporation, Automotive Group, Components Division, Columbia City, Indiana. The workers produce hydraulic lines and fittings (TA-W-10,682).

On July 7, 1980 an investigation was initiated in response to a petition received on June 23, 1980 which was filed by the United Brotherhood of Carpenters and Joiners of America on behalf of workers at Essex Metals and Plastics Division, Coldwater, Michigan. The investigation revealed the correct name of the company to be United Technologies Corporation, Automotive Group, Components Division, Coldwater, Michigan. The workers produce hydraulic lines and fittings (TA-W-9180).

The above investigation (TA-W-9180) was expanded to include workers producing similar products at United Technologies' plants at Columbia City, Indiana (TA-W-9180A), and Andrews, Indiana (TA-W-9180B).

Since the identical group of workers is the subject of the ongoing investigation (TA-W-9180A), a new investigation would serve no purpose. Consequently the investigation has been terminated.

Signed at Washington, D.C. this 27th day of October 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-34361 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-28-M

Occupational Safety and Health Administration

South Carolina Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(e) of the Act and 29 CFR Part 1902. On December 6, 1972, notice was published in the **Federal Register** (37 FR 25932) of the approval of the South Carolina plan and the adoption of Subpart C to Part 1952 containing the decision.

The South Carolina plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.41 of 29 CFR provides that "Where any alternation in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to the State plan shall be required." By letter dated April 1, 1980 from Edgar L. McGowan, Commissioner, South Carolina Department of Labor, to Robert A. Wendell, Regional Administrator, and incorporated as a part of the plan, the State submitted the following amended State standards comparable to Federal standards:
§ 1910.217 Mechanical Power Presses, Corrections dated February 8, 1980;
§ 1910.177 Servicing Multi-Piece Rim Wheels, dated January 29, 1980;
§ 1910.1025 Lead, Corrections to the Appendices, dated November 30, 1979;
§ 1910.1025 Lead, Appendices dated October 23, 1979.

These standards were promulgated after public hearings held on March 31, 1980, and filed with the South Carolina Secretary of State March 31, 1980, pursuant to Act 379, South Carolina Acts and Joint Resolutions, 1971 (Sections 40-261 through 40-274 South Carolina Code of Laws, 1962).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to or as effective as the Federal standards.

The State standards are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, South Carolina Department of Labor, 3600 Forest Drive, Columbia, South Carolina 29211; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30367; and Director of Federal Compliance and State Programs, Room 3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

4 *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The assistant Secretary finds good cause exists for not publishing the supplement to the South Carolina State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are essentially identical to the comparable Federal standards and are deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective November 4, 1980.

(Sec. 18, Pub. L. 91-396, 84 Stat. 1608 (29 U.S.C 667))

Signed at Atlanta, Georgia, this 28th day of May, 1980.

R. A. Wendell,

Regional Administrator.

[FR Doc. 80-34362 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-26-M

Pension and Welfare Benefit Programs

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 29 U.S.C. 1142, a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 9:30 a.m. on Thursday, November 13, 1980, in Room S4215C, U.S. Department of Labor, Third and Constitution Avenue, N.W., Washington, D.C.

The purpose of the meeting is to discuss the items listed below and to invite public comment on any aspect of the administration of ERISA.

1. Department of Labor Progress Report
2. Retirees and Terminated Vested Employees
   (a) Plan information disclosure
   (b) Lump sum distribution
3. Women's Pension and Social Security Issues
4. Statements from the Public.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA, by submitting 30 copies on or before November 12, 1980, to the Administrator, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room S-4522, Third and Constitution Avenue, N.W., Washington, D.C.

Persons desiring to address the Council should notify Edward F. Lysczek, Executive Secretary of the Advisory Council, in care of the above address or by calling (202) 523-8753.

Signed at Washington, D.C. this 27th day of October, 1980.

Ian D. Lanoff,

Administrator of Pension and Welfare Benefit Programs.

[FR Doc. 80-34333 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-83]

Class Exemption for Certain Transactions Involving Purchase of Securities Where Issuer May Use Proceeds To Reduce or Retire Indebtedness To Parties in Interest

AGENCY: Department of Labor.

ACTION: Grant of Class Exemption.

SUMMARY: This class exemption permits, under certain conditions, purchases of securities by employee benefit plans when the proceeds from the sale of such securities may be used by the issuer to reduce or retire indebtedness to persons who are parties in interest with respect to such plans. In the absence of the retroactive and prospective relief provided by this exemption, these transactions might be prohibited by the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code).

EFFECTIVE DATE: Section I(B) of this exemption is effective December 1, 1980. The remainder of this exemption is effective January 1, 1975.

FOR FURTHER INFORMATION CONTACT: William J. Flanagan, Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, (202) 523-7925. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On July 27, 1979, notice was published in the Federal Register (44 FR 44286) of the pendency before the Department of Labor (the Department) of a proposal for a class exemption from the restrictions of section 406(a)(1) (A) through (D) and section 406(b) (1) and (2) of the Act, and from the taxes imposed by section 4975 (a) and (b) of the reason of section 4975(c)(1) (A) through (E) of the Code for transactions described in an application filed by the American Bankers Association (ABA).[1] The notice set forth a summary of facts and representations contained in the application, and referred interested persons to the application for a complete statement of facts and representations. The application has been available for public inspection at the Department in Washington, D.C.

Public comments and requests for a hearing with regard to the proposed class exemption were received pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Notice of a public hearing on the proposed exemption was published on December 21, 1979 (44 FR 75756), and the public hearing was held on January 24, 1980. The record of such hearing remained open until February 15, 1980, and additional comments were received.

Upon consideration of all of the comments submitted and testimony received, the Department has determined to grant the proposed class exemption, subject to certain modifications. These modifications and the major comments are discussed below.

Description of the Proposal

The proposed class exemption contained in the notice of pendency provided conditional relief prospectively and retroactively to January 1, 1975 for transactions involving purchases of securities in a public offering by an employee benefit plan when the proceeds from such sale of securities may be used to reduce or retire indebtedness to a party in interest [2] with respect to such plan. Section I(A) of the proposed exemption would provide relief from sections 406(a)(1) (A) through (D) of the Act and section 4975(c)(1) (A) through (D) of the Code retroactively from January 1, 1975 to the date 30 days after the publication of the final exemption. Such retroactive relief would be available for transactions in which the proceeds of the sale of securities to a plan may be used to reduce or retire indebtedness owed to a party in interest other than the plan fiduciary which made the decision to purchase such securities. Such relief would be available provided that the price paid by the plan for the securities did not exceed adequate consideration.

Section I(B) of the proposed exemption would provide prospective relief, effective 30 days after the publication of the final exemption, from the prohibitions of section 406(a)(1) (A) through (D) of the Act and section 4975(c)(1) (A) through (D) of the Code for transactions in which indebtedness owed to a party in interest other than the plan fiduciary which made the decision to purchase the securities may be reduced or retired. This prospective relief would be available provided that the conditions contained in section II(A) of the proposed exemption were met. Proposed section II(A) would require that: (1) the price paid by the plan fiduciary for the securities does not exceed the original offering price; and (2) the fiduciary, on behalf of the plan, maintains, for a period of six years, records which are sufficient to allow a determination of whether the conditions of the exemption have been met, and which are unconditionally available for examination during normal business hours by the persons listed in section II(A)(2)(b) of the proposed exemption.

For transactions in which the proceeds of the sale of securities in a public offering may be used to reduce or retire indebtedness owed to the plan fiduciary which made the decision to purchase such securities, section I(C) of the proposed exemption would provide retroactive and prospective conditional relief only when such fiduciary is a bank. Such relief from the restrictions of sections 406(a)(1) (A) through (D) and 406(b) (1) and (2) of the Act and the taxes imposed by reason of section 4975(c)(1) (A) through (E) of the Code would be subject to the conditions in section II(A) discussed above. Such relief would also be subject to additional conditions when the fiduciary bank knows, as defined in section I(C), that the proceeds will be used to benefit such fiduciary.[3] These conditions would

---

[1] Exemption Application No. D-690. This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue this type of exemption to the Secretary of Labor.

[2] When the term "party in interest" is used in this notice, it should be read to include the term "disqualified person" as defined in section 4975(e)(2) of the Code.

[3] The applicant represents that a fiduciary bank's employees who are responsible for investing plan assets will not ordinarily know that a prior loan by the fiduciary bank will be reduced or retired with proceeds from an issuance of securities. The applicant indicates that the commercial and trust functions of banks are kept separate to a certain extent in order to comply with regulations adopted by the Office of the Comptroller of the Currency, 12 CFR 9.7(d), and the Policy Statement of the Board of Governors of the Federal Reserve System (43 FR 2755, March 27, 1978), which set forth guidelines to prevent the misuse of material inside information by bank trust departments in connection with the

Footnotes continued on next page

include a three percent limitation on the amount of securities in an offering purchased on behalf of a plan; a three percent limitation on the amount of assets of a plan used to make such purchases, except that the limitation is one percent if the consideration to be paid exceeds $1 million; and a ten percent limitation on the amount of securities purchased in an offering on behalf of all plans as to which the fiduciary bank has investment discretion. These conditions would also limit the type of securities which may be purchased and the type of issues which may be involved in such transactions.

Section I(C) of the proposed exemption also contained a three part definition of knowledge. First, a fiduciary bank would be deemed to know that the proceeds will be used for its benefit if the officers or employees of such fiduciary who are authorized to be involved, or who are in fact involved, in carrying out such fiduciary's investment obligations receive actual knowledge of the use of the proceeds. Second, the fiduciary bank would be deemed to have such knowledge if such officers or employees possess information reasonably sufficient to cause them to believe that the proceeds will be used to benefit such fiduciary. Third, the fiduciary bank would be deemed to know that the proceeds would be used for its benefit if such knowledge or information is received by employees or agents of the fiduciary and such knowledge or information should, in the normal course of business, be communicated to the fiduciary bank's officers or employees who are authorized to be involved, or who are in fact involved, in carrying out the fiduciary's investment duties.

Section I(D) of the proposed exemption provided retroactive and prospective relief from the prohibitions of sections 406(a)(1) (A) through (D) and 406(b) (1) and (2) of the Act, and the taxes imposed by reason of section 4975(c)(1) (A) through (E) of the Code for the receipt by a party in interest of any of the proceeds from the sale of securities when such proceeds may be used to reduce or retire indebetedness owed to that party in interest.

Discussion of Comments

A. Sections I(A) and I(B)

The Department received one comment regarding section I(A) of the exemption. The commentator addressed the requirement that, in order to qualify for retroactive relief when the proceeds of a sale of securities to a plan are used to benefit a party in interest other than the plan fiduciary, the price paid by the plan for such securities does not exceed adequate consideration. The term "adequate consideration" was not defined in the exemption as proposed and the commentator suggests that the Department adopt the definition of this term provided in section 3(18)(B) of the Act. The Department has decided to adopt this suggestion, and has modified the exemption accordingly. No comments were received on section I(B).

B. Section I(C)

The largest number of comments received by the Department dealt with the provisions of section I(C) of the proposed exemption. The specific issues raised by the comments with regards to the relief proposed in section I(C) are discussed below.

1. *Limitation to Bank Fiduciaries.* Two commentators suggested that the relief in section I(C) be expanded to include transactions in which the proceeds of the sale of securities are used to reduce or retire indebtedness owed not only to the fiduciary bank but also to corporate affiliates of such bank or of the bank holding company controlling such fiduciary bank. As the Department noted in the preamble to the proposed exemption (44 FR 44286, 44288), the relief in section I(C) was limited to bank fiduciaries because the record before the Department at that time was insufficient to support the proposal of relief for fiduciaries which are not banks. The commentators have indicated that bank affiliates are similar to banks both in their involvement in the types of transactions covered by the proposed exemption, and in the application of "Chinese Wall" procedures to their internal operations. Therefore, when a bank affiliate is a fiduciary with respect to a plan, the employees of the affiliate who are responsible for investing plan assets may not know that a prior extension of credit from the bank or from the affiliate will be reduced or retired with the proceeds from an issuance of securities.

In light of this, the Department has determined that it is appropriate to expand the relief provided in section I(C) as the commentators have requested. Accordingly, section I(C) is modified to apply to situations in which the proceeds from the purchase of securities on behalf of a plan by a plan fiduciary which is a bank or a bank affiliate may be used to reduce or retire indebtedness owed to such fiduciary bank or an affiliate thereof.

In addition, the Department is modifying section II(B) by the addition of a definition of the term "affiliate." Under this definition, "affiliate" of a bank means any entity directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with the bank.

2. *Condition I(C)(3).* Condition I(C)(3) of the exemption as proposed required that when the fiduciary knows, as defined in section I(C), that the proceeds of a sale of securities may be used to benefit such fiduciary, relief will be available for such a transaction only if the issuer of the securities has been in continuous operation for at least three years, unless the securities are highly rated, nonconvertible debt securities. One commentator has suggested the deletion of this condition. The commentator states that this condition has no substantial relationship to the exemption's purpose of protecting plans from abuse due to fiduciary self-dealing. The commentator argues that the only effect of this condition would be to burden capital markets for newly formed companies.

The Department's intention in including this condition in the proposed exemption was to protect plans from situations in which bank fiduciaries, having loaned funds used to establish a company, then used plan monies to allow the new company to pay off its initial indebtedness. The commentator has not indicated why such a situation would be free from the possibility for abuse. Therefore, the Department is not persuaded to delete this requirement and retains this condition in the final class exemption.

3. *Percentage Limitations.* In the exemption as proposed, the conditions contained in paragraphs I(C)(4), I(C)(5) and I(C)(6) limited the extent to which plans may purchase securities in an issue when a fiduciary bank knows, as defined in section I(C), that the proceeds from such sales may be used for its benefit. Paragraph I(C)(4) of the proposal provided that the amount of such securities purchased by the fiduciary bank on behalf of any individual plan may not exceed three percent of the total issue. Paragraph I(C)(5) of the proposal provided that the consideration paid by any plan to purchase such securities may not exceed three percent of the value of the assets of such plan as of the last day of the most recent fiscal quarter of the plan prior to such transaction, except when such consideration exceeds $1 million, in which case such consideration may

Footnotes continued from last page
purchase or sale of securities. The applicant stated that the measures taken to prevent the flow of such material inside information are referred to within the banking industry as the construction of a "Chinese Wall" between the commercial and trust departments.

not exceed one percent of the value of plan assets. Paragraph I(C)(6) as proposed provided that the total amount of securities purchased by a fiduciary bank on behalf of all plans as to which such bank acts as a fiduciary may not exceed ten percent of the issue.

The Department has received a number of comments criticizing these percentage limitations and suggesting either a general revision or specific modifications of these conditions. The commentators suggesting a general revision of these provisions state their belief that, by these paragraphs, the Department is attempting to establish a *de minimis* standard. While these commentators agree on the desirability of such a standard, they assert that the limitations proposed by the Department would unduly restrict fiduciaries in the exercise of their investment discretion. As an alternative to the conditions proposed by the Department, the commentators suggest that the Department exempt transactions where the fiduciary knows, as defined in paragraph I(C), that the proceeds of a sale of securities will be used for its benefit so long as no more than twenty percent of the gross proceeds of the issue are used to reduce or retire indebtedness to such fiduciary bank.

Upon consideration of these comments, the Department is not convinced that the suggested substitutte provision would be sufficiently protective to permit the Department to make the findings required by section 408(a) of the Act and section 4975(c)(2) of the Code. The conditions proposed by the Department were intended to limit the use of plan assets to purchase securities when the fiduciary bank knew that the proceeds from such purchases would accrue to its benefit. The suggested substitute provision would supply a supposed *de minimis* standard for the extent to which the proceeds of a securities issue could be used to reduce or retire indebtedness owed to a fiduciary bank. The suggested substitue fails to account for the degree to which plan assets may be committed to achieve this supposed *de minimis* level of repayment. The applicants' argument that a fiduciary receiving less than 20 percent of the proceeds of an issue would have an interest in that issue insufficient to create the possibility of abuse is not persuasive, since (1) a fiduciary bank might use a substantial amount of plan assets in such a transaction and (2) a substantial amount of the bank's indebtedness might be retired in connection with the purchase of such securities. Therefore, the Department does not adopt this suggested substitute and has determined to retain the structure of these paragraphs as proposed.

Several commentators made suggestions regarding specific revisions of the proposed percentage limitations. Two commentators argue that all of the percentages are too low and would unduly restrict fiduciary investment discretion. However, these commentators have not suggested higher levels they would consider acceptable, nor have they presented evidence or arguments in support of such changes or the need therefor. In the absence of such a basis, the Department has decided not to raise the percentage limitations generally.

With regard to the provisions of paragraphs I(C)(5), which limit the percentage of plan assets which may be used to purchase securities, one commentator suggests that the percentage should apply only to the assets under management of the fiduciary bank. This same commentator suggests that plan assets should be valued as of the most recent valuation date preceding the transaction. The Department has decided to adopt these comments and has modified this paragraph accordingly.

Also regarding this paragraph, this commentator suggests the elimination of the one percent limitation on plan assets used to purchase securities when the consideration for such purchase exceeds $1 million. The commentator notes that a plan with assets valued between $33 million and $100 million cannot utilize the three percent limitation contained in this paragraph without exceeding the $1 million limit, and at the same time would be forced to commit less than $1 million when held to the one percent limitation. Therefore, this commentator argues that the one percent limitation discriminates against plans with assets valued between $33 million and $100 million, and should be eliminated. Upon consideration of this comment and the purposes served by the limitation, the Department has decided to delete the one percent limitation.

With regard to the provisions of paragraph I(C)(6), one commentator states that the limitation of purchases by any fiduciary bank on behalf of all plans as to which it is a fiduciary to ten percent of an offering discriminates against large fiduciary banks. The commentator states that the effect of this condition is to prevent a bank acting as a fiduciary to more than three plans from purchasing for each plan to maximum amount of securities allowed under former paragraph I(C)(4), which limits a plan's purchase to three percent of an issue. The Department notes, however, that the ten percent limitation assures that no fiduciary can gain repayment of its loans or those of an affiliate by using the assets of the plans as to which it is a fiduciary to purchase all, or a substantial portion of, the securities in an issue. The commentator also has presented nothing to indicate how the proposed ten percent limitation would be disruptive of or require changes in existing sound bank investment practices. Accordingly, the Department does not adopt this comment.

Finally, several commentators have requested that, if the Department decided to retain the percentage limits as proposed, the Department should take the position that securities purchased by commingled or collective trusts in which a plan participates should be attributed to that plan proportionally on the basis of its participation in the fund. The Department has decided to adopt this comment, and has therefore added a new subsection II(B)(3), which provides that each plan participating in a collective or commingled fund shall, for the purpose of this exemption, be considered to own the same proportionate undivided interest in each asset of the collective investment fund as its proportionate interest in the total assets of the collective investment fund as calculated on the most recent preceding valuation date of the fund.

4. *Knowledge.* Paragraph I(C)(7) of the exemption as proposed defined the three instances in which a fiduciary bank will be deemed to know that the proceeds of a sale of securities will be used to reduce or retire indebtedness owed to such fiduciary bank or any affiliate thereof. The commentators generally agree with the provisions of subparagraph (a) of this paragraph, which stated that a fiduciary will be deemed to possess the requisite knowledge if such knowledge is actually communicated to the fiduciary bank's officers and employees who are involved in making investment decisions. With regard to subparagraph (b), which deemed a fiduciary to possess the requisite knowledge if the fiduciary bank's officers and employees involved in the investment process possess information reasonably sufficient to cause belief that the proceeds will be used to benefit the fiduciary bank, one commentator stated that this standard is so vague that banks would be forced to comply, in all cases, with the restrictive conditions set forth in section I(C). However, this commentator offered no constructive suggestions for modifying subparagraph (b). The Department has

re-examined this subparagraph in light of this comment, and has determined that the provision is not so vague as to produce the results described by this commentator. The Department, therefore, does not accept this comment.

The same commentator criticized subparagraph (c) of the proposal, which deemed a fiduciary bank to know that the proceeds will be used for its benefit if such knowledge or information is received by employees or agents of such fiduciary, and such knowledge or information should, in the normal course of business, be communicated to the bank's officers and employees involved in the investment process. This commentator indicated that the provisions of that paragraph would require banks to undertake detailed investigations which might breach the so-called "Chinese Wall" established pursuant to federal guidelines designed to prevent the flow of material information between the corporate loan and trust departments of banks.

In addition, this commentator joined with others in criticizing the provisions of proposed subparagraphs I(C)(7) (b) and (c) as establishing a "constructive knowledge" test which would be difficult to administer. As a substitute, these commentators suggest that, in the absence of actual knowledge, the terms of the prospectus pursuant to which the securities are offered should be determinative. In other words, the commentators state that if the prospectus is silent as to the use of proceeds, or if the prospectus states that the proceeds will be used to reduce or retire indebtedness but does not identify the persons to whom such indebtedness is owed, the fiduciary bank, in the absence of actual knowledge, should be deemed not to possess the requisite knowledge and should therefore avoid the application of the restrictive conditions contained in section I(C) of the exemption.

With regard to this proposed substitute, the Department notes that testimony given at the public hearing concerning the proposed exemption indicates that it is not customary for a prospectus to identify specific lenders who would be repaid from the proceeds of the sale of securities. It would, therefore, appear that the proposed substitute would be applicable only in an extremely limited number of cases. In light of this, and upon consideration of the other arguments advanced in support of this proposed substitute, the Department has decided not to adopt these comments and has retained the proposed structure of this paragraph.

The Department has, however, decided to delete subparagarph (c). The Department recognizes, as the comments have indicated, the difficulty confronting banks in conducting an inquiry to determine whether the terms of that subparagraph have been met. The Department also notes that this provision as proposed fails to take into account situations in which an employee, though possessing the requisite information, does not communicate such information to persons involved in the bank's investment process. Although the Department has decided to eliminate this provision, it is the Department's view that the possession of such knowledge or information by a fiduciary bank's employee or agent who would, in the normal course of business, communicate this knowledge or information to persons involved in the bank's investment process is a factor to be considered when determining whether a fiduciary bank knows, within the meaning of this section, that the proceeds of the sale will be used to reduce or retire indebtedness owed to that bank fiduciary.

5. *Retroactivity.* Section I(C) of the exemption as proposed would provide retroactive and prospective conditional relief. Two commentators, while stating that retroactive relief is necessary, object to the fact that the conditions contained in section I(C) would also apply retroactively. These commentators state that fiduciaries could not have reasonably anticipated the expansive definition of "knowledge" contained in the proposed exemption, or the conditions that apply when a fiduciary bank possesses such knowledge. One commentator suggests that past abuses in transactions covered by section I(C) are unlikely due to the widespread use of "Chinese Wall" procedures, and that, therefore, the Department should provide retroactive relief under section I(C) so long as the plan paid no more than adequate consideration for the securities.

As indicated above, the Department has modified the definition of "knowledge" in this exemption. This modified definition is more limited in scope than the definition in the proposal. The only situations in which the restrictions in section I(C) would have retroactive effect are those cases in which fiduciary bank personnel involved in the bank's investment process either received actual knowledge that the proceeds from the sale of securities would be used to reduce or retire indebtedness owed to the fiduciary bank, or possessed information reasonably sufficient to cause such a belief. If, as the commentators have stated, "Chinese Wall" procedures are widely followed in the banking community, it appears unlikely that banks would often meet the modified knowledge standard. When a fiduciary bank possessed such knowledge and still entered the transaction, the Department does not believe that the broad retroactive relief requested by the commentators would be warranted for such self-dealing. However, because the exemption allows some investment of plan funds even when a fiduciary bank actually knew, or possessed knowledge reasonably sufficient to cause the belief, that the proceeds from a sale of securities will be used to reduce or retire indebtedness owed to such ficuciary bank, the Department does not believe that retroactive application of the conditional relief in section I(C) would be onerous. In addition, as noted by the Department in the preamble to the proposed exemption (44 FR 44286, 44288 n.2), a transaction not qualifying for the conditional retroactive relief provided by this class exemption could be considered for an individual exemption upon submission of an aplication for exemption in accordance with ERISA Proc. 75–1 (40 FR 18471, April 28, 1975). Therefore, the Department does not accept these comments.

C. Section I(D)

As proposed, section I(D) would provide retroactive and prospective relief for the receipt by a party in interest of proceeds from a sale of securities when such proceeds are used by the issuer to reduce or retire indebtedness owed to the party in interest. The Department stated in the preamble to the proposal that this relief would not be limited to transactions involving banks, and would exempt transactions involving fiduciaries.

The Department recognizes that confusion may have resulted from the manner in which this proposed section and the parts of the preamble relating thereto are presented. It is possible to read proposed section I(D) as undermining or supplanting the conditional relief provided in sections I (A) through (C) of the exemption. In order to avoid this unintended possibility, the Department has decided to make certain changes clarifying the scope of relief provided by section I(D). Accordingly, section I(D) as modified states that, effective January 1, 1975, the restrictions of section 406(a)(1) (A) through (D) and 406(b) (1) and (2) of the Act and the taxes imposed by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the receipt by a party in interest of any of the proceeds

resulting from the issuance, in a public offering (as defined in section II(B) of the exemption), of securities merely because such proceeds are used by the issuer to reduce or retire indebtedness owed to the party in interest, provided that, when such party in interest is a fiduciary acquiring such securities on behalf of a plan, such fiduciary must be a bank or an affiliate thereof (as defined in section II(B) of the exemption) which meets the provisions of section I(C) of the exemption.

D. Section II(A)

Section II(A) contains general conditions applicable to the transactions described in section I(B) and I(C) of the exemption. The Department has received one comment regarding section II(A)(2)(b), which states that records necessary for a determination of whether the conditions of the exemption have been met must be made "unconditionally available" to certain designated persons. This commentator stated that it would be financially burdensome to make such records unconditionally available. The commentator also notes that banks are required to keep many records of this type confidential. This commentator suggests that these problems would be solved by changing the section to require that such records be "reasonably available." The purpose of the requirement contained in the proposal, which as been included in other exemptions containing recordkeeping requirements, is to prevent the imposition of conditions on the availability of the records that would preclude an interested person from examining such records. However, the Department does not interpret this condition as necessarily requiring the instantaneous production of all such records upon demand under all circumstances. In addition, in light of the concerns expressed in the comments, the Department has modified this condition to provide that the examination rights do not extend (other than in the case of a duly authorized representative of the Department or the Internal Revenue Service) to a bank's trade secrets, or to commerical or financial information which is privileged or required to be kept confidential.

E. Directed Trustees and Custodians

In footnote 5 of the preamble to the proposed exemption (44 FR 44286, 44288 n. 5), the Department invited comments as to the need for special relief for banks which serve as custodians or directed trustees of assets of employee benefit plans, with responsibility to carry out proper investment instructions given by a named fiduciary. The Department noted that it assumed such custodians and directed trustees generally would not possess a level of knowledge sufficient to subject them to the restrictive provisions of section I(C) of the proposed exemption.

All of the comments received by the Department regarding this issue request that the exemption be modified to make clear that, for the purpose of this exemption, directed trustees and custodians will not be treated as fiduciaries. These commentators have described generally the functions and responsibilities of custodians and directed trustees in order to illustrate that these entities should not be considered fiduciaries. At the same time, however, testimony at the hearing indicated that the duties and responsibilities of a custodian or a directed trustee are governed primarily by the terms of its agreement with the named fiduciary of a plan, and that the terms of such agreements vary.

In soliciting comments in this area, the Department had hoped that the commentators would provide sufficient information upon which to base generalized treatment of custodians and directed trustees under this exemption. However, such information was not forthcoming. As a result, the Department has determined not to adopt any special relief for custodians and directed trustees in this exemption. Accordingly, a determination of whether a particular custodian or directed trustee is a fiduciary, as defined in section 3(21) of the Act and regulations adopted pursuant thereto, must be made in each individual case. However, as noted in the preamble to the proposed exemption, custodians and directed trustees may still possess insufficient knowledge concerning the transactions involved to subject them to the restrictive conditions in section I(C) of the exemption even where they are deemed to be fiduciaries.

F. Technical Changes

The Department has made certain technical modifications suggested by the commentators and certain non-substantive changes designed to avoid confusion. First, in order to clarify the scope of the "knowledge" standard, and to reflect more exactly the scope of the exemption, the Department has deleted the term "to benefit" and replaced it with the phrase "by the issuer of the securities to reduce or retire indebtedness owed to" in section I(C). Second, the reference in subparagraph II(B)(2)(b) to a "common or contract" carrier and section 20(a) of the Interstate Commerce Act has been changed to "motor" carrier and section 214 of the Interstate Commerce Act. Third, paragraph I(C)(1) has been changed to refer to the first business day after securities are offered rather than the first business day after the final terms of securities are fixed and announced. Fourth, paragraph I(C)(2) has been modified. This paragraph as proposed seemed to indicate that there were three separate and distinct ways in which securities could be offered or purchased under condition I(C)(2). The modification is designed to make it clear that the provisions in subparagraphs (b) and (c) are exceptions to the general firm commitment underwriting procedure which also satisfy the condition stated in that paragraph.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of participants and beneficiaries.

(2) This exemption is supplemental to, and not in derogation of, any other provision of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, and based upon the entire record including the written comments submitted in response to the notice of July 27, 1979, and the testimony given at the public hearing of January 24, 1980,

the Department makes the following determinations:

(a) The class exemption set forth herein is administratively feasible;

(b) It is in the interests of plans and of their participants and beneficiaries; and

(c) It is protective of the rights of participants and beneficiaries of plans.

Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1.

Transactions

A. Effective January 1, 1975 the restrictions of section 406(a)(1) (A) through (D) of the Act and the taxes imposed by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the purchase or other acquisition prior to December 1, 1980 in a public offering (defined in Section II(B)) of securities by a fiduciary on behalf of an employee benefit plan solely because the proceeds from the sale were or were to be used by the issuer of the securities to retire or reduce indebtedness owed to a party in interest with respect to the plan other than the fiduciary, *provided that* the price paid by the plan for the securities does not exceed adequate consideration as defined in section 3(18) of the Act.

B. Subject to the conditions described in section II(A), effective December 1, 1980, the restrictions of sections 406(a)(1) (A) through (D) of the Act and the taxes imposed by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the purchase or other acquisition in a public offering (defined in section II(B)) of securities by a fiduciary on behalf of an employee benefit plan solely because the proceeds from the sale may be used by the issuer of the securities to retire or reduce indebtedness owed to a party in interest of the plan other than the fiduciary.

C. Subject to the conditions described in section II(A), effective January 1, 1975, the restrictions of sections 406(a)(1) (A) through (D) and 406(b) (1) and (2) of the Act and the taxes imposed by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the purchase or other acquisition in a public offering (defined in section II(B)) of securities by a fiduciary, which is a bank or an affiliate thereof, on behalf of an employee benefit plan solely because the proceeds from the sale may be used by the issuer of the securities to retire or reduce indeptedness owed to such fiduciary or any affiliate thereof, *provided that*, if such fiduciary of the plan knows (as defined in paragraph 7) that the proceeds of this issue will be used in whole or in part by the issuer of the securities to reduce or retire indebtedness owed to such fiducairy or affiliate thereof, the transaction shall have complied with the conditions set forth in paragraph 1 through 6 below:

1. Such securities are purchased prior to the end of the first full business day after the securities have been offered to the public, except that—

a. If such securities are offered for subscription upon exercise of rights, they may be purchased on or before the fourth day preceding the day on which the rights offering terminates; or

b. If such securities are debt securities, they may be purchased on a day subsequent to the end of such first full business day, if the effective interest rates on comparable debt securities offered to the public subsequent to such first full business day and prior to the purchase are less than effective interest rate of the debt securities being purchased;

2. Such securities are offered by the issuer pursuant to an underwriting agreement under which the members of the underwriting syndicate are committed to purchase all of the securities being offered, except if the securities

a. Are purchased by others pursuant to a rights offering, or

b. Are offered pursuant to an overallotment option;

3. The issuer of such securities has been in continuous operation for not less than three years, including the operations of any predecessors, unless such securities are non-convertible debt securities rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization;

4. The amount of securities purchased or otherwise acquired on behalf of the plan by the fiduciary does not exceed three percent of the total amount of the securities being offered;

5. The consideration to be paid by any plan in purchasing or otherwise acquiring such securities does not exceed three percent of the fair market value, as of the most recent valuation date of the plan prior to such transacton, of the plan assets which are subject to the management and control of such fiduciary;

6. The total amount of securities in any single offering purchased by the fiduciary on behalf of the plan together with the total amount of such securities purchased by such fiduciary acting as a fiduciary on behalf of any other employee benefit plan subject to Title I of the Act does not exceed 10 percent of the amount of the offering;

7. As used in this section I(C), a fiduciary will be deemed to know that the proceeds of an issuance of securities will be used in whole or in part by the issuer of the securities to reduce or retire indebtedness owned to such fiduciary or an affiliate thereof, if

a. Such knowledge is actually communicated to, or

b. Information reasonably sufficient to cause belief that the proceeds will be used in whole or in part by the issuer of the securities to reduce or retire indebtedness owned to the fiduciary, or an affiliate thereof, is possessed by,

the officers or employees of the fiduciary, who are authorized to be involved in carrying out the investment responsibilities, obligations, or duties of the fiduciary, or who in fact are involved in carrying out such responsibilities, obligations, or duties, regarding the purchase or other acquisition.

D. Effective January 1, 1975, the restrictions of sections 406(a)(1) (A) through (D) and 406(b) (1) and (2) of the Act and the taxes imposed by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the receipt by a party in interest of any of the proceeds resulting from the issuance, in a public offering (as defined in section II(B)), of securities merely because such proceeds are used by the issuer of the securities to retire or reduce indebtedness owed to the party in interest *provided that*, when such party in interest is a fiduciary acquiring such securities on behalf of a plan, such fiduciary is a bank or an affiliate thereof (as defind in section II(B)) which meets the provisions of section I(C) of this exemption.

II. General Conditions

A. The following conditions apply to the transactions described in section I(B) and (C) above:

1. The price paid by the plan fiduciary for the securities shall not be in excess of the offering price described in an effective registration statement under the Securities Act of 1933 covering such securities, or in the case of securities described in section II(B)(1)(b), in the offering circular required under applicable federal law;

2. (a) The fiduciary, on behalf of the plan, maintains for a period of six years from the date of the transaction the records necessary to enable the persons described in section II(A)(2)(b) below to determine whether the conditions of this exemption have been met, except that a prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the fiduciary, the records are lost or

destroyed prior to the end of the six-year period;

(b) Nothwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in section II(A)(2)(a) above are unconditionally available at their customary location for examination during normal business hours by:

(i) Any duly authorized employee or representative of the Department of Labor or the Internal Revenue Service,

(ii) Any fiduciary of a plan who has authority to manage and control the assests of the plan, or to allocate to another fiduciary the authority to manage and control the assets of the plan, or any duly authorized employee or representative of such fiduciary,

(iii) Any contributing employer to the plan or representative of such employer,

(iv) Any participant or beneficiary of the plan or any duly authorized employee or representative of such participant or beneficiary.

(v) None of the persons described in subparagraph (ii) through (iv) of this paragraph shall be authorized to examine any fiduciary's trade secrets or required to be kept commercial or financial information which is privileged or required to be kept confidential.

B. For the purposes of the exemptions contained in Part I,

1. The term "public offering" means

a. The offering of securities registered under the Securities Act of 1933 (Securities Act), or

b. The offering of securities exempt from registration under the Securities Act which are

(i) Issued by a bank,

(ii) Issued by a motor carrier if such issuance is subject to the provisions of section 214 of the Interstate Commerce Act, as amended,

(iii) Exempt from the registration requirements of the Securities Act pursuant to a federal statute other than the Securities Act, or

(iv) The subject of a distribution and of a class which is required to be registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781), and the issuer of which has been subject to the reporting requirements of section 13 of that Act (15 U.S.C. 78m) for a period of at least 90 days immediately preceeding the sale of securities and has filed all reports required to be filed thereunder with the Securities and Exchange Commission during the preceeding 12 months.

2. An "affiliate" of a bank means any entity directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such bank.

For the purposes of this paragraph, the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

3. Each plan participating in a collective or commingled fund shall be considered to own the same proportionate undivided interest in each asset of the collective investment fund as its proportionate interest in the total assets of the collective investment fund as calculated on the most recent preceding valuation date of the fund.

Signed at Washington, D.C., this 30th day of October, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-34364 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-81; Exemption Application No. D-2036]

Exemption From the Prohibitions for Certain Transactions Involving the Arizona Machinery Co., Inc., Employees Profit-Sharing Retirement Plan Located in Avondale, Arizona

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would exempt a loan by the Arizona Machinery Company, Inc. Employees' Profit-Sharing Retirement Plan (the Plan) to Arizona Machinery Company, Inc. (the Employer), a party in interest with respect to the Plan, for the lesser of $516,000 or 40 percent of the Plan's assets.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 9, 1980 notice was published in the **Federal Register** (45 FR 59440) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed by the trustees of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest

of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to a loan by the Plan to the Employer for the lesser of $516,000 or 40 percent of the Plan's assets, provided that the terms of the transaction are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party at the time of consumption of the transaction.

The availablity of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 29th day of October, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-34338 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-84; Exemption Application No. D-1753]

Exemption From the Prohibitions for Certain Transactions Involving the Blue Ridge Urological Associates, P.A., Plan Located in Waynesville, N.C.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption exempts the cash sale of a 15% limited partnership interest by the Blue Ridge Urological Associates, P.A. Plan (the Plan) to Guy Abbate, M.D., a party in interest.

FOR FURTHER INFORMATION CONTACT: Daniel A. Brown of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523–8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 9, 1980, notice was published in the **Federal Register** (45 FR 59448) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the sale of a limited partnership interest by the Plan to Dr. Abbate. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice and an accompanying memorandum has been provided to all interested persons to comply with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; not does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the act and the Code, including statutory or administrative exemptions and transitional rules. Futhermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficaries of the Plan.

Accordingly, the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of the 15% limited partnership interest in Professional Land Developers from the Plan to Guy Abbate, M.D., for $20,280 (15 percent of the appraised value of $135,200) less its pro rata share of the partnership liabilities provided that the price is not less than the fair market value of the Plan's partnership interest at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contaned in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 29th day of October 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-34336 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-82; Exemption Application No. D-753]

Exemption From the Prohibitions for Certain Transactions Involving Detroit Mortgage and Realty Company Employee Pension Plan Located in Detroit, Michigan

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the sale of third party mortgage loans to the Detroit Mortgage and Realty Company Employee Pension Plan (the Plan) by Detroit Mortgage and Realty Company (DMR), the Plan sponsor. It also permits the guarantee of the mortgage loans by DMR.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Telephone (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On August 1, 1980, notice was published in the **Federal Register** (45 FR 51316) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above-described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was distributed to interested persons in accordance with the requirements set out in the notice. No requests for a hearing were received by the Department.

One public comment was received by the Department which was submitted by the Plan trustees (Trustees). The Trustees requested that the limitation on Plan investment in DMR-originated mortgages be raised from 50% to 75% because they believe the mortgages would be preferable to other investments. The Department has reviewed this request and has determined that it would not be in the interests of the Plan participants and beneficiaries to have 75% of Plan assets invested in the mortgages. Therefore, the limitation on the Plan's investment in mortgages shall remain at 50% of the Plan's assets.

Furthermore, the Trustees state that William R. Yates and James I. McClintock, respectively, ceased serving as Trustees on September 30, 1978 and October 22, 1979. Their positions were assumed by Paul A. Dougovito, vice president and treasurer of DMR who was elected on October 24, 1978 and Earl I. Heenan III, assistant vice president of DMR, who was elected on January 16, 1980.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to:

(1) the cash purchase by the Plan from DMR of conventional, FHA and VA mortgage loans for a purchase price representing the lesser of DMR's cost or current market value; and

(2) the guarantee by DMR to repurchase mortgage loans that are in default, and the repurchase by DMR of such loans from the Plan.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 29th day of October, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-34337 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-80; Exemption Application No. D-1593]

Exemption From the Prohibitions for Certain Transactions Involving McMahan Shoes, Inc., Profit Sharing Plan, Located in Atlanta, Georgia

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the proposed cash sale by the McMahan Shoes, Inc. Profit Sharing Plan (the Plan) of its one-half interest in certain real property to Mr. John McMahan (McMahan), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 16, 1980, notice was published in the **Federal Register** (45 FR 61410) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the proposed cash sale by the Plan of its one-half interest in certain real property to McMahan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that he has complied with the notification requirements as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transactional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(a)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reasons of section 4975(c)(1) (A) thorugh (E) of the Code, shall not apply to the proposed case sale by the Plan ot its one-half interest in a building and an adjacent lot to McMahan for $153,250, provided that this amount is at least one-half fair market value of the building and the adjacent lot at the time of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 29th day of October, 1980.

Ian, D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-34339 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-79; Exemption Application No. D-1954]

Exemption From the Prohibitions for Certain Transactions Involving the National Bank of Fairfax Employees' Trust Fund Located in Burke, Virginia

AGENCY: Department of Labor.

ACTION: Grant of Individual exemption.

SUMMARY: This exemption permits the cash sale of certain morgages and a participation interest in a mortgage note (the Mortgages) by the National Bank of Fairfax Employees' Trust Fund (the Plan) to the National Bank of Fairfax (the Employer), the sponsor of the Plan.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8882. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 16, 1980, notice was published in the **Federal Register** (45 FR 61411) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975(c)(1) (A) through (E) of the Code, for the above transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice has been provided to all persons to comply with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not disposition of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale of the Mortgages by the Plan to the Employer at a price equal to the total of the higher of the outstanding principal balance of each Mortgage or the fair market value of each Mortgage as of the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 29th day of October, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-34340 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-78; Exemption Application No. D-1210]

Exemption From the Prohibitions for Certain Transactions Involving the Wichita Falls Clinic Employees Trust Located in Wichita Falls, Texas

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits (1) a purchase of a medical clinic (the Clinic Facility) from the Wichita Falls Clinic Building Partnership (the Building Partnership) by the Wichita Falls Clinic Employees Trust (the Trust), (2) and extension of credit by the Building Partnership to the Trust, and (3) a lease of the Clinic Facility from the Trust to the Wichita Falls Clinic (the Employer).

FOR FURTHER INFORMATION CONTACT: Mr. Richard Small of the Office of Fiduciary Standards, Pensions and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 15, 1980 notice was published in the **Federal Register** (45 FR 2921) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1), 406(b)(2) and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for (1) the purchase of the Clinic Facility by the

Trust from the Building Partnership, (2) and extensiuon of credit by the Building Partnership to the Trust, and (3) a lease of the Clinic Facility from the Trust to the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented that they have complied with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

The applicants represent that the difference between the fair market value of the Clinic Facility and the sales price of the Clinic Facility in the subject transaction will be treated as a contribution to the Plan and that the contribution to the Plan will conform to the applicable provisions of the Internal Revenue Code sections 401(a)(4), 404 and 415.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Trust and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Trust.

Accordingly the restrictions of section 406(a), 406(b)(1), 406(b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the purchase of the Clinic Facility located at 501 Midwestern Parkway East, Wichita Falls, Texas by the Trust from the Building Partnership for $1,900,000 provided that the price is not more than the fair market value of the Clinic Facility at the time of the sale, (2) the extension of credit by the Building Partnership to the Trust provided that the terms of the loan are at least as favorable to the Trust as those which the Trust could obtain in an arms's length transaction with an unrelated party, and (3) the lease of the Clinic Facility for 15 years by the Trust to the Employer provided the terms of the lease are not less than the fair market rental value of the Clinic Facility.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 29th day of October, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-34341 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-87; Exemption Application No. D-1754]

Exemption From the Prohibitions for Certain Transactions Involving The Ralph N. Feichter, M.D., P.A., Profit Sharing Trust Located in Waynesville, N.C.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This exemption exempts the cash sale of a 10 percent limited partnership interest by the Ralph N. Feichter, M.D., P.A. Profit Sharing Plan (the Plan) to Ralph N. Feichter, M.D., a party in interest.

FOR FURTHER INFORMATION CONTACT: Daniel A. Brown of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 9, 1980, notice was published in the **Federal Register** (45 FR 59449) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the sale of a limited partnership interest by the Plan

to Dr. Feichter. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice and an accompanying memorandum has been provided to all interested persons to comply with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; not does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the act and the Code, including statutory or administrative exemptions and transitional rules. Futhermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of the 10 percent limited partnership interest in Professional Land Developers from the Plan to Ralph N. Feichter, M.D., for $13,520 (10 percent of the appraised value of $135,200) less its pro rata share of the partnership liabilities provided that the price is not less than the fair market value of the Plan's partnership interest at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contaned in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed: at Washington, D.C., this 29th day of October 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-34384 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-77; Exemption Application No. L-1600]

Exemption From the Prohibitions for Certain Transactions Involving the 1978 Retired Construction Workers Benefit Plan and Trust Located in Rockville, Maryland

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits an arrangement whereby the trustees of the 1978 Retired Construction Workers Benefit Plan and Trust (the Trust) would offer their opinion so as to assist in resolution of certain questions arising in connection with the provision of health and welfare benefits through the Coal Mine Construction Workers Benefit Plan (the Plan).

EFFECTIVE DATE: This exemption is effective from April 6, 1978, through the duration of the National Coal Mine Construction Agreement of 1978 (the Agreement).

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–7901. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On August 8, 1980, notice was published in the **Federal Register** (45 FR 52959) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b)(1) of the Employee Retirement Income Security Act of 1974 (the Act), for transactions described in an application filed by the trustees of the Trust. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice has been furnished to interested persons in compliance with the requirements to notify interested persons as set forth in the notice of pendency of the proposed exemption. No public comments and no requests for a hearing were received by the Department.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the

exemption is applicable from certain other provisions of the Act. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act.

(2) This examption does not extend to transactions prohibited under section 406(b)(2) and (b)(3) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Trust and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Trust.

Accordingly the restrictions of section 406(a) and 406(b)(1) of the Act shall not apply, effective April 6, 1978 and throughout the duration of the Agreement, to resolution by the trustees of the 1978 Retired Construction Workers Benefit Plan and Trust of disputes involving the nature of benefits to be provided through the Plan established pursuant to Article XIX of the Agreement, generic questions of eligibility under such Plan, and individual questions of eligibility under such Plan, provided that the trustees maintain and make available to the Department upon request those records adequate to ascertain both the cost of rendering such services and the portion of such costs which may be attributed to the resolution of each of the types of disputes which the trustees may consider.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this exemption.

Signed at Washington, D.C., this 29th day of October 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80–34342 Filed 11–3–80; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 80–85; Exemption Application No. D–1756]

Exemption From the Prohibitions for Certain Transactions Involving the William Michael Watterson, M.D., P.A., Profit Sharing Trust Located in Waynesville, N.C.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This exemption exempts the cash sale of a 10 percent limited partnership interest by the William Michael Watterson, M.D., P.A. Profit Sharing Trust (the Plan) to William Michael Watterson, M.D., a party in interest.

FOR FURTHER INFORMATION CONTACT: Daniel A. Brown of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523–8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 9, 1980, notice was published in the **Federal Register** (45 FR 59444) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the sale of a limited partnership interest by the Plan to Dr. Watterson. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice and an accompanying memorandum has been provided to all interested persons to comply with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Futhermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of the 10 percent limited partnership interest in Professional Land Developers from the Plan to William Michael Watterson, M.D., for $13,520 (10 percent of the appraised value of $135,200) less its pro rata share of the partnership liabilities provided that the price is not less than the fair market value of the Plan's partnership interest at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contaned in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed: at Washington, D.C., this 29th day of October, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-34335 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-86; Exemption Application No. D-1755]

Exemption From the Prohibitions for Certain Transactions Involving the Federick G. Wenzel, M.D., P.A., Profit Sharing Trust Located in Waynesville, N.C.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption exempts the cash sale of a 25% limited partnership interest by the Frederick G. Wenzel, M.D., P.A. Profit Sharing Trust (the Plan) to Frederick G. Wenzel, M.D., a party in interest.

FOR FURTHER INFORMATION CONTACT: Daniel A. Brown of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C 20216. (202) 523-8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 9, 1980, notice was published in the **Federal Register** (45 FR 59445) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the sale of a limited partnership interest by the Plan to Dr. Wenzel. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice and an accompanying memorandum has been provided to all interested persons to comply with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of the 25% limited partnership interest in Professional Land Developers from the Plan to Frederick G. Wenzel, M.D., for $33,380 (25% of the appraised value of $135,200) less its pro rata share of the partnership liabilities provided that the price is not less than the fair market value of the Plan's partnership interest at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations

contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 29th day of October, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-34334 Filed 11-3-80; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Music (Opera-Musical Theater Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music (Opera-Musical Theater Section) to the National Council on the Arts will be held on November 17-20, 1980, from 9:00 a.m.-6:00 p.m. in room 1422 in the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C.

A portion of this meeting will be open to the public on November 17, 1980, from 9:00 a.m.-6:00 p.m., November 18, 1980, from 9:00 a.m.-1:00 p.m., and 3:00 p.m.-6:00 p.m., November 19, 1980, from 9:00 a.m.-6:00 p.m., and November 20, 1980 from 9:00 a.m.-6:00 p.m. for the discussion of On Site & Touring, Guidelines, and Future Directions of Musical Theatre.

The remaining sessions of this meeting on November 18, 1980, from 1:00 p.m.-3:00 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.

October 22, 1980.

John H. Clark,

Director, Office of Council and Panel Operations National Endowment for the Arts.

[FR Doc. 80-34254 Filed 11-3-80; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-10]

Commonwealth Edison Co. (Dresden Nuclear Power Station, Unit No. 1); Withdrawal of September 19, 1980, Order Regarding Environmental Qualification

The Director, Division of Licensing, issued an Order to the Commonwealth Edison Company (the licensee) on August 29, 1980, as revised on September 19, 1980, requiring certain environmental qualification information pertaining to electrical equipment at the Dresden Nuclear Power Station, Unit 1, be submitted to the Commission no later than November 1, 1980. In view of the fact that restart of the facility is not expected prior to 1986, it is the Staff's judgment that in the present circumstances, it is unnecessary for the licensee to submit the required information by the November 1, 1980, deadline. The licensee will be required to provide appropriate information to assure the environmental qualification of safety-related electrical equipment prior to restart of the facility.

Accordingly, the Order of August 29, 1980, as revised on September 19, 1980, is hereby withdrawn.

For the Nuclear Regulatory Commission.

Effective Date: October 29, 1980, Bethesda, Maryland.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80-34346 Filed 11-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-389-A]

Florida Power & Light Co. (St. Lucie Plant, Unit No. 2); Reconstitution of Board

Valentine B. Deale, Esq., was a member of the Atomic Safety and Licensing Board for the above proceeding. Because of a schedule conflict, Mr. Deale is unable to continue his service on this Board.

Accordingly, Michael A. Duggan, whose address is College of Business Administration, University of Texas, Austin, Texas 78712, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with Section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Maryland, this 28th day of October, 1980.

Robert M. Lazo,

Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 80-34347 Filed 11-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Supporting Amdt. No. 6 to CPPR-118 and CPPR-119; Docket Nos. 50-416 and 50-417]

Relating to Change in Ownership Interests, Grand Gulf Nuclear Station, Units 1 and 2; Negative Declaration Relating to Change in Ownership Interests

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the request for amendment to Construction Permits CPPR-118 and CPPR-119 relating to changes in ownership interests in the Grand Gulf Nuclear Station, Units 1 and 2, located in Claiborne County, Mississippi. The construction permits were issued to Mississippi Power & Light Company and Middle South Energy, Inc. on September 4, 1974. The amendments would add South Mississippi Electric Power Association as co-owner of Grand Gulf Nuclear Station, Units 1 and 2 with the present owners.

In accordance with 10 CFR Part 51, the Commission's Division of Licensing has prepared an environmental impact appraisal (EIA) for the amendment. The Commission has concluded that an environmental impact statement for this action is not warranted, because there will be no adverse environmental impacts affecting the quality of the human environment attributable to the proposed action that would be in addition to those impacts evaluated in the Commission's Final Environmental Statement related to construction of Grand Gulf Nuclear Station, Units 1 and 2, issued in August 1973. A negative declaration is, therefore, appropriate.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., 20555 and at the local public document room located at the Office of the Claiborne County Chancery Clerk, Claiborne County Courthouse, Port Gibson, Mississippi. A copy of the EIA may be obtained upon request, addressed to the U.S. Nuclear Regulatory Commission, Washington,

D.C., 20555, Attention: Director of Licensing.

Dated at Bethesda, Maryland, this 29th day of October, 1980.

Frank J. Miraglia,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 80-34353 Filed 11-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana & Michigan Electric Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Facility Operating License No. DPR-58, and Amendment No. 24 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments add locked or secured valves to the surveillance requirements of valves in the Auxiliary Feedwater System.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 22, 1980, (2) Amendment Nos. 42 and 24 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of October, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 80-34348 Filed 11-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-416 and 50-417]

Mississippi Power & Light Co., Middle South Energy, Inc., South Mississippi Electric Power Association; Issuance of Amendments to Construction Permits

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Construction Permits Nos. CPPR-118 and CPPR-119. The amendment reflects the addition of South Mississippi Electric Power Association as a new co-owner of the Grand Gulf Nuclear Station, Units 1 and 2 (the facility). Mississippi Power & Light Company has sole responsibility for the design and construction of the facility, which is located in Claiborne County, Mississippi.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendment.

Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated April 3, 1980, and supplemental information dated June 30, 1980, (2) Amendment No. 6 to Construction Permit No. CPPR-118, (3) Amendment No. 6 to Construction Permit No. CPPR-119, (4) the Commission's related Safety Evaluation, (5) the Environmental Impact Appraisal, and (6) the Negative Declaration supporting the amendments to the construction permits. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Office of the Claiborne County Chancery Clerk, Claiborne County Courthouse, Port Gibson, Mississippi. In addition, a copy of the above items (2), (3), (4), (5), and (6) may be obtained upon request, addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland the 29th day of October, 1980.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 80-34349 Filed 11-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275-OL and 50-323-OL]

Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2); Reconstitution of Board

Dr. William E. Martin was a member of the Atomic Safety and Licensing Board for the above proceeding. Dr. Martin is unable to continue his service on this Board.

Accordingly, Dr. Jerry R. Kline, whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with Section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Maryland, this 28th day of October, 1980.

Robert M. Lazo,

Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 80-34350 Filed 10-3-80; 8:45 am]

BILLING CODE 7590-01-M

[License No. DPR-59 EA-80-44]

Power Authority of the State of New York; Order Imposing Civil Monetary Penalties

I. Power Authority of the State of New York, 10 Columbus Circle, New York, New York ("the licensee") is the holder of Operating License No. DPR-59 ("the license") issued by the Nuclear Regulatory Commission ("the Commission"). The license authorizes the operation of the James A. FitzPatrick Nuclear Power Plant at steady state reactor core power levels not in excess of 2436 megawatts thermal (rated power). The facility consists of a boiling light water moderated and cooled reactor (BWR) located at the licensee's site at Scriba, New York.

II. An inspection of activities performed under the license was conducted on April 14–18 and April 23–25, 1980 at the James A. FitzPatrick Nuclear Power Plant at Scriba, New York. As a result of this inspection, it appears that the licensee had not conducted its activities in full compliance with the conditions of its license and the requirements of the Commission relative to implementation of the licensee's Physical Security Plan. A written Notice of Violation was served upon the licensee by letter dated August 18, 1980 specifying the items of noncompliance in accordance with 10 CFR 2.201. A Notice of Proposed Imposition of Civil Penalties was served concurrently upon the licensee in accordance with Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205, incorporating by reference the Notice of Violation which stated the nature of the items of noncompliance and the provisions of NRC regulations and license conditions.

A response to the Notice of Violation dated Steptember 12, 1980 was received from the licensee. The licensee did not file an answer to the Notice of Proposed Imposition of Civil Penalties.

III. In its Response, the licensee admits each item of noncompliance. The licensee made no answer to and hence no argument in mitigation of the civil penalties proposed. Consequently, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the items of noncompliance designated in the Notice of Violation should be imposed.

IV. In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205, *it is hereby ordered that:* The licensee pay civil penalties in the total amount of Forty-eight Thousand Dollars ($48,000) within twenty-five (25) days of the date of this order, by check, draft, or money order payable to the Treasurer of the United States, and mailed to the Director of the Office of Inspection and Enforcement.

V. The licensee may, within twenty-five (25) days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Secretary to the Commission, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within twenty-five (25) days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI. In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee was in noncompliance with the Commission's regulations as designated in the Notice of Violation referenced in Section II above; and,

(b) Whether, on the basis of such items of noncompliance, this Order should be sustained.

Dated this 29th day of October, 1980 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 80-34351 Filed 11-3-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443 and 50-444]

Public Service Co. of New Hampshire, et al. (Seabrook Station, Units 1 and 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Dr. W. Reed Johnson

Dated: October 27, 1980.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 80-34352 Filed 11-3-80; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, FP 716-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Standard Format and Content for the Health and Safety Sections of Renewal Applications for Uranium Fuel Fabrication Plants" and is intended for Division 3, "Fuels and Materials Facilities." It is being developed to identify the information needed by the staff for its evaluation of the Health and Safety Sections of renewal applications for uranium fuel fabrication plants and to suggest a format for its presentation.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by January 2, 1981.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 27th day of October 1980.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Standards, Office of Standards Development.

[FR Doc. 80-34345 Filed 11-3-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on November 6–8, 1980, in Room 1046, 1717 H Street, NW., Washington, D.C. Notice of this meeting was published in the **Federal Register** on September 24, 1980.

The agenda for the subject meeting will be as follows:

Thursday, November 6, 1980

8:30 a.m.–10 a.m.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman including matters to be considered during a meeting with the Chairman, Nuclear Safety Oversight Committee and miscellaneous matters relating to ACRS activities.

10 a.m.–12 Noon: Meeting with Chairman, Nuclear Safety Oversight Committee (Open)—The Committee and the Chairman, Nuclear Safety Oversight Committee will discuss the role of the ACRS in the nuclear regulatory process and proposed changes to strengthen its role.

1 p.m.–2 p.m.: Discuss ACRS Position Regarding Safety Related Matters (Open)—The Committee members will discuss items in preparation for meeting with the NRC Chairman and other Commissioners related to use of risk assessment in the regulatory process, proposed changes in the format/conclusions of ACRS reports and safety features for nuclear power plants.

2 p.m.–3 p.m.: Meeting with the NRC Chairman and other Commissioners (Open)—The Committee will discuss items noted above with the NRC Chairman and other Commissioners who may have an interest.

3 p.m.–6:30 p.m.: General Electric Test Reactor (Open)—The Committee will hear the report of its Subcommittee and consultants who may be present regarding proposed seismic modifications and continued operations of the GETR.

The Committee will also hear and discuss reports from the NRC Staff and representatives of the licensee regarding proposed seismic modifications and continued operation of the GETR.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this matter.

Friday, November 7, 1980

8:30 a.m.–9:15 a.m.: Meeting with NRC Staff (Open)—The Committee will hear and discuss a report from the NRC Staff regarding the status of and plans for recovery of the Three Mile Island Plant Unit 2.

9:15 a.m.–11:15 a.m.: Diablo Canyon Nuclear Plant (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding proposed changes at the Diablo Canyon Nuclear Power Station resulting from a review for seismic interactions.

The Committee will also hear and discuss reports from the NRC Staff and the licensee regarding proposed changes resulting from a review for seismic interactions between safety grade and nonsafety grade systems.

Portions of this session will be closed as required to discuss Proprietary Information applicable to this matter.

11:15 a.m.–12:15 p.m.: BWR Hydraulic Scram System (Open)—The Committee members will discuss a proposed report to NRC regarding the performance of boiling water reactor hydraulic scram systems.

1:15 p.m.–3:15 p.m.: NRC Regulatory Guide 1.97, Revision 2, Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding the proposed revision of this regulatory guide. The Committee will also hear reports and comments from members of the NRC Staff and representatives of the nuclear industry who may be present regarding the proposed revision of Regulatory Guide 1.97.

3:15 p.m.–3:30 p.m.: Future ACRS Activities (Open)—The Committee will discuss the proposed schedule for future ACRS full Committee and subcommittee activities.

3:30 p.m.–4 p.m.: Regulatory Activities (Open)—The Committee will hear and discuss the report of its Subcommittee regarding proposed revision (Revision 2) of NRC Regulatory Guide 1.12, Instrumentation for Earthquakes.

4 p.m.–6:30 p.m.: Preparation of ACRS Reports to NRC—The Committee members will discuss proposed reports to NRC regarding the Nuclear Data Link, new safety concepts for new nuclear plant designs, and items considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information related to these matters.

Saturday, November 8, 1980

8:30 a.m.–10 a.m.: Proposed ACRS Reports to NRC (Open)—The Committee members will discuss proposed reports to NRC regarding items discussed during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information related to these matters.

10 a.m.–12 Noon: Proposed NRC Rule (10 CFR Part 50) on Interim Requirements Related to Hydrogen Control and Certain Degraded Core Considerations (Open)—The Committee will also hear and discuss the report of its Subcommittee and consultants who may be present regarding this proposed interim rule.

The Committee will hear and discuss reports and comments from members of the NRC Staff and representatives of the nuclear industry who may be present regarding this proposed rule.

12 Noon–12:45 p.m.: Meeting with NRC Staff (Open)—The Committee will hear and discuss a report from representatives of the NRC Staff regarding the status of and plans for development of a system for control of combustible gases to be used in the Sequoyah Nuclear Power Plant Units 1 and 2.

1:45 p.m.–3:15 p.m.: Generic Items Applicable to Light-Water Reactors (Open)—The Committee members will hear and discuss the reports of designated ACRS Subcommittee Chairmen regarding the status of generic items applicable to light-water cooled and moderated nuclear reactors.

3:15 p.m.–4 p.m.: Concluding Session (Open/Closed)—The Committee will hear and discuss information provided by foreign governments regarding proposed safety policies/practices. Activities of ACRS members will also be discussed.

Portions of this session will be closed as necessary to discuss information identified and provided by a foreign government as confidential.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 7, 1980 (45 FR 66535). In accordance with these procedures, 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 Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS

Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)) and to discuss information identified and supplied by a foreign government as confidential (5 U.S.C. 552b(c)(1)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5 p.m. EST.

Dated: October 29, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-34272 Filed 11-3-80; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 21765; 70-6506]

Columbia Gas System, Inc.; Proposal To Issue and Sell Debentures at Competitive Bidding

October 29, 1980.

NOTICE IS HEREBY GIVEN that The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $100,000,000 principal amount of ——% Debentures, Series Due December 2000 (New Debentures). The interest rate is to be specified in the bids for the purchase of the New Debentures. The New Debentures will be issued under a Twenty-ninth Supplemental Indenture to the 1961 Indenture between Columbia and Morgan Guaranty Trust Company of the New York, Trustee. The proposed Twenty-ninth Supplemental Indenture is to be dated as of December 1, 1980.

It is contemplated that the formula for the calculation of the regular redemption prices of the New Debentures will provide that the regular redemption price for the twelve-month period commencing December 1, 1980 will be the initial public offering price of the New Debentures (exclusive of accrued interest) plus a premium equal to the interest rate of the New Debentures. For each twelve-month period thereafter, the regular redemption price shall be scaled down by 1/19th of the amount by which the regular redemption price for the twelve-month period commencing December 1, 1980 exceeds the principal amount of the New Debentures, except that on and after December 1, 1999 the regular redemption price shall be the principal amount of the New Debentures, without premium. In instances where the regular redemption prices would be applicable, Columbia shall not have the right to redeem any of the New Debentures prior to December 1, 1985 directly or indirectly, with borrowed funds, or in anticipation of funds to be borrowed, having an effective annual interest cost to Columbia of less than the effective annual interest cost to Columbia of the New Debentures.

A mandatory sinking fund for the New Debentures will be provided to retire $93,750,000 principal amount (representing 93.75%) prior to maturity through annual retirements of $6,250,000 principal amount beginning in 1985. In addition to such mandatory sinking fund obligation, Columbia shall have the non-cumulative option to redeem on any sinking fund date, at the then current sinking fund redemption price, up to an additional $9,375,000 principal amount of the New Debentures, but no redemption made pursuant to such option shall reduce any sinking fund requirement.

It is stated that the net proceeds from the sale of the New Debentures will be used for general corporate purposes including the 1980 capital expenditure program of Columbia's subsidiaries, which is presently estimated at $450,000,000. Of the total program, approximately $240,000,000 is associated with additions and improvements necessary for the system to receive, transport, store and distribute quantities of gas from established sources in connection with the requirements of the system's customers. The remaining $210,000,000 involves primarily projects for improving the system's gas supply. From time to time, Columbia has cash in excess of its requirements for short periods. It is anticipated that such will be the case in 1980 following the issuance of the New Debentures. During such periods, it is Columbia's practice to invest such cash in high quality short-term debt securities.

It is further stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees, commissions, and expenses related to the proposed transaction is to be filed by amendment.

NOTICE IS FURTHER GIVEN that any interested person may, not later than November 25, 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 fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washigton, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-34246 Filed 11-3-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21762; 70-6504]

Potomac Edison Co.; Proposal To Issue and Sell Preferred Stock at Competitive Bidding

October 28, 1980.

Notice is hereby given that the Potomac Edison Company ("Potomac"), Downsville Pike, Hagerstown, MD 21740, an electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Potomac proposes to issue and sell an aggregate amount of its preferred stock ("Stock") not to exceed $25 million in par value, in one or more series, each such series to have a par value of $100 per share. Potomac proposes to sell the Stock pursuant to competitive bidding unless market conditions, because of the size of any series or other conditions, make competitive bidding impractical or undesirable, in which event Potomac proposes, subject to authorization by the Commission by further order, to either privately place the Stock with institutional investors or to negotiate with underwriters for the sale of the Stock.

Each series of the Stock will be redeemable at any time at the option of Potomac, except that prior to five years after the first day of the month in which the Stock is issued (or such other date as the Commission may authorize), each series of the Stock shall not be redeemable directly or indirectly with, or in anticipation of, monies borrowed or the proceeds of the sale of the Stock at a cost of money less than the cost of money in respect of such series. The annual dividend rate (which will be a multiple of $0.04) to be borne by each series and the price to be paid to Potomac (which shall not be less than 100% and not more than 102¾% of par), or, in the event Potomac determines that the price to it for the Stock and the initial price to the public shall be 100% of par, the compensation per share to be paid to the underwriters will be determined by (1) competitive bidding, (2) by negotiations between Potomac and private investors, or (3) by negotiations with underwriters for the sale of such series. It is expected that the successful bidders or, in the event of a negotiated transaction the underwriters, will make a public offering of the Stock, unless the size of any series offered makes such public offering impracticable.

Potomac states that under present market conditions for preferred stock it is difficult to determine what sinking fund provisions, if any, would result in the most advantageous terms and conditions for the sale of the Stock to Potomac. Potomac desires to have available sufficient flexibility to adjust such provisions to developments in the market for such securities, when and as they occur, in order to obtain the best possible price and dividend rate for the Stock. Similarly, it is difficult to determine what the most advantageous timing of the sale of the Stock would be. It is therefore proposed that Potomac will decide on the sinking fund provisions to be applicable to any series at a later time which may be before or after the date on which an invitation for bids, in the event of competitive bidding, is issued, or the date on which negotiations for a private placement or a negotiated sale to underwriters are commenced. If the Stock is sold in more than one series, no condition is to be contained in the purchase contract for one series of the Stock requiring the issuance and sale of any other series of the Stock.

The proceeds from the sale of the Stock are expected to be used, together with other funds which may become available to Potomac, to pay or prepay to the extent desirable Potomac's short-term debt, to finance its construction program and for other corporate purposes.

On September 15, 1980 Potomac had $6 million of short-term debt outstanding. Potomac expects that approximately $31 million of such short-term debt will be outstanding as of the time the Stock is proposed to be issued and $31 million on December 31, 1980 if the Stock has not been sold in December. Potomac's gross construction expenditures for 1980 are estimated to be $64 million and for 1981 and 1982 to aggregate between $117 and $128 million.

If for any reason (including market conditions) the Stock or any series thereof is not sold on or about December 11, 1980, Potomac will so notify this Commission and will seek, subject to further order of this Commission, to sell the Stock on or before March 31, 1981.

The fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that the Public Serivce Commission of Maryland and the State Corporation Commission of Virginia must authorize the proposed transaction and that no other state commission or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 25, 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 fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is orderd will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 80-34247 Filed 11-3-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0407]

Equities Capital Co., Inc.; Issuance of License To Operate as a Small Business Investment Company

On September 2, 1980, a notice was published in the **Federal Register** (45 FR 58281) stating that Equities Capital Co., Inc., 2175 Lemoine Avenue, Fort Lee,

New Jersey 07024 had filed an Application with the Small Business Administration, pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate as a small business Investment company.

Interested parties were given until the close of business on September 17, 1980, to submit written comments on the Application to the SBA.

Notice is hereby given that no written comments were received, and having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 02/02-0407 on October 22, 1980, to Equities Capital Co., Inc., pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 29, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-34395 Filed 11-3-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0408]

Interstate Capital Co., Inc.; Issuance of License To Operate as a Small Business Investment Company

On September 2, 1980, a notice was published in the **Federal Register** (45 FR 58281) stating that Interstate Capital Co., Inc., 77 State Highway 5, Edgewater, New Jersey 07020 had filed an Application with the Small Business Administration, pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate as a small business investment company.

Interested parties were given until the close of business on September 17, 1980, to submit written comments on the Application to the SBA.

Notice is hereby given that no written comments were received, and having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 02/02-0408 on October 22, 1980, to Interstate Capital Co., Inc., pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 29, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-34393 Filed 11-3-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5197]

Sunbelt Funding Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

An application for a license to operate as an SBIC under the provisions of Section 301(d) of the Small Business Investment Act of 1958 (Act) as amended (15 U.S.C. 661 et seq.) has been filed by Sunbelt Funding Corporation, 2720 Riverside Drive, P.O. Box 7006, Macon, GA 31298, with the Small Business Administration (SBA) pursuant to 13 C.F.R. 107.102 (1980).

The officers and directors of the applicant are as follows:

Charles H. Jones, President, Director, 2720 Riverside Dr., Macon, Georgia 31298.
Paul P. Ward, Vice President, Director, 2720 Riverside Dr., Macon, Georgia 31298.
H. Stephen Hay, Vice President, Secretary, Treasurer, Director, 2720 Riverside Dr., Macon, Georgia 31298.
Acmulgee Fields, Inc., 2720 Riverside Dr., Macon, Georgia 31298.

Mr. Jones is the sole stockholder of the parent.

The applicant will begin operations with a capitalization of $500,000 which will be a source of equity capital and long-term loans for qualified small business concerns.

The applicant will conduct its operations principally in the State of Alabama.

As an SBIC under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, which are to provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns to persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may (not later than 15 days from the publication of this Notice) submit written comments on the proposed company to the Acting Associate Administration for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Macon, Georgia.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 29, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-34394 Filed 11-3-80; 8:45 am]

BILLING CODE 8025-01-M

Westamerican Capital Corp.; Application for a License To Operate as a Small Business Investment Company

[Proposed License No. 09/09-0277]

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to Section 107.102 of the SBA Regulations (13 CFR 107.102 (1980)), by Westamerican Capital Corporation, 249 Main Street, San Mateo, California 94063 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and stockholders are:

Name and address	Title	Percent of ownership
Hubert A. Brugger, 249 Main Street, Redwood City, CA 94063.	Chairman, Chief Financial Officer.	[1]
Thomas O. Gephart, 15233 Ventura Boulevard, Sherman Oaks, CA 91403.	President, Director	—
H. Kent Mitchell, 308 South Clark Avenue, Los Altos, CA 94022.	Secretary	—
David W. Mariani, 15221 Piedmont Road, Saratoga, CA 94070.	Director	—
Brugger Corporation, 249 Main Street, Redwood City, CA 94063.		100
Unimart Finanz Anstalt, Vaduz, Liechtenstein.		[2]

[1]Mr. Brugger owns 51 percent of Brugger Corporation, a California corporation which, through various subsidiaries, operates a Mercedes Benz dealership, leasing companies and an automotive shopping center development.
[2]A financial institution owning 43 percent of the Brugger Corporation.

The Applicant, a California corporation, plans to begin operations with a capitalization of $2,000,000 and intends to follow a diversified investment policy with emphasis on "venture capital" investments.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in San Mateo, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companys)

Dated: October 29, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-34392 Filed 11-3-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-5261]

YFY Capital Corp.; Issuance of a License to Operate as a Small Business Investment Company

On June 17, 1980, a notice was published in the **Federal Register** [45 F.R. 41110), stating that YFY Capital Corporation, located at 533 Jackson Street, San Francisco, California 94133, has filed an application with the Small Business Administration pursuant to 13 C.F.R. 107.102 (1980), for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business July 2, 1980, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 09/09-5261 to YFY Capital Corporation, on October 15, 1980.

(Catalog of Federal Domestic Program No. 59.011, Small Business Investment Companies.)

Dated: October 29, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-34391 Filed 11-3-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Public Debt Series No. 32-80]

Treasury Notes of May 15, 1984, Series G-1984

October 30, 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 $3,750,000,000 of United States securities, designated Treasury Notes of May 15, 1984, Series G-1984 (CUSIP No. 912827 LE 0). 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 November 17, 1980, and will bear interest from that date, payable on a semiannual basis on May 15, 1981, and each subsequent 6 months on November 15 and May 15, until the principle becomes payable. They will mature May 15, 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 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 Standard time, Wednesday, November 5, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, November 4, 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%. 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 the 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 accompained 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 99.250. 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 Monday, November 17, 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 Thursday, November 13, 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.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 80-34437 Filed 11-3-80; 8:45 am]
BILLING CODE 4810-40-M

[Public Debt Series No. 33-80]

Treasury Notes of November 15, 1990, Series B-1990

October 30, 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 $2,250,000,000 of United States securities, designated Treasury Notes of November 15, 1990, Series B-1990 (CUSIP No. 912827 LF 7). 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 November 17, 1980, and will bear interest from that date, payable on a semiannual basis on May 15, 1981, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature November 15, 1990, 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 $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 Standard time, Thursday, November 6, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, November 5, 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 accmpanied 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 97.750. 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 Monday, November 17, 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 Thursday, November 13, 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 agent 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.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 80-34438 Filed 11-3-80; 8:45 am]

BILLING CODE 4810-40-M

[Public Debt Series No. 34-80]

Treasury Bonds of 2005-2010

October 30, 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 $2,000,000,000 of United States securities, designated Treasury Bonds of 2005-2010 (CUSIP No. 912810 CS 5). 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 November 17, 1980, and will bear interest from that date, payable on a semiannual basis on May 15, 1981, and each subsequent 6 months on November

15 and May 15, until the principal becomes payable. They will mature November 15, 2010, but may be redeemed at the option of the United States on and after November 15, 2005, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call.

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 $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 Standard time, Friday, November 7, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Thursday, November 6, 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 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 offerred. 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 92.750. 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 Monday, November 17, 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 Thursday, November 13, 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 inscription 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.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 80-34439 Filed 11-3-80; 8:45 am]
BILLING CODE 4810-40-M

UNITED STATES RAILWAY ASSOCIATION

[Docket 211-26]

Consolidated Rail Corporation; Application for a Loan; Correction

In the notice published in the **Federal Register** of October 30, 1980, page 71885, FR Doc. 33838 Filed 10-29-80; 8:45 A.M., the penultimate paragraph should have read as follows:

Conrail submitted a Borrowing Application dated October 17, 1980 requesting new borrowings of $2,931,000.00. Conrail states that it will use the funds to pay the following obligations: (1) of the Penn Central Transporation Company; Federal Employer's Liability Act (FELA) claims of $2,000,000.00, and wage claims of $200,000.00; (2) of the Central Railroad of New Jersey, FELA claims of $231,000.00; and (3) of the Erie Lackawanna Railway Company; FELA claims of $500,000.00. The Borrowing Application includes the certification and exhibits required by the Loan Procedures.

The Association will accept written comments relevant to the application on or before November 14, 1980.

Dated at Washington, D.C. this 3d day of November, 1980.

David Kleyps,

Assistant Secretary, United States Railway Association.

[FR Doc. 80-34519 Filed 11-3-80; 9:38 am]
BILLING CODE 8240-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 215
Tuesday, November 4, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Reserve System	1
International Trade Commission	2-5
Legal Services Corporation	6
National Transportation Safety Board	7
Railroad Retirement Board	8

1

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, November 10, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointment.

Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: October 30, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-2019-80 Filed 10-31-80; 3:23 pm]

BILLING CODE 6210-01-M

2

[USITC SE-80-54]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, November 19, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints:
a. Bank card data holders (Docket No. 690).
5. Briefing by Mr. Hart on the Multilateral Trade Negotiations (MTN).
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-2015-80 Filed 10-31-80; 2:07 pm]

BILLING CODE 7020-02-M

3

[USITC SE-80-52]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Thursday, November 13, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints.
a. Mass flow devices (Docket No. 686).
b. Wood stoves (Docket No. 688).
5. Investigation 731-TA-35 [Preliminary] (Portable Electric Nibblers from Switzerland)—briefing and vote.
6. Investigation 337-TA-74 (Rotatable Photograph and Card Display Units)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-2016-80 Filed 10-31-80; 2:08 am]

BILLING CODE 7020-02-M

4

[USITC SE-80-53]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Monday, November 17, 1980.

PLACE: Hearing room, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: 1. Investigation TA-201-44 (Automobiles)—briefing and vote on remedy, if necessary.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-2017-80 Filed 10-31-80; 2:09 pm]

BILLING CODE 7020-02-M

5

[USITC SE-80-51]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Monday, November 10, 1980.

PLACE: Hearing room, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Investigation TA-201-44 (Automobiles)—briefing and vote on injury.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-2018-80 Filed 10-31-80; 2:10 pm]

BILLING CODE 7020-02-M

6

LEGAL SERVICES CORPORATION.

TIME AND DATE: 9 a.m.-5 p.m., Thursday, November 13, 1980.

PLACE: Puerto Rico Bar Association, Board of Governors Meeting Room, Second Floor, 808 Ponce de Leon Avenue, Miramar, San Juan, Puerto Rico.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of July 21, 1980 Meeting.
3. Report on Congressional Reauthorization, 1981 Appropriation and Board Nominations.
4. Consideration of October 24, 1980 Draft of "A Plan for the Future."
5. Report on the Evaluation of the Reginald Heber Smith Community Lawyer Fellowship Program.
6. President's Report.

CONTACT PERSON FOR MORE INFORMATION: Dellanor Khasakhala, Office of the President, (202) 272-4040.

Issued: October 30, 1980.

Dan J. Bradley,

President.

[S-2013-80 Filed 10-31-80; 11:17 am]

BILLING CODE 6820-35-M

7

[NM-80-37]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Wednesday, November 12, 1980.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first five items will be open to the public; the sixth item will be closed to the public under exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Special Investigation Report*—Phosphorus Trichloride Release in Boston and Maine Railroad Yard 8 During Switching Operations, Somerville, Massachusetts, April 3, 1980.
2. *Special Study Proposal*—Rail-Highway Grade-Crossing Accidents Involving Transportation of Hazardous Materials by Truck.
3. *Discussion* of Board policy relating to oral arguments.
4. *Letter* to the Federal Aviation Administration re notice of proposed rulemaking "FAA Access to Flight Data Recorder and Cockpit Voice Recorder Tapes," Dkt. 20661, Notice No. 80-14.
5. *Recommendation* to the Federal Aviation Administration requesting student pilots to identify themselves as students while in contact with FAA facilities.
6. *Opinion and Order*—Petition of Arechavala, Dkt. SM-2492, disposition of the Administrator's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-472-6022.

October 31, 1980.

[S-2020-80 Filed 10-31-80; 3:22 pm]

BILLING CODE 4910-58-M

8

RAILROAD RETIREMENT BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, 211, 71701, Wednesday, October 29, 1980.

PLACE: Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

CHANGE IN THE MEETING: Additional item to be considered at the portion of the meeting which will be open to the public:

(10) Walter Caraway appeal (eligibility—years of service).

CONTACT PERSON FOR MORE INFORMATION:
R. F. Butler, Secretary of the Board, COM No. 312-751-4920; FTS No. 387-4920.

[S-2014-80 Filed 10-31-80; 11:53 am]

BILLING CODE 7905-01-M

Reader Aids

Federal Register

Vol. 45, No. 215

Tuesday, November 4, 1980

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5232
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the Presidents	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders and problems (GPO)	783-3238
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, NOVEMBER

72617-72994.....3
72995-73464.....4

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
11764 (Revoked by EO 12250).....72995
11914 (Revoked by EO 12250).....72995
12250.....72995
Proclamations:
4801.....72617

5 CFR

550.....72999

6 CFR

705.....72619

7 CFR

272.....72999
273.....72999
404.....72619
1430.....73009

8 CFR

103.....72625

9 CFR

82.....72626
Proposed Rules:
113.....73079

10 CFR

70.....73012
75.....73012
212.....72616
781.....73446
Proposed Rules:
Ch. II.....72886
Ch. III.....72886
Ch. X.....72886
50.....73080
1530.....73081

12 CFR

204.....73013
217.....72630, 73016
526.....72631
742.....73016
Proposed Rules:
Ch. VI.....72675
545.....72675
546.....72681
561.....72681
563c.....72681
571.....72681

13 CFR

107.....73017
108.....73020

14 CFR

39.....72632, 72633
71.....72634, 72635
93.....72637
97.....72643
204.....73020
323.....73020
1214.....73022
Proposed Rules:
71.....72683
204.....73085
291.....73085
298.....73086, 73087
300.....73092

16 CFR

Proposed Rules:
456.....72683

17 CFR

231.....72644
Proposed Rules:
230.....72685

18 CFR

270.....73027
271.....73027
282.....73033
711.....73033
713.....73033
714.....73034
716.....73033
Proposed Rules:
271.....72687

19 CFR

6.....72646

20 CFR

416.....72647

21 CFR

444.....73034
Proposed Rules:
161.....73092-73095

22 CFR

Proposed Rules:
11.....73100

24 CFR

Proposed Rules:
146.....73454
200.....72688
203.....72690
220.....72690
221.....72690
222.....72690
226.....72690
227.....72690
234.....72690

240.....72690
570.....72691
808.....73264
882.....72697
888.....73264

25 CFR

Proposed Rules:
103a.....72699
103b.....72699

26 CFR

1.....72649
3.....72649
31.....72651
48.....72653
53.....72649
301.....72651

27 CFR

Proposed Rules:
4.....72702

29 CFR

1601.....73035

32 CFR

552.....73037

Proposed Rules:
505.....73103

37 CFR

5.....72653

38 CFR

3.....72654

39 CFR

10.....72655

Proposed Rules:
10.....73103

40 CFR

52.....72655, 73043
65.....73044
81.....73046
403.....72883

Proposed Rules:
35.....72984
52.....72702, 73105
163.....72708, 72948
172.....72948
180.....72708
256.....73440
257.....72709
403.....72884
423.....72713

41 CFR

3-3.....73049
Ch. 101.....73050
101-37.....73049

Proposed Rules:
101-20.....72713
105-60.....72714

42 CFR

57.....73051

44 CFR

64.....72658-72661

45 CFR

1061.....73054
1391.....73059

47 CFR

73.....72662, 73059

Proposed Rules:
Ch. I.....72719
1.....72902
2.....72723
21.....72723
74.....72723
94.....72723
73.....72902

49 CFR

225.....72664
1011.....73076
1031A.....72665
1033.....73076
1109.....73077

Proposed Rules:
Ch. X.....73105
1109.....73105, 73106
1128.....73106

50 CFR

258.....72667
611.....72667
671.....72667, 73077

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

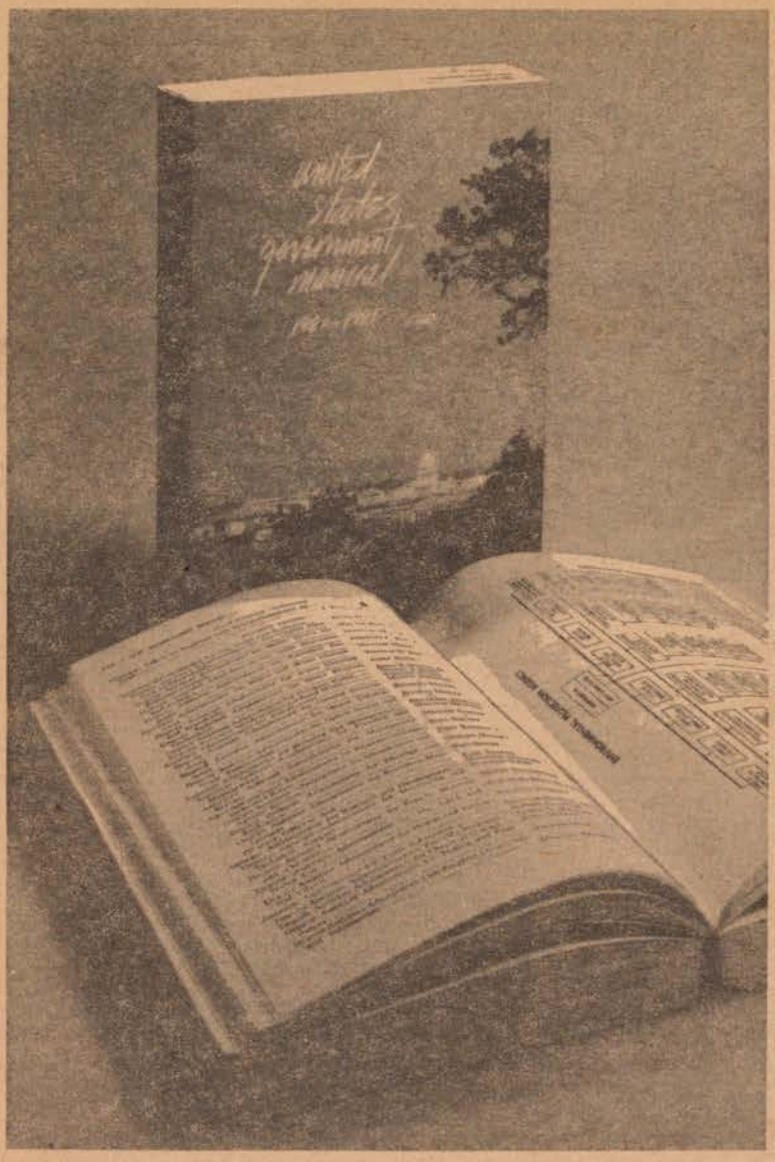
The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

List of Public Laws:

Note: The current listing of October 24, 1980 of public bills which have become law was the last until Congress reconvenes November 12, 1980. For a complete up to date cumulative listing see **Reader Aids** in the issue of Wednesday, November 5, 1980.



Now available

United States Government Manual 1980-1981

As the official handbook of the Federal Government, the *Manual* is the best source of information on the activities, functions, organization, and principal officials of the agencies of the legislative, judicial, and executive branches. It also includes information on quasi-official agencies, international organizations in which the United States participates, and boards, committees, and commissions.

For those citizens interested in where to go and who to see about a subject of particular concern, the *Manual* provides the "Guide to Government Information" section, a reference to an agency's statement of organization in the *Federal Register* or *Code of Federal Regulations,* and comprehensive name, subject, and agency indexes. Particularly helpful is each agency's "Sources of Information" section, which provides addresses and telephone numbers for obtaining specifics on consumer activities, contracts and grants, employment, publications and films, and many other areas of citizen interest.

Of significant historical interest is Appendix A, which describes the agencies and functions of the Federal Government abolished or transferred subsequent to March 4, 1933.

$8.50 per copy

ORDER FORM Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

Master Card and Visa accepted.

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me _____ copies of the United States Manual, 1980/81, at $8.50 per copy. Stock No. 022-033-01052-1

Name—First, Last

Company name or additional address line

Street address

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		

11-4-80
Vol. 45—No. 215
BOOK 2:
Pages
73269-73464

federal register

Book 2 of 2 Books
Tuesday, November 4, 1980

73272 Part II—HUD:
Section 8 and Section 23 Housing Assistance Payments Program

73440 Part III—EPA:
Guidelines for Development and Implementation of State Solid Waste Management Plans

73446 Part IV—DOE:
Patent Licensing Regulations

73454 Part V—HUD:
Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From HUD

Page intentionally left blank.

federal register

Tuesday
November 4, 1980

Part II

Department of Housing and Urban Develpment

Office of the Secretary

Section 8 and Section 23 Housing Assistance Payments Program; Amendment of Fair Market Rent Schedules, Existing Housing

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 803 and 888

[Docket No. R-80-872]

Section 8 and Section 23 Housing Assistance Payments Program—Amendment of Fair Market Rent Schedules, Existing Housing

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

ACTION: Proposed rule.

SUMMARY: The Department is proposing to amend the Fair Market Rents for all market areas under the Section 8 and Section 23 Housing Assistance Payments Programs for Existing Housing and for Mobile Home Spaces to reflect anticipated median rent levels as of October 1, 1981.

DATE: Comments due: December 3, 1980.

ADDRESSES: All comments from interested persons should be sent to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. A copy of each comment will be available for public inspection at this address during regular business hours. Copies of comments by Public Housing Agencies (PHAs) should be concurrently submitted to the Economic and Market Analysis Division in the appropriate HUD Field Office.

FOR FURTHER INFORMATION CONTACT: Ellis V. St. Clair, Economic and Market Analysis Division, PD&R, HUD, Washington, D.C. 20410, 202-755-5816. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

1. Background

Section 8(c)(1) of the U.S. Housing Act of 1937, as amended, requires annual publication of Fair Market Rents in the Federal Register. The last nationwide revision of Fair Market Rents (FMRs) for the Section 8 and Section 23 Housing Asistance Payments Programs was published in the **Federal Register** (45 FR 19868) on March 26, 1980. That revision reflected estimated changes in median rent levels calculated for an additional period of one year projected forward to October 1, 1980, and included adjustments made in response to data and information provided in public comments received during 1979 and early 1980.

All of the FMR determinations in the March 26, 1980 publication were calculated in accordance with the new methodology introduced in the Federal Register publication of June 22, 1979, which utilizes the most recent Annual Housing Survey (AHS) data of units meeting Section 8 program standards rented by recent movers, and the latest available Consumer Price Index (CPI) data pertaining to rents, fuel and utility costs. However, sone of the FMRs reflect public comments as well.

2. Revised Existing Rent Schedules for 1981

The Department has determined that the public interest would be served by publishing this Proposed Rule for a 30-day comment period. Fair Market Rents are required to be published annually, and provision of a longer period for comment would result in the publication of final approved FMRs being delayed beyond the next anniversary date of March 29, 1981. Since many owners and landlords may not renew leases nor execute new contracts unless FMRs are published on or before the established anniversary date, it is felt that provision of a 30-day comment period is in the public interest. The procedure for calculating the appropriate Fair Market Rents for Existing Housing (Schedule B) continued to be based on the use of two separate inflation factors, one for rent and one for fuel and utilities, which are developed from the Consumer Price Index. Factors are developed for 34 Standard Metropolitan Statistical Area (SMSAs) and four Census regions, the only areas for which CPI data is available. The revised schedule of Fair Market Rents for Mobile Home Spaces (Schedule D) has been derived through the use of single rent inflation factor developed from Consumer Price Index data in a manner similar to that used for the regular existing housing program, but excluding data pertaining to fuel and utilities since assistance for mobile home owners receiving assistance in renting their space does not cover fuel and utilities.

3. FMR Hold Harmless

In addition to anticipating the changes in rents and utilities for a period of one more year and increasing FMRs where appropriate, the Department is proposing to limit or forgo any increase in the FMRs for selected SMSAs and nonmetropolitan Counties, where recently completed analysis indicates that the use of Census County Group data, regional CPI data, AHS or other base data has resulted in establishment of currently approved FMRs that are equal to or higher than the rent levels that would be considered appropriate as of October 1, 1981. There are two categories of these "hold harmless areas."

In the first category, there are approximately 50 market areas where FMRs approved prior to the introduction of the AHS methodology are equal to or higher than the AHS-based rents updated to October 1, 1981. The rents in these market areas will be retained at their existing levels until new AHS and CPI data or appropriate local market data indicate that increases are warranted. The AHS "hold harmless areas" are identifed in the proposed rent schedule by inclusion of the dollar difference between the proposed "hold harmless" FMR and the updated October 1981 AHS-based rent. This dollar difference is printed on the line immediately under the proposed rent where applicable.

In the second category, there are approximately 475 market areas where the use of County Group data, regional CPI data, or other base data inherent in the AHS methodology has resulted in establishment of Existing FMRs for one or more size units (number of bedrooms) that are close to the FMRs for the Section 8 New Construction program when trended to the same data. This relationship may be attributable to difference in the definitions of the FMR areas, the methodology and data sources used for the respective rent determination, and to unusual market circumstances in some areas. The FMRs in this category are proposed to be retained at their current levels or given limited increases in order to adjust these FMR levels to approximate more closely appropriate rent levels by bedroom size. The "hold harmless" rents in this category are identified in the proposed rent schedule by an asterisk printed next to each applicable rent by bedroom size.

4. Submission of Comments in Regard to Amendment of Schedule B or Schedule D

Comments which document the types and degree of changes which have occurred in specific local rental markets during the past year will be carefully considered in the development of final approved rent schedules for both Existing Housing and for Mobile Home Spaces. We are especially interested in comments on the accuracy of FMRs for market areas where the FMRs are proposed to be "held harmless" as discussed in #3 above. The inclusion of recent housing market studies, rental market surveys, or other comprehensive rental market data indicating current median rent levels for standard quality rental units or median rents for mobile home spaces would be especially helpful. Comments proposing additional revisions in the FMR schedules should

include specific recommendations in regard to the appropiate dollar amounts by unit size. Recommendations and supporting data must cover the entire market area: i.e., Standard Metropolitan Statistical Area or nonmetropolitan county. All comments should take into consideration the procedures by which the AHS-based median rents have been derived, and the date and nature of any revisions previously approved based on local comments and housing market data.

5. NEPA

The Department has determined that these regulations do not constitute a major Federal action significantly affecting the quality of the human environment. Accordingly, a Finding of Inapplicability as to Environmental Impact has been prepared and is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, at the address specified above. In addition, the Chairmen and Ranking Minority Members of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives have waived the prepublication review of this rule provided for in Section 7(o)(2) of the Department of Housing and Urban Development Act.

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

It is therefore proposed that Title 24, Part 803, Schedule B, and Part 888, Schedule B and Schedule D, be revised as set forth below.

This notice of proposed rulemaking is issued under the authority of (Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).

Issued at Washington, D.C., September 19, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

BILLING CODE 4210-01-M

U.S. DEPARTMENT OF HOUSING , URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
SMSA: LEWISTON-AUBURN, ME					
SMSA PART:ANDROSCOGGIN STATE:ME	202	233	279	324	360
SMSA: PORTLAND, ME					
SMSA PART:CUMBERLAND STATE:ME	223	275	326	384	457
SMSA PART:YORK STATE:ME	223	275	326	384	457
NON SMSA					
NONSMSA PART:ANDROSCOGGIN STATE:ME	202	233	279	324	360
COUNTY:AROOSTOOK STATE:ME	213	259	305	352	398
NONSMSA PART:CUMBERLAND STATE:ME	199	243	288	335	379
COUNTY:FRANKLIN STATE:ME	192	221	265	298	329
COUNTY:HANCOCK STATE:ME	192	230	272	316	359
COUNTY:KENNEBEC STATE:ME	202	233	279	324	360
COUNTY:KNOX STATE:ME	209	240	287	324	357
COUNTY:LINCOLN STATE:ME	209	240	287	324	357
NON SMSA					
COUNTY:OXFORD STATE:ME	192	221	265	298	329
COUNTY:PENOBSCOT STATE:ME	199	243	288	335	379
COUNTY:PISCATAQUIS STATE:ME	192	221	265	298	329
COUNTY:SAGADAHOC STATE:ME	199	243	288	335	379
COUNTY:SOMERSET STATE:ME	209	240	287	324	357
COUNTY:WALDO STATE:ME	192	221	265	298	329
COUNTY:WASHINGTON STATE:ME	192	221	265	298	329
NONSMSA PART:YORK STATE:ME	199	243	288	335	379
SMSA: BOSTON, MA					
SMSA PART:ESSEX STATE:MA	289	329	394	458	519
SMSA PART:MIDDLESEX STATE:MA	289	329	394	458	519
SMSA PART:NORFOLK STATE:MA	289	329	394	458	519
SMSA PART:PLYMOUTH STATE:MA	289	329	394	458	519

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
SMSA: BOSTON, MA					
COUNTY:SUFFOLK	289	329	394	458	519
STATE:MA					
SMSA: BROCKTON, MA					
SMSA PART:BRISTOL	219	270	324	380	431
STATE:MA					
SMSA PART:NORFOLK	219	270	324	380	431
STATE:MA					
SMSA PART:PLYMOUTH	219	270	324	380	431
STATE:MA					
SMSA: FALL RIVER, MA-RI					
SMSA PART:BRISTOL	227	264	315	369	405
STATE:MA					
SMSA: FITCHBURG-LEOMINSTER, MA					
SMSA PART:MIDDLESEX	208	257	307	359	408
STATE:MA					
SMSA PART:WORCESTER	208	257	307	359	408
STATE:MA					
SMSA: LAWRENCE-HAVERHILL, MA-NH					
SMSA PART:ESSEX	251	294	347	425	481
STATE:MA					
SMSA: LOWELL, MA NH					
SMSA PART:MIDDLESEX	216	246	289	334	375
STATE:MA	22	6	15	5	
SMSA: NEW BEDFORD, MA					
SMSA PART:BRISTOL	221	257	307	358	394
STATE:MA					
SMSA: NEW BEDFORD, MA					
SMSA PART:PLYMOUTH	221	257	307	358	394
STATE:MA					
SMSA: PITTSFIELD, MA					
SMSA PART:BERKSHIRE	180	221	262	304	345
STATE:MA					
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA					
SMSA PART:BRISTOL	227	264	315	369	405
STATE:MA					
SMSA PART:NORFOLK	227	264	315	369	405
STATE:MA					
SMSA PART:WORCESTER	227	264	315	369	405
STATE:MA					
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT					
SMSA PART:HAMPDEN	216	267	321	375	425
STATE:MA					
SMSA PART:HAMPSHIRE	216	267	321	375	425
STATE:MA					
SMSA PART:WORCESTER	216	267	321	375	425
STATE:MA					
SMSA: WORCESTER, MA					
SMSA PART:WORCESTER	255	294	347	406	447
STATE:MA					
NON SMSA					
COUNTY:BARNSTABLE	275	315	379	444	497
STATE:MA					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
NON SMSA					
NONSMSA PART:BERKSHIRE STATE:MA	209	259	308	358	390*
NONSMSA PART:BRISTOL STATE:MA	223	259	308	360	396
COUNTY:DUKES STATE:MA	275	315	379	444	497
NONSMSA PART:ESSEX STATE:MA	242	283	346	404	468
COUNTY:FRANKLIN STATE:MA	235	281	335	377	417
NONSMSA PART:HAMPDEN STATE:MA	218	255	305	356	393
NONSMSA PART:HAMPSHIRE STATE:MA	218	255	305	356	393
NONSMSA PART:MIDDLESEX STATE:MA	235	271	318	370	407
COUNTY:NANTUCKET STATE:MA	269	308	369	433	485
NONSMSA PART:NORFOLK STATE:MA	194	241	288	338	385
NONSMSA PART:PLYMOUTH STATE:MA	230	268	323	381	435
NONSMSA PART:WORCESTER STATE:MA	208	257	307	359	408
NON SMSA					
COUNTY:ADDISON STATE:VT	223	269	318	387	443
COUNTY:BENNINGTON STATE:VT	223	269	318	387	443
COUNTY:CALEDONIA STATE:VT	213	253	302	368	427
COUNTY:CHITTENDEN STATE:VT	223	269	318	387	443
COUNTY:ESSEX STATE:VT	213	253	300	333	375
COUNTY:FRANKLIN STATE:VT	213	253	302	368	427
COUNTY:GRAND ISLE STATE:VT	213	253	302	368	427
COUNTY:LAMOILLE STATE:VT	213	253	300	333	375
COUNTY:ORANGE STATE:VT	213	253	302	368	427
COUNTY:ORLEANS STATE:VT	213	253	302	368	427
COUNTY:RUTLAND STATE:VT	223	269	318	387	443
COUNTY:WASHINGTON STATE:VT	213	253	302	368	427

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSIN URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASS..ANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
NON SMSA					
COUNTY:WINDHAM STATE:VT	223	269	318	387	443
COUNTY:WINDSOR STATE:VT	223	269	318	387	443
SMSA: LAWRENCE-HAVERHILL, MA-NH					
SMSA PART:ROCKINGHAM STATE:NH	251	294	347	425	481
SMSA: LOWELL, MA NH					
SMSA PART:HILLSBOROUGH STATE:NH	216 22	246 6	289	334 5	375
SMSA: MANCHESTER, NH					
SMSA PART:HILLSBOROUGH STATE:NH	222	268	321*	371	420
SMSA PART:MERRIMACK STATE:NH	222	268	321*	371	420
SMSA PART:ROCKINGHAM STATE:NH	222	268	321*	371	420
SMSA: NASHUA, NH					
SMSA PART:HILLSBOROUGH STATE:NH	222	268	321*	371	420
NON SMSA					
COUNTY:BELKNAP STATE:NH	216	252	302	342	377
COUNTY:CARROLL STATE:NH	201	236	281	317	352
NON SMSA					
COUNTY:CHESHIRE STATE:NH	226	264	316	359	399
COUNTY:COOS STATE:NH	201	236	281	317	352
COUNTY:GRAFTON STATE:NH	205	243	289	333	374
NONSMSA PART:HILLSBOROUGH STATE:NH	198	228	273*	317	349
NONSMSA PART:MERRIMACK STATE:NH	198	228	273*	317	349
NONSMSA PART:ROCKINGHAM STATE:NH	206	236	283*	327	359
COUNTY:STRAFFORD STATE:NH	216	252	302	342	377
COUNTY:SULLIVAN STATE:NH	216	252	302	342	377
SMSA: FALL RIVER, MA-RI					
SMSA PART:NEWPORT STATE:RI	227	264	315	369	405
SMSA: NEW LONDON-NORWICH, CT-RI					
SMSA PART:WASHINGTON STATE:RI	211	259	308	359	408
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA					
SMSA PART:BRISTOL STATE:RI	227	264	315	369	405

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE					
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA					
SMSA PART:KENT STATE:RI	227	264	315	369	405
SMSA PART:NEWPORT STATE:RI	227	264	315	369	405
SMSA PART:PROVIDENCE STATE:RI	227	264	315	369	405
SMSA PART:WASHINGTON STATE:RI	227	264	315	369	405
NON SMSA					
NONSMSA PART:KENT STATE:RI	222	259	309	363	399
NONSMSA PART:NEWPORT STATE:RI	240	272	329	369	410
NONSMSA PART:PROVIDENCE STATE:RI	222	259	309	363	399
NONSMSA PART:WASHINGTON STATE:RI	222	259	309	363	399
HARTFORD, CONNECTICUT AREA OFFICE					
SMSA: BRIDGEPORT, CT					
SMSA PART:FAIRFIELD STATE:CT	238	291	346	402	457
SMSA PART:NEW HAVEN STATE:CT	238	291	346	402	457
SMSA: BRISTOL, CT					
SMSA PART:HARTFORD STATE:CT	209	260	311	365	414
SMSA PART:LITCHFIELD STATE:CT	209	260	311	365	414
SMSA: DANBURY, CT					
SMSA PART:FAIRFIELD STATE:CT	267	328	389	452	512
SMSA PART:LITCHFIELD STATE:CT	267	328	389	452	512
SMSA: HARTFORD, CT					
SMSA PART:HARTFORD STATE:CT	246	303	363	422	479
SMSA PART:LITCHFIELD STATE:CT	246	303	363	422	479
SMSA PART:MIDDLESEX STATE:CT	246	303	363	422	479
SMSA PART:NEW LONDON STATE:CT	246	303	363	422	479
SMSA PART:TOLLAND STATE:CT	246	303	363	422	479

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSIN[illegible] URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HARTFORD, CONNECTICUT AREA OFFICE					
SMSA: MERIDEN, CT					
SMSA PART:NEW HAVEN STATE:CT	199	247	297	348	393
SMSA: NEW BRITAIN, CT					
SMSA PART:HARTFORD STATE:CT	209	260	311	365	414
SMSA: NEW HAVEN-WEST HAVEN, CT					
SMSA PART:MIDDLESEX STATE:CT	244	298	355	413	468
SMSA PART:NEW HAVEN STATE:CT	244	298	355	413	468
SMSA: NEW LONDON-NORWICH, CT-RI					
SMSA PART:MIDDLESEX STATE:CT	211	259	308	359	408
SMSA PART:NEW LONDON STATE:CT	211	259	308	359	408
SMSA: NORWALK, CT					
SMSA PART:FAIRFIELD STATE:CT	274	336	399	464	526
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT					
SMSA PART:TOLLAND STATE:CT	216	267	321	375	425
SMSA: STAMFORD, CT					
SMSA PART:FAIRFIELD STATE:CT	289	353	419	488	552
SMSA: WATERBURY, CT					
SMSA PART:LITCHFIELD STATE:CT	199	247	297	348	393
SMSA: WATERBURY, CT					
SMSA PART:NEW HAVEN STATE:CT	199	247	297	348	393
NON SMSA					
NONSMSA PART:FAIRFIELD STATE:CT	200	247	297	348	393
NONSMSA PART:HARTFORD STATE:CT	209	260	311	365	414
NONSMSA PART:LITCHFIELD STATE:CT	188	232	278	327	371
NONSMSA PART:MIDDLESEX STATE:CT	211	259	308	359	408
NONSMSA PART:NEW HAVEN STATE:CT	199	247	297	348	393
NONSMSA PART:NEW LONDON STATE:CT	176	217	258	299	340*
NONSMSA PART:TOLLAND STATE:CT	244	299	355	413	468
COUNTY:WINDHAM STATE:CT	192	239	286	335	381

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BUFFALO, NEW YORK AREA OFFICE					
SMSA: ALBANY-SCHENECTADY-TROY, NY					
COUNTY:ALBANY STATE:NY	206	252	300	350	398
COUNTY:MONTGOMERY STATE:NY	205	252	300	350	398
COUNTY:RENSSELAER STATE:NY	205	252	300	350	398
COUNTY:SARATOGA STATE:NY	205	252	300	350	398
COUNTY:SCHENECTADY STATE:NY	205	252	300	350	398
SMSA: BINGHAMTON, NY-PA					
COUNTY:BROOME STATE:NY	180	210	251	305	352
COUNTY:TIOGA STATE:NY	180	210	251	305	352
SMSA: SYRACUSE, NY					
COUNTY:MADISON STATE:NY	186	231	274	322	365
COUNTY:ONONDAGA STATE:NY	186	231	274	322	365
COUNTY:OSWEGO STATE:NY	186	231	274	322	365
SMSA: UTICA-ROME, NY					
COUNTY:HERKIMER STATE:NY	151 2	186	222	261	296
SMSA: UTICA-ROME, NY					
COUNTY:ONEIDA STATE:NY	151 2	186	222	261	296
NON SMSA					
COUNTY:CAYUGA STATE:NY	180	223	266	311	353
COUNTY:CHENANGO STATE:NY	194	218	273	310	345
COUNTY:CLINTON STATE:NY	184	216	257	292	324
COUNTY:COLUMBIA STATE:NY	148	184	220	258	294
COUNTY:CORTLAND STATE:NY	180	223	266	311	353
COUNTY:DELAWARE STATE:NY	155	190	228	266	303
COUNTY:ESSEX STATE:NY	182	212	250	291	322
COUNTY:FRANKLIN STATE:NY	161	193	225	256	284
COUNTY:FULTON STATE:NY	145	179	215	254	288
COUNTY:GREENE STATE:NY	148	184	220	258	294
COUNTY:HAMILTON STATE:NY	145	179	215	254	288

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

REPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING ... URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BUFFALO, NEW YORK AREA OFFICE					
NON SMSA					
COUNTY: JEFFERSON STATE: NY	169	199	240	266	297
COUNTY: LEWIS STATE: NY	161	193	225	256	284
COUNTY: OTSEGO STATE: NY	155	190	228	266	303
COUNTY: ST LAWRENCE STATE: NY	172	204	247	279	312
COUNTY: SCHOHARIE STATE: NY	180	210	254	288	319
COUNTY: TOMPKINS STATE: NY	186	237	280	336	381
COUNTY: WARREN STATE: NY	145	179	215	254	288
COUNTY: WASHINGTON STATE: NY	145	179	215	254	288
SMSA: BUFFALO, NY					
COUNTY: ERIE STATE: NY	182	246	277	306	361
COUNTY: NIAGARA STATE: NY	182	246	277	306	361
SMSA: ELMIRA, NY					
COUNTY: CHEMUNG STATE: NY	191	223	281	327	371
SMSA: ROCHESTER, NY					
COUNTY: LIVINGSTON STATE: NY	214	262	310*	358*	406*
COUNTY: MONROE STATE: NY	214	262	310*	358*	406*
COUNTY: ONTARIO STATE: NY	214	262	310*	358*	406*
COUNTY: ORLEANS STATE: NY	214	262	310*	358*	406*
COUNTY: WAYNE STATE: NY	214	262	310*	358*	406*
NON SMSA					
COUNTY: ALLEGANY STATE: NY	135	169	202	238	271
COUNTY: CATTARAUGUS STATE: NY	135	169	202	238	271
COUNTY: CHAUTAUQUA STATE: NY	139 4	174 5	206 4	238	271
COUNTY: GENESEE STATE: NY	149 14	171 2	204 2	238	271
COUNTY: SCHUYLER STATE: NY	177 —	215	262	282	334
COUNTY: SENECA STATE: NY	212	250	297	336	374
COUNTY: STEUBEN STATE: NY	177	207	252	294	333

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING . _ URBAN DEVELOPMENT *
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BUFFALO, NEW YORK AREA OFFICE					
NON SMSA					
COUNTY:WYOMING STATE:NY	135	169	202	238	271
COUNTY:YATES STATE:NY	180	223	266	311	353
NEW YORK, NEW YORK AREA OFFICE					
SMSA: NASSAU-SUFFOLK, NY					
COUNTY:NASSAU STATE:NY	313	388	455	528	599
COUNTY:SUFFOLK STATE:NY	313	388	455	528	599
SMSA: NEW YORK CITY, NY-NJ					
COUNTY:BRONX STATE:NY	280	341	407	471	535
COUNTY:KINGS STATE:NY	280	341	407	471	535
COUNTY:NEW YORK STATE:NY	280	341	407	471	535
COUNTY:PUTNAM STATE:NY	280	341	407	471	535
COUNTY:QUEENS STATE:NY	280	341	407	471	535
COUNTY:RICHMOND STATE:NY	280	341	407	471	535
COUNTY:ROCKLAND STATE:NY	280	341	407	471	535
COUNTY:WESTCHESTER STATE:NY	280	341	407	471	535
SMSA: POUGHKEEPSIE, NY					
COUNTY:DUTCHESS STATE:NY	226	262	301	353	400

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW YORK, NEW YORK AREA OFFICE					
NON SMSA					
COUNTY:ORANGE STATE:NY	215	262	315	355	393
COUNTY:SULLIVAN STATE:NY	197	241	288	337	382
COUNTY:ULSTER STATE:NY	197	241	288	337	382
NEWARK, NEW JERSEY AREA OFFICE					
SMSA: ATLANTIC CITY, NJ					
COUNTY:ATLANTIC STATE:NJ	190	234	279	325	369
SMSA PHILADELPHIA, PA-NJ					
COUNTY:BURLINGTON STATE:NJ	241	295	352	412	467
COUNTY:CAMDEN STATE:NJ	241	295	352	412	467
COUNTY:GLOUCESTER STATE:NJ	241	295	352	412	467
SMSA: TRENTON, NJ					
COUNTY:MERCER STATE:NJ	212	260	309	360	410
SMSA: VINELAND-MILLVILLE-BRIDGETON, NJ					
COUNTY:CUMBERLAND STATE:NJ	212	261	311	362	411
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY:SALEM STATE:NJ	243	295	348	403	455
NON SMSA					
COUNTY:CAPE MAY STATE:NJ	191	236	281	328	372
COUNTY:OCEAN STATE:NJ	260	319	379	440	500
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ					
COUNTY:WARREN STATE:NJ	231	277	324	367	407

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEWARK, NEW JERSEY AREA OFFICE					
SMSA: JERSEY CITY, NJ					
COUNTY:HUDSON					
STATE:NJ	208	256	306	357	405
SMSA: LONG BRANCH-ASBURY PARK, NJ					
COUNTY:MONMOUTH					
STATE:NJ	248	306	364	423	480
SMSA: NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NJ					
COUNTY:MIDDLESEX					
STATE:NJ	261	320	378	437	495
SMSA: NEW YORK CITY, NY-NJ					
COUNTY:BERGEN					
STATE:NJ	280	341	407	471	535
SMSA: NEWARK, NJ					
COUNTY:ESSEX					
STATE:NJ	272	305	366	409	452
COUNTY:MORRIS					
STATE:NJ	272	305	366	409	452
COUNTY:SOMERSET					
STATE:NJ	272	305	366	409	452
COUNTY:UNION					
STATE:NJ	272	305	366	409	452
SMSA: PATERSON-CLIFTON-PASSAIC, NJ					
COUNTY:PASSAIC					
STATE:NJ	263	322	382	444	504
NON SMSA					
COUNTY:HUNTERDON					
STATE:NJ	260	319	379	440	500
NEWARK, NEW JERSEY AREA OFFICE					
NON SMSA					
COUNTY:SUSSEX					
STATE:NJ	267	327	389	454	515

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CARIBBEAN AREA OFFICE					
SMSA: CAGUAS					
MUNICIPIO:ALL	173	210	250	288	325
STATE:PR					
SMSA: MAYAGUEZ					
MUNICIPIO:ALL	195	237	280*	323*	364*
STATE:PR					
SMSA: PONCE					
MUNICIPIO:ALL	240	292	344*	396*	447*
STATE:PR					
SMSA: SAN JUAN					
MUNICIPIO:ALL	237	289	341*	392*	444*
STATE:PR					
NON SMSA					
MUNICIPIO:ALL OTHER	164	201	238	274	310
STATE:PR					
:CHAR.AMALIE	266	323	381*	439*	497*
STATE:VI					
:ST. CROIX	238	289	343	395	446
STATE:VI					
:ST. THOMAS	270	329	390	448	506
STATE:VI					
REGION 3					
BALTIMORE, MARYLAND AREA OFFICE					
SMSA: BALTIMORE, MD					
COUNTY:ANNE ARUNDEL	229	287	331	416	459
STATE:MD					
COUNTY:BALTIMORE	229	287	331	416	459
STATE:MD					
COUNTY:CARROLL	229	287	331	416	459
STATE:MD					
COUNTY:HARFORD	229	287	331	416	459
STATE:MD					
COUNTY:HOWARD	229	287	331	416	459
STATE:MD					
:COLUMBIA(U)	272	341	392	473	542
STATE:MD					
INDEP. CITY:BALTIMORE	229	287	331	416	459
STATE:MD					
SMSA: WASHINGTON, DC-MD-VA					
COUNTY:CHARLES	254	309	365	422	476
STATE:MD					
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY:CECIL	243	295	348	403	459
STATE:MD					
NON SMSA					
COUNTY:ALLEGANY	154	188	223	257	291
STATE:MD					
COUNTY:CALVERT	232	284	335	387	436
STATE:MD					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BALTIMORE, MARYLAND AREA OFFICE					
NON SMSA					
COUNTY:CAROLINE STATE:MD	208	253	299	345	392
COUNTY:DORCHESTER STATE:MD	208	253	299	345	392
COUNTY:FREDERICK STATE:MD	215	264	311	359	406
COUNTY:GARRETT STATE:MD	154	188	223	257	291
COUNTY:KENT STATE:MD	208	253	299	345	392
COUNTY:QUEEN ANNES STATE:MD	208	253	299	345	392
COUNTY:ST MARYS STATE:MD	201	247	292	337	381
COUNTY:SOMERSET STATE:MD	208	253	299	345	392
COUNTY:TALBOT STATE:MD	208	253	299	345	392
COUNTY:WASHINGTON STATE:MD	201	247	292	337	381
COUNTY:WICOMICO STATE:MD	208	253	299	345	392
COUNTY:WORCESTER STATE:MD	208	253	299	345	392
PHILADELPHIA, PENNSYLVANIA AREA OFFICE					
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ					
COUNTY:CARBON STATE:PA	231	277	324	367	407
COUNTY:LEHIGH STATE:PA	231	277	324	367	407
COUNTY:NORTHAMPTON STATE:PA	231	277	324	367	407
SMSA: BINGHAMTON, NY-PA					
COUNTY:SUSQUEHANNA STATE:PA	180	210	251	305	352
SMSA: HARRISBURG, PA					
COUNTY:CUMBERLAND STATE:PA	229	267	322	378	417
COUNTY:DAUPHIN STATE:PA	229	267	322	378	417
COUNTY:PERRY STATE:PA	229	267	322	378	417
SMSA: LANCASTER, PA					
COUNTY:LANCASTER STATE:PA	191	234	289	346	381
SMSA: NORTHEAST, PA					
COUNTY:LACKAWANNA STATE:PA	152	175	220	255	290
COUNTY:LUZERNE STATE:PA	152	175	220	255	290
COUNTY:MONROE STATE:PA	152	175	220	255	290

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSI. .D URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASS..STANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION: 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE					
SMSA: PHILADELPHIA, PA-NJ					
COUNTY:BUCKS STATE:PA	241	295	352	412	467
COUNTY:CHESTER STATE:PA	241	295	352	412	467
COUNTY:DELAWARE STATE:PA	241	295	352	412	467
COUNTY:MONTGOMERY STATE:PA	241	295	352	412	467
COUNTY:PHILADELPHIA STATE:PA	241	295	352	412*	467
SMSA: READING, PA					
COUNTY:BERKS STATE:PA	186	215	270	313	356
SMSA: WILLIAMSPORT, PA					
COUNTY:LYCOMING STATE:PA	144	178	214	251	286
SMSA: YORK, PA					
COUNTY:ADAMS STATE:PA	197	240	287	362	411
COUNTY:YORK STATE:PA	197	240	287	362	411
NON SMSA					
COUNTY:BRADFORD STATE:PA	185	219	256	311	348
COUNTY:CENTRE STATE:PA	173	210	253	287	321
NON SMSA					
COUNTY:CLINTON STATE:PA	173	210	253	287	321
COUNTY:COLUMBIA STATE:PA	191	225	272	307	344
COUNTY:FRANKLIN STATE:PA	173	210	253	287	321
COUNTY:JUNIATA STATE:PA	150	193	233	264	298
COUNTY:LEBANON STATE:PA	176	206	248	292	326
COUNTY:MIFFLIN STATE:PA	150	193	233	264	298
COUNTY:MONTOUR STATE:PA	117	146	176	208	236
COUNTY:NORTHUMBRLND STATE:PA	173	204	245	278	312
COUNTY:PIKE STATE:PA	199	234	283	316	355
COUNTY:SCHUYLKILL STATE:PA	192	228	281	316	353
COUNTY:SNYDER STATE:PA	150	193	233	264	298
COUNTY:SULLIVAN STATE:PA	155	193	244	279	303

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY:TIOGA STATE:PA	185	219	256	311	348
COUNTY:UNION STATE:PA	150	193	233	264	298
COUNTY:WAYNE STATE:PA	168 33	194 25	232 30	255 17	284 13
COUNTY:WYOMING STATE:PA	168	199	240	312	348
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY:NEW CASTLE STATE:DE	243	295	348	403	455
NON SMSA					
COUNTY:KENT STATE:DE	190	231	272*	314	356
COUNTY:SUSSEX STATE:DE	190	231	272*	314	356
SMSA: CHARLESTON, WV					
COUNTY:KANAWHA STATE:WV	183	224	266	306	347
COUNTY:PUTNAM STATE:WV	183	224	266	306	347
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH					
COUNTY:CABELL STATE:WV	172	210	248	287	325
COUNTY:WAYNE STATE:WV	172	210	248	287	325
SMSA: PARKERSBURG-MARIETTA, WV-OH					
COUNTY:WIRT STATE:WV	188	231	212	314	355
COUNTY:WOOD STATE:WV	188	231	212	314	355
SMSA: STEUBENVILLE-WEIRTON, OH-WV					
COUNTY:BROOKE STATE:WV	165	201	240	278	314
COUNTY:HANCOCK STATE:WV	165	201	240	278	314
SMSA: WHEELING, WV-OH					
COUNTY:MARSHALL STATE:WV	177	204	250	294	324
COUNTY:OHIO STATE:WV	177	204	250	294	324
NON SMSA					
COUNTY:BARBOUR STATE:WV	176	215	254	294	333

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY:BERKELEY STATE:WV	176	215	254	294	333
COUNTY:BOONE STATE:WV	140	172	203	235	266
COUNTY:BRAXTON STATE:WV	140	172	203	235	266
COUNTY:CALHOUN STATE:WV	140	172	203	235	266
COUNTY:CLAY STATE:WV	140	172	203	235	266
COUNTY:DODDRIDGE STATE:WV	176	215	254	294	333
COUNTY:FAYETTE STATE:WV	140	172	203	235	266
COUNTY:GILMER STATE:WV	140	172	203	235	266
COUNTY:GRANT STATE:WV	176	215	254	294	333
COUNTY:GREENBRIER STATE:WV	140	172	203	235	266
COUNTY:HAMPSHIRE STATE:WV	176	215	254	294	333
COUNTY:HARDY STATE:WV	176	215	254	294	333
NON SMSA					
COUNTY:HARRISON STATE:WV	176	215	254	294	333
COUNTY:JACKSON STATE:WV	140	172	203	235	266
COUNTY:JEFFERSON STATE:WV	176	215	254	294	333
COUNTY:LEWIS STATE:WV	176	215	254	294	333
COUNTY:LINCOLN STATE:WV	140	172	203	235	266
COUNTY:LOGAN STATE:WV	140	172	203	235	266
COUNTY:MCDOWELL STATE:WV	145	179	212	244	277
COUNTY:MARION STATE:WV	176	215	254	294	333
COUNTY:MASON STATE:WV	140	172	203	235	266
COUNTY:MERCER STATE:WV	145	179	212	244	277
COUNTY:MINERAL STATE:WV	154	188	223	257	291
COUNTY:MINGO STATE:WV	140	172	203	235	266

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR, 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY:MONONGALIA STATE:WV	176	215	254	294	333
COUNTY:MONROE STATE:WV	140	172	203	235	266
COUNTY:MORGAN STATE:WV	176	215	254	294	333
COUNTY:NICHOLAS STATE:WV	140	172	203	235	266
COUNTY:PENDLETON STATE:WV	176	215	254	294	333
COUNTY:PLEASANTS STATE:WV	188	231	272	314	355
COUNTY:POCAHONTAS STATE:WV	140	172	203	235	*266
COUNTY:PRESTON STATE:WV	176	215	254	294	333
COUNTY:RALEIGH STATE:WV	140	172	203	235	266
COUNTY:RANDOLPH STATE:WV	176	215	254	294	333
COUNTY:RITCHIE STATE:WV	188	231	272	314	355
COUNTY:ROANE STATE:WV	140	172	203	235	266
COUNTY:SUMMERS STATE:WV	140	172	203	235	266
COUNTY:TAYLOR STATE:WV	176	215	254	294	333
COUNTY:TUCKER STATE:WV	176	215	254	294	333
COUNTY:TYLER STATE:WV	154	188	223	257	291
COUNTY:UPSHUR STATE:WV	176	215	254	294	333
COUNTY:WEBSTER STATE:WV	140	172	203	235	266
COUNTY:WETZEL STATE:WV	154	188	223	257	291
COUNTY:WYOMING STATE:WV	140	172	203	235	266
SMSA: ALTOONA, PA					
COUNTY:BLAIR STATE:PA	173	211	251	292	331
SMSA: ERIE, PA					
COUNTY:ERIE STATE:PA	186	213	259	304	334
SMSA: JOHNSTOWN, PA					
COUNTY:CAMBRIA STATE:PA	172	205	250	284	317

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
SMSA: JOHNSTOWN, PA					
COUNTY:SOMERSET STATE:PA	172	205	250	284	317
SMSA: PITTSBURGH, PA					
COUNTY:ALLEGHANY STATE:PA	214	260	307	355	403
COUNTY:BEAVER STATE:PA	214	260	307	355	403
COUNTY:WASHINGTON STATE:PA	214	260	307	355	403
COUNTY:WESTMORELAND STATE:PA	214	260	307	355	403
NON SMSA					
COUNTY:ARMSTRONG STATE:PA	132	165	198	233	265
COUNTY:BEDFORD STATE:PA	149	173	209	244	274
COUNTY:BUTLER STATE:PA	178	211	251	283	313
COUNTY:CAMERON STATE:PA	144	178	214	251	286
COUNTY:CLARION STATE:PA	132	165	198	233	265
COUNTY:CLEARFIELD STATE:PA	167	202	241	271	304
COUNTY:CRAWFORD STATE:PA	139	172	205	241	275
COUNTY:ELK STATE:PA	144	178	214	251	286
COUNTY:FAYETTE STATE:PA	167	201	247	282	316
COUNTY:FOREST STATE:PA	139	172	205	241	275
COUNTY:FULTON STATE:PA	129	160	192	226	258
COUNTY:GREENE STATE:PA	118	148	177	209	238
COUNTY:HUNTINGDON STATE:PA	129	160	192	226	258
COUNTY:INDIANA STATE:PA	156	192	229	267	301
COUNTY:JEFFERSON STATE:PA	144	178	214	251	286
COUNTY:LAWRENCE STATE:PA	139	172	205	241	275
COUNTY:MCKEAN STATE:PA	158	194	220	257	297
COUNTY:MERCER STATE:PA	139	172	205	241	275

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY:POTTER STATE:PA	158	197	234	272	312
COUNTY:VENANGO STATE:PA	139	172	205	241	275
COUNTY:WARREN STATE:PA	139	172	205	241	275
RICHMOND, VIRGINIA AREA OFFICE					
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA					
COUNTY:SCOTT STATE:VA	180	221	261	302	341
COUNTY:WASHINGTON STATE:VA	180	221	261	302	341
INDEP. CITY:BRISTOL STATE:VA	180	221	261	302	341
SMSA: LYNCHBURG, VA					
COUNTY:AMHERST STATE:VA	203	246*	291*	334*	379*
COUNTY:APPOMATTOX STATE:VA	203	246*	291*	334*	379*
COUNTY:CAMPBELL STATE:VA	203	246*	291*	334*	379*
INDEP. CITY:LYNCHBURG STATE:VA	203	246*	291*	334*	379*
SMSA: NEWPORT NEWS-HAMPTON, VA					
COUNTY:GLOUCESTER STATE:VA	195	237	280*	323	365
COUNTY:JAMES CITY STATE:VA	195	237*	280*	323*	365*
COUNTY:YORK STATE:VA	195	237*	280*	323*	365*
INDEP. CITY:HAMPTON STATE:VA	195	237*	280*	323*	365*

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
SMSA: NEWPORT NEWS-HAMPTON, VA					
INDEP. CITY:NEWPORT NEWS STATE:VA	195	237*	280*	323*	365*
INDEP. CITY:POQUOSON STATE:VA	213	260	308	355	402
INDEP. CITY:WILLIAMSBURG STATE:VA	195	237*	280*	323*	365*
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC					
INDEP. CITY:CHESAPEAKE STATE:VA	205	249*	294*	339*	383*
INDEP. CITY:NORFOLK STATE:VA	205	249*	294*	339*	383*
INDEP. CITY:PORTSMOUTH STATE:VA	205	249*	294*	339*	383*
INDEP. CITY:SUFFOLK STATE:VA	205	249*	294*	339*	383*
INDEP. CITY:VIRGINIA BEA STATE:VA	205	249*	294*	339*	383*
SMSA: PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA					
COUNTY:DINWIDDIE STATE:VA	215	263*	310*	357*	405*
COUNTY:PRINCEGEORGE STATE:VA	215	263*	310*	357*	405*
INDEP. CITY:COLONIAL HEI STATE:VA	215	263*	310*	357*	405*
INDEP. CITY:HOPEWELL STATE:VA	215	263*	310*	357*	405*
INDEP. CITY:PETERSBURG STATE:VA	215	263*	310*	357*	405*
SMSA: RICHMOND, VA					
COUNTY:CHARLES CITY STATE:VA	208	252*	298*	344*	389*
COUNTY:CHESTERFIELD STATE:VA	208	252*	298*	344*	389*
COUNTY:GOOCHLAND STATE:VA	208	252*	298*	344*	389*
COUNTY:HANOVER STATE:VA	208	252*	298*	344*	389*
COUNTY:HENRICO STATE:VA	208	252*	298*	344*	389*
COUNTY:NEW KENT STATE:VA	208	252*	298*	344*	389*
COUNTY:POWHATAN STATE:VA	208	252*	298*	344*	389*
INDEP. CITY:RICHMOND STATE:VA	208	252*	298*	344*	389*
SMSA: ROANOKE, VA					
COUNTY:BOTETOURT STATE:VA	184	225*	265*	306*	346*

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
SMSA: ROANOKE, VA					
COUNTY:CRAIG STATE:VA	184	225*	265*	306*	346*
COUNTY:ROANOKE STATE:VA	184	225*	265*	306*	346*
INDEP. CITY:ROANOKE STATE:VA	184	225*	265*	306*	346*
INDEP. CITY:SALEM STATE:VA	184	225*	265*	306*	346*
NON SMSA					
COUNTY:ACCOMACK STATE:VA	190	231*	272*	314*	356*
COUNTY:ALBEMARLE STATE:VA	215	263*	310*	357*	405*
COUNTY:ALLEGHANY STATE:VA	184	225*	265*	306*	346*
COUNTY:AMELIA STATE:VA	215	263*	310*	357*	405*
COUNTY:AUGUSTA STATE:VA	176	215	254	294	333
COUNTY:BATH STATE:VA	176	215	254	294	333
COUNTY:BEDFORD STATE:VA	203	246*	291*	334*	379*
COUNTY:BLAND STATE:VA	145	179	212	244	277
COUNTY:BRUNSWICK STATE:VA	215	263*	310*	357*	405*
COUNTY:BUCHANAN STATE:VA	145	179	212	244	277
COUNTY:BUCKINGHAM STATE:VA	215	263*	310*	357*	405*
COUNTY:CAROLINE STATE:VA	215	263*	310*	357*	405*
COUNTY:CARROLL STATE:VA	162	199	236	272	308
COUNTY:CHARLOTTE STATE:VA	203	246*	291*	334*	379*
COUNTY:CLARKE STATE:VA	176	215	254	294	333
COUNTY:CULPEPER STATE:VA	184	227*	275*	310*	347*
COUNTY:CUMBERLAND STATE:VA	215	263*	310*	357*	405*
COUNTY:DICKENSON STATE:VA	178	196	235	260	328
COUNTY:ESSEX STATE:VA	215	263*	310*	357*	405*
COUNTY:FAUQUIER STATE:VA	184	225*	269*	318*	373*

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
NON SMSA					
COUNTY:FLOYD STATE:VA	184	225*	265*	306*	346*
COUNTY:FLUVANNA STATE:VA	215	263*	310*	357*	405*
COUNTY:FRANKLIN STATE:VA	160	196	230	268	302
COUNTY:FREDERICK STATE:VA	176	215	254	294	333
COUNTY:GILES STATE:VA	184	225*	265*	306*	346*
COUNTY:GRAYSON STATE:VA	162	199	236	272	308
COUNTY:GREENE STATE:VA	215	263*	310*	357*	405*
COUNTY:GREENSVILLE STATE:VA	215	263*	310*	357*	405*
COUNTY:HALIFAX STATE:VA	203	246*	291*	334*	379*
COUNTY:HENRY STATE:VA	184	225*	265*	306*	346*
COUNTY:HIGHLAND STATE:VA	176	215	254	294	333
COUNTY:ISLE OFWIGHT STATE:VA	160	196	230	268	302
COUNTY:KING + QUEEN STATE:VA	215	263*	310*	357*	405*
COUNTY:KING GEORGE STATE:VA	184	225	265*	306	346
COUNTY:KING WILLIAM STATE:VA	215	263*	310*	357*	405*
COUNTY:LANCASTER STATE:VA	215	263*	310*	357*	405*
COUNTY:LEE STATE:VA	149 4	179	212	244	277
COUNTY:LOUISA STATE:VA	215	263*	310*	357*	405*
COUNTY:LUNENBURG STATE:VA	215	263*	310*	357*	405*
COUNTY:MADISON STATE:VA	215	263*	310*	357*	405*
COUNTY:MATHEWS STATE:VA	160	196	230	268	302
COUNTY:MECKLENBURG STATE:VA	215	263*	310*	357*	405*
COUNTY:MIDDLESEX STATE:VA	160	196	230	268	302
COUNTY:MONTGOMERY STATE:VA	184	225*	265*	306*	346*

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
NON SMSA					
COUNTY:NELSON STATE:VA	203	246*	291*	334*	379*
COUNTY:NORTHAMPTON STATE:VA	190	231*	272*	314*	356*
COUNTY:NORTHUMBERLD STATE:VA	215	263*	310*	357*	405*
COUNTY:NOTTOWAY STATE:VA	215	263*	310*	357*	405*
COUNTY:ORANGE STATE:VA	215	263*	310*	357*	405*
COUNTY:PAGE STATE:VA	176	215	254	294	333
COUNTY:PATRICK STATE:VA	184	225*	265*	306*	346*
COUNTY:PITTSYLVANIA STATE:VA	203	246*	291*	334*	379*
COUNTY:PRINCEEDWARD STATE:VA	215	263*	310*	357*	405*
COUNTY:PULASKI STATE:VA	184	225*	265*	306*	346*
COUNTY:RAPPAHANNOCK STATE:VA	184	225*	265*	306*	346*
COUNTY:RICHMOND STATE:VA	208	252	298	344	389
COUNTY:ROCKBRIDGE STATE:VA	176	215	254	294	333
COUNTY:ROCKINGHAM STATE:VA	176	215	254	294	333
COUNTY:RUSSELL STATE:VA	176	197	249*	271	322*
COUNTY:SHENANDOAH STATE:VA	176	215	254	294	333
COUNTY:SMYTH STATE:VA	149 4	179	212	244	277
COUNTY:SOUTHAMPTON STATE:VA	160	196	230	268	302
COUNTY:SPOTSLYVANIA STATE:VA	184	225	265*	306	346
COUNTY:STAFFORD STATE:VA	184	225	265*	306	346
COUNTY:SURRY STATE:VA	160	196	230	268	302
COUNTY:SUSSEX STATE:VA	215	263*	310*	357*	405*
COUNTY:TAZEWELL STATE:VA	176	197	249*	271	322*
COUNTY:WARREN STATE:VA	176	215	254	294	333

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
NON SMSA					
COUNTY:WESTMORELAND STATE:VA	215	263*	310*	357*	405*
COUNTY:WISE STATE:VA	176	197	249*	271	322*
COUNTY:WYTHE STATE:VA	184	225*	265*	306*	346*
INDEP. CITY:BEDFORD STATE:VA	203	246*	291*	334*	379*
INDEP. CITY:BUENA VISTA STATE:VA	176	215	254	294	333
INDEP. CITY:CHARLOTTESVI STATE:VA	215	263*	310*	357*	405*
INDEP. CITY:CLIFTON FORG STATE:VA	184	225*	265*	306*	346*
INDEP. CITY:COVINGTON STATE:VA	184	225*	265*	306*	346*
INDEP. CITY:DANVILLE STATE:VA	203	246*	291*	334*	379*
INDEP. CITY:EMPORIA STATE:VA	215	263*	310*	357*	405*
INDEP. CITY:FRANKLIN STATE:VA	184	225*	265*	306*	346*
INDEP. CITY:FREDERICKBUR STATE:VA	184	225	265*	306	346
INDEP. CITY:GALAX STATE:VA	162	199	236	272	308
INDEP. CITY:HARRISONBURG STATE:VA	176	215	254	294	333
INDEP. CITY:LEXINGTON STATE:VA	176	215	254	294	333
INDEP. CITY:MARTINSVILLE STATE:VA	184	225*	265*	306*	346*
INDEP. CITY:NORTON STATE:VA	176	197	249*	271	322*
INDEP. CITY:RADFORD STATE:VA	184	225*	265*	306*	346*
INDEP. CITY:SOUTH BOSTON STATE:VA	203	246*	291*	334*	379*
INDEP. CITY:STAUNTON STATE:VA	183	218*	261*	331*	388*
INDEP. CITY:WAYNESBORO STATE:VA	176	215	254	294	333
INDEP. CITY:WINCHESTER STATE:VA	176	215	254	294	333

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
WASHINGTON, D.C. AREA OFFICE					
SMSA: WASHINGTON, DC-MD-VA					
COUNTY:MONTGOMERY STATE:MD	254	309	365	422	476
COUNTY:PRINCE GEORG STATE:MD	254	309	365	422	476
COUNTY:WASHINGTON STATE:DC	254	309	365	422	476
COUNTY:ARLINGTON STATE:VA	254	309	365	422	476
COUNTY:FAIRFAX STATE:VA	254	309	365	422	476
COUNTY:LOUDOUN STATE:VA	254	309	365	422	476
COUNTY:PRINCEWILLIA STATE:VA	254	309	365	422	476
INDEP. CITY:ALEXANDRIA STATE:VA	254	309	365	422	476
INDEP. CITY:FAIRFAX STATE:VA	254	309	365	422	476
INDEP. CITY:FALLS CHURCH STATE:VA	254	309	365	422	476
INDEP. CITY:MANASSAS STATE:VA	254	309	365	422	476
INDEP. CITY:MANASSAS PRK STATE:VA	254	309	365	422	476
REGION 4					
ATLANTA, GEORGIA AREA OFFICE					
SMSA: ALBANY, GA					
COUNTY:DOUGHERTY STATE:GA	160	196	230	268	302
COUNTY:LEE STATE:GA	160	196	230	268	302
SMSA: ATLANTA, GA					
COUNTY:BUTTS STATE:GA	221	270	318	366	415
COUNTY:CHEROKEE STATE:GA	221	270	318	366	415
COUNTY:CLAYTON STATE:GA	221	270	318	366	415
COUNTY:COBB STATE:GA	221	270	318	366	415
COUNTY:DE KALB STATE:GA	221	270	318	366	415
COUNTY:DOUGLAS STATE:GA	221	270	318	366	415
COUNTY:FAYETTE STATE:GA	221	270	318	366	415
COUNTY:FORSYTH STATE:GA	221	270	318	366	415
COUNTY:FULTON STATE:GA	221	270	318	366	415
COUNTY:GWINNETT STATE:GA	221	270	318	366	415

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING / URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
SMSA: ATLANTA, GA					
COUNTY:HENRY STATE:GA	221	270	318	366	415
COUNTY:NEWTON STATE:GA	221	270	318	366	415
COUNTY:PAULDING STATE:GA	221	270	318	366	415
COUNTY:ROCKDALE STATE:GA	221	270	318	366	415
COUNTY:WALTON STATE:GA	221	270	318	366	415
SMSA: AUGUSTA, GA-SC					
COUNTY:COLUMBIA STATE:GA	208	253	299	345	392
COUNTY:RICHMOND STATE:GA	208	253	299	345	392
SMSA: CHATTANOOGA, TN-GA					
COUNTY:CATOOSA STATE:GA	183	224	266	306	347
COUNTY:DADE STATE:GA	183	224	266	306	347
COUNTY:WALKER STATE:GA	183	224	266	306	347
SMSA: COLUMBUS, GA-AL					
COUNTY:CHATTAHOOCHE STATE:GA	177	217	257	296	335
COUNTY:COLUMBUS STATE:GA	177	217	257	296	335
SMSA: MACON, GA					
COUNTY:BIBB STATE:GA	160	196	230	268	302
COUNTY:HOUSTON STATE:GA	160	196	230	268	302
COUNTY:JONES STATE:GA	160	196	230	268	302
COUNTY:TWIGGS STATE:GA	160	196	230	268	302
SMSA: SAVANNAH, GA					
COUNTY:BRYAN STATE:GA	229	247	282	326	367
COUNTY:CHATHAM STATE:GA	229	247	282	326	367
COUNTY:EFFINGHAM STATE:GA	229	247	282	326	367
NON SMSA					
COUNTY:APPLING STATE:GA	162	199	236	272	308
COUNTY:ATKINSON STATE:GA	148	181	214*	247	279
COUNTY:BACON STATE:GA	162	199	236	272	308

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY:BAKER STATE:GA	160	196	230	268	302
COUNTY:BALDWIN STATE:GA	160	196	230	268	302
COUNTY:BANKS STATE:GA	181	222	263	304	345
COUNTY:BARROW STATE:GA	181	222	263	304	345
COUNTY:BARTON STATE:GA	150	185	218	253	285
COUNTY:BEN HILL STATE:GA	160	196	230	268	302
COUNTY:BERRIEN STATE:GA	146	178	209*	243	274
COUNTY:BLECKLEY STATE:GA	160	196	230	268	302
COUNTY:BRANTLEY STATE:GA	175	214	253	292	331
COUNTY:BROOKS STATE:GA	146	178	209*	243	274
COUNTY:BULLOCH STATE:GA	162	199	236	272	308
COUNTY:BURKE STATE:GA	167	204	242*	278*	315*
COUNTY:CALHOUN STATE:GA	160	196	230	268	302
COUNTY:CAMDEN STATE:GA	175	214	253	292	331
COUNTY:CANDLER STATE:GA	162	199	236	272	308
COUNTY:CARROLL STATE:GA	172	210	248	287	325
COUNTY:CHARLTON STATE:GA	160	195*	230*	265*	300*
COUNTY:CHATTOOGA STATE:GA	156	191	227	261	297
COUNTY:CLARKE STATE:GA	181	222	263	304	345
COUNTY:CLAY STATE:GA	160	196	230	268	302
COUNTY:CLINCH STATE:GA	146	178	209*	243	274
COUNTY:COFFEE STATE:GA	162	199	236	272	308
COUNTY:COLQUITT STATE:GA	146	178	209*	243	274
COUNTY:COOK STATE:GA	146	178	209*	243	274

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY:COWETA STATE:GA	172	210	248	287	325
COUNTY:CRAWFORD STATE:GA	160	196	230	268	302
COUNTY:CRISP STATE:GA	160	196	230	268	302
COUNTY:DAWSON STATE:GA	150	185	218	253	285
COUNTY:DECATUR STATE:GA	160	196	230	268	302
COUNTY:DODGE STATE:GA	160	196	230	268	302
COUNTY:DOOLY STATE:GA	160	196	230	268	302
COUNTY:EARLY STATE:GA	160	196	230	268	302
COUNTY:ECHOLS STATE:GA	146	178	209*	243	274
COUNTY:ELBERT STATE:GA	181	222	263	304	345
COUNTY:EMANUEL STATE:GA	167	204	242*	278*	315*
COUNTY:EVANS STATE:GA	162	199	236	272	308
COUNTY:FANNIN STATE:GA	150	185	218	253	285
COUNTY:FLOYD STATE:GA	150	185	218	253	285
COUNTY:FRANKLIN STATE:GA	166	202	239*	276	313*
COUNTY:GILMER STATE:GA	150	185	218	253	285
COUNTY:GLASCOCK STATE:GA	167	204	242*	278*	315*
COUNTY:GLYNN STATE:GA	192	235	277	321	363
COUNTY:GORDON STATE:GA	156	191	227	261	297
COUNTY:GRADY STATE:GA	160	196	230	268	302
COUNTY:GREENE STATE:GA	166	202	239*	276*	313*
COUNTY:HABERSHAM STATE:GA	150	185	218	253	285
COUNTY:HALL STATE:GA	181	222	263	304	345
COUNTY:HANCOCK STATE:GA	160	196	230	268	302

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY:HARALSON STATE:GA	150	185	218	253	285
COUNTY:HARRIS STATE:GA	162	198*	233*	269*	304*
COUNTY:HART STATE:GA	174	212	263	290	329
COUNTY:HEARD STATE:GA	177	217	257	296	335
COUNTY:IRWIN STATE:GA	160	196	230	268	302
COUNTY:JACKSON STATE:GA	181	222	263	304	345
COUNTY:JASPER STATE:GA	160	196	230	268	302
COUNTY:JEFF DAVIS STATE:GA	162	199	236	272	308
COUNTY:JEFFERSON STATE:GA	183	224	266	306	347
COUNTY:JENKINS STATE:GA	167	204	242*	278*	315*
COUNTY:JOHNSON STATE:GA	160	196	230	268	302
COUNTY:LAMAR STATE:GA	172	210	248	287	325
COUNTY:LANIER STATE:GA	146	178	209*	243	274
COUNTY:LAURENS STATE:GA	160	196	230	268	302
COUNTY:LIBERTY STATE:GA	162	199	236	272	308
COUNTY:LINCOLN STATE:GA	167	204	242*	278*	315*
COUNTY:LONG STATE:GA	162	199	236	272	308
COUNTY:LOWNDES STATE:GA	160	196	230	268	302
COUNTY:LUMPKIN STATE:GA	150	185	218	253	285
COUNTY:MCDUFFIE STATE:GA	183	224	266	306	347
COUNTY:MCINTOSH STATE:GA	175	214	253	292	331
COUNTY:MACON STATE:GA	160	196	230	268	302
COUNTY:MADISON STATE:GA	166	202	239*	276	313*
COUNTY:MARION STATE:GA	162	198*	233*	269*	304*

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY:MERIWETHER STATE:GA	162	198*	233*	269*	304*
COUNTY:MILLER STATE:GA	160	196	230	268	302
COUNTY:MITCHELL STATE:GA	160	196	230	268	302
COUNTY:MONROE STATE:GA	160	196	230	268	302
COUNTY:MONTGOMERY STATE:GA	162	199	236	272	308
COUNTY:MORGAN STATE:GA	166	202	239*	276*	313*
COUNTY:MURRAY STATE:GA	156	191	227	261	297
COUNTY:OCONEE STATE:GA	181	222	263	304	345
COUNTY:OGLETHORPE STATE:GA	166	202	239*	276	313*
COUNTY:PEACH STATE:GA	160	196	230	268	302
COUNTY:PICKENS STATE:GA	150	185	218	253	285
COUNTY:PIERCE STATE:GA	175	214	253	292	331
COUNTY:PIKE STATE:GA	172	210	248	287	325
COUNTY:POLK STATE:GA	150	185	218	253	285
COUNTY:PULASKI STATE:GA	160	196	230	268	302
COUNTY:PUTNAM STATE:GA	160	196	230	268	302
COUNTY:QUITMAN STATE:GA	177	217	257	296	335
COUNTY:RABUN STATE:GA	150	185	218	253	285
COUNTY:RANDOLPH STATE:GA	160	196	230	268	302
COUNTY:SCHLEY STATE:GA	162	198*	233*	269*	304*
COUNTY:SCREVEN STATE:GA	162	199	236	272	308
COUNTY:SEMINOLE STATE:GA	160	196	230	268	302
COUNTY:SPALDING STATE:GA	172	210	248	287	325
COUNTY:STEPHENS STATE:GA	166	202	239*	276	313*

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY:STEWART STATE:GA	162	198*	233*	269*	304*
COUNTY:SUMTER STATE:GA	195	238	282	326	368
COUNTY:TALBOT STATE:GA	177	217	257	296	335
COUNTY:TALIAFERRO STATE:GA	167	204	242*	278*	315*
COUNTY:TATTNALL STATE:GA	162	199	236	272	308
COUNTY:TAYLOR STATE:GA	160	196	230	268	302
COUNTY:TELFAIR STATE:GA	160	196	230	268	302
COUNTY:TERRELL STATE:GA	160	196	230	268	302
COUNTY:THOMAS STATE:GA	160	196	230	268	302
COUNTY:TIFT STATE:GA	160	196	230	268	302
COUNTY:TOOMBS STATE:GA	162	199	236	272	308
COUNTY:TOWNS STATE:GA	150	185	218	253	285
COUNTY:TREUTLEN STATE:GA	160	196	230	268	302
COUNTY:TROUP STATE:GA	177	217	257	296	335
COUNTY:TURNER STATE:GA	160	196	230	268	302
COUNTY:UNION STATE:GA	150	185	218	253	285
COUNTY:UPSON STATE:GA	157	191	225	260	295*
COUNTY:WARE STATE:GA	175	214	253	292	331
COUNTY:WARREN STATE:GA	167	204	242*	278*	315*
COUNTY:WASHINGTON STATE:GA	160	196	230	268	302
COUNTY:WAYNE STATE:GA	162	199	236	272	308
COUNTY:WEBSTER STATE:GA	162	198*	233*	269*	304*
COUNTY:WHEELER STATE:GA	160	196	230	268	302
COUNTY:WHITE STATE:GA	150	185	218	253	285

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY:WHITFIELD STATE:GA	156	191	227	261	297
COUNTY:WILCOX STATE:GA	160	196	230	268	302
COUNTY:WILKES STATE:GA	167	204	242*	278*	315*
COUNTY:WILKINSON STATE:GA	160	196	230	268	302
COUNTY:WORTH STATE:GA	160	196	230	268	302
BIRMINGHAM, ALABAMA AREA OFFICE					
SMSA: ANNISTON, AL					
COUNTY:CALHOUN STATE:AL	140	172	203	235	266
SMSA: BIRMINGHAM, AL					
COUNTY:JEFFERSON STATE:AL	193	237	280	323	365
COUNTY:ST CLAIR STATE:AL	193	237	280	323	365
COUNTY:SHELBY STATE:AL	193	237	280	323	365
COUNTY:WALKER STATE:AL	193	237	280	323	365
SMSA: COLUMBUS, GA-AL					
COUNTY:RUSSELL STATE:AL	177	217	257	296	335
SMSA: FLORENCE, AL					
COUNTY:COLBERT STATE:AL	184	226	271	309	350
COUNTY:LAUDERDALE STATE:AL	184	226	271	309	350
SMSA: GADSOEN, AL					
COUNTY:ETOWAH STATE:AL	140	172	203	235	266
SMSA: HUNTSVILLE, AL					
COUNTY:LIMESTONE STATE:AL	192	235	278	321	363

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE					
SMSA: HUNTSVILLE, AL					
COUNTY:MADISON STATE:AL	192	235	278	321	363
COUNTY:MARSHALL STATE:AL	192	235	278	321	363
SMSA: MOBILE, AL					
COUNTY:BALDWIN STATE:AL	155	189	225	259	295
COUNTY:MOBILE STATE:AL	155	189	225	259	295
SMSA: MONTGOMERY, AL					
COUNTY:AUTAUGA STATE:AL	154	188	223	257	291
COUNTY:ELMORE STATE:AL	154	188	223	257	291
COUNTY:MONTGOMERY STATE:AL	154	188	223	257	291
SMSA: TUSCALOOSA, AL					
COUNTY:TUSCALOOSA STATE:AL	181	222	263	304	345
NON SMSA					
COUNTY:BARBOUR STATE:AL	175	214	253	292	331
COUNTY:BIBB STATE:AL	181	222	263	304	345
COUNTY:BLOUNT STATE:AL	140	172	203	235	266
COUNTY:BULLOCK STATE:AL	154	188	223	257	291
COUNTY:BUTLER STATE:AL	175	214	253	292	331
COUNTY:CHAMBERS STATE:AL	177	217	257	296	335
COUNTY:CHEROKEE STATE:AL	140	172	203	235	266
COUNTY:CHILTON STATE:AL	181	222	263	304	345
COUNTY:CHOCTAN STATE:AL	177	217	257	296	335
COUNTY:CLARKE STATE:AL	166	204	241	279	316
COUNTY:CLAY STATE:AL	140	172	203	235	266
COUNTY:CLEBURNE STATE:AL	150	185	218	253	285
COUNTY:COFFEE STATE:AL	175	214	253	292	331
COUNTY:CONECUH STATE:AL	166	204	241	279	316
COUNTY:COOSA STATE:AL	154	188	223	257	291

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE					
NON SMSA					
COUNTY:COVINGTON STATE:AL	175	214	253	292	331
COUNTY:CRENSHAW STATE:AL	175	214	253	292	331
COUNTY:CULLMAN STATE:AL	140	172	203	235	266
COUNTY:DALE STATE:AL	175	214	253	292	331
COUNTY:DALLAS STATE:AL	154	188	223	257	291
COUNTY:DE KALB STATE:AL	156	191	227	261	297
COUNTY:ESCAMBIA STATE:AL	185	226	267*	308*	348*
COUNTY:FAYETTE STATE:AL	181	222	263	304	345
COUNTY:FRANKLIN STATE:AL	151	186	221	255	289
COUNTY:GENEVA STATE:AL	175	214	253	292	331
COUNTY:GREENE STATE:AL	181	222	263	304	345
COUNTY:HALE STATE:AL	181	222	263	304	345
COUNTY:HENRY STATE:AL	175	214	253	292	331
COUNTY:HOUSTON STATE:AL	175	214	253	292	331
COUNTY:JACKSON STATE:AL	156	191	227	261	297
COUNTY:LAMAR STATE:AL	181	222	263	304	345
COUNTY:LAWRENCE STATE:AL	151	186	221	255	289
COUNTY:LEE STATE:AL	177	217	257	296	335
COUNTY:LOWNDES STATE:AL	154	188	223	257	291
COUNTY:MACON STATE:AL	154	188	223	257	291
COUNTY:MARENGO STATE:AL	177	217	257	296	335
COUNTY:MARION STATE:AL	181	222	263	304	345
COUNTY:MONROE STATE:AL	166	204	241	279	316
COUNTY:MORGAN STATE:AL	176	214	253	292	330*

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE					
NON SMSA					
COUNTY:PERRY STATE:AL	154	188	223	257	291
COUNTY:PICKENS STATE:AL	181	222	263	304	345
COUNTY:PIKE STATE:AL	175	214	253	292	331
COUNTY:RANDOLPH STATE:AL	177	217	257	296	335
COUNTY:SUMTER STATE:AL	177	217	257	296	335
COUNTY:TALLADEGA STATE:AL	162	199	235	271	309
COUNTY:TALLAPOOSA STATE:AL	154	188	223	257	291
COUNTY:WASHINGTON STATE:AL	166	204	241	279	316
COUNTY:WILCOX STATE:AL	166	204	241	279	316
COUNTY:WINSTON STATE:AL	181	222	263	304	345
COLUMBIA, SOUTH CAROLINA AREA AFFICE					
SMSA: AUGUSTA, GA-SC					
COUNTY:AIKEN STATE:SC	208	253	299	345	392
SMSA: CHARLESTON, SC					
COUNTY:BERKELEY STATE:SC	214	263	310	359	405
COUNTY:CHARLESTON STATE:SC	214	263	310	359	405
COUNTY:DORCHESTER STATE:SC	214	263	310	359	405
SMSA: COLUMBIA, SC					
COUNTY:LEXINGTON STATE:SC	208	253	299	345	392
COUNTY:RICHLAND STATE:SC	208	253	299	345	392
SMSA: GREENVILLE-SPARTANBURG, SC					
COUNTY:GREENVILLE STATE:SC	176	215	254	294	333
COUNTY:PICKENS STATE:SC	176	215	254	294	333
COUNTY:SPARTANBURG STATE:SC	176	215	254	294	333
NON SMSA					
COUNTY:ABBEVILLE STATE:SC	154	188	223	257	291
COUNTY:ALLENDALE STATE:SC	183	224	266	306	347

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA AFFICE					
NON SMSA					
COUNTY:ANDERSON STATE:SC	154	188	223	257	291
COUNTY:BAMBERG STATE:SC	183	224	266	306	347
COUNTY:BARNWELL STATE:SC	183	224	266	306	347
COUNTY:BEAUFORT STATE:SC	183	224	266	306	347
COUNTY:CALHOUN STATE:SC	165	202	240	277	313
COUNTY:CHEROKEE STATE:SC	175	213	251	291	328
COUNTY:CHESTER STATE:SC	166	204	241	279	316
COUNTY:CHESTERFIELD STATE:SC	164	201	238	274	311
COUNTY:CLARENDON STATE:SC	165	202	240	277	313
COUNTY:COLLETON STATE:SC	183	224	266	306	347
COUNTY:DARLINGTON STATE:SC	164	201	238	274	311
COUNTY:DILLON STATE:SC	164	201	238	274	311
COUNTY:EDGEFIELD STATE:SC	183	224	266	306	347
COUNTY:FAIRFIELD STATE:SC	165	202	240	277	313
COUNTY:FLORENCE STATE:SC	164	201	238	274	311
COUNTY:GEORGETOWN STATE:SC	164	201	238	274	311
COUNTY:GREENWOOD STATE:SC	154	188	223	257	291
COUNTY:HAMPTON STATE:SC	183	224	266	306	347
COUNTY:HORRY STATE:SC	183	223	263	302	343
COUNTY:JASPER STATE:SC	162	199	236	272	308
COUNTY:KERSHAW STATE:SC	165	202	240	277	313
COUNTY:LANCASTER STATE:SC	166	204	241	279	316
COUNTY:LAURENS STATE:SC	154	188	223	257	291
COUNTY:LEE STATE:SC	165	202	240	277	313

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA AFFICE					
NON SMSA					
COUNTY:MCCORMICK STATE:SC	183	224	266	306	347
COUNTY:MARION STATE:SC	164	201	238	274	311
COUNTY:MARLBORO STATE:SC	164	201	238	274	311
COUNTY:NEWBERRY STATE:SC	165	202	240	277	313
COUNTY:OCONEE STATE:SC	175	213	251	291	328
COUNTY:ORANGEBURG STATE:SC	183	223	263	302	343
COUNTY:SALUDA STATE:SC	183	224	266	306	347
COUNTY:SUMTER STATE:SC	165	202	240	277	313
COUNTY:UNION STATE:SC	154	188	223	257	291
COUNTY:WILLIAMSBURG STATE:SC	164	201	238	274	311
COUNTY:YORK STATE:SC	166	204	241	279	316
GREENSBORO, NORTH CAROLINA AREA OFFICE					
SMSA: ASHEVILLE, NC					
COUNTY:BUNCOMBE STATE:NC	165	202	240	277	313
COUNTY:MADISON STATE:NC	165	202	240	277	313
SMSA: BURLINGTON, NC					
COUNTY:ALAMANCE STATE:NC	191	234	276	319	361
SMSA: CHARLOTTE-GASTONIA, NC					
COUNTY:GASTON STATE:NC	232	283	333	386	435
COUNTY:MECKLENBURG STATE:NC	232	283	333	386	435
COUNTY:UNION STATE:NC	232	283	333	386	435
SMSA: FAYETTEVILLE, NC					
COUNTY:CUMBERLAND STATE:NC	194	236*	279*	321*	363*
SMSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC					
COUNTY:DAVIDSON STATE:NC	191	234	276	319	361
COUNTY:FORSYTH STATE:NC	191	234	276	319	361
COUNTY:GUILFORD STATE:NC	191	234	276	319	361
COUNTY:RANDOLPH STATE:NC	191	234	276	319	361

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
SMSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC					
COUNTY:STOKES STATE:NC	191	234	276	319	361
COUNTY:YADKIN STATE:NC	191	234	276	319	361
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC					
COUNTY:CURRITUCK STATE:NC	205	249*	294*	339*	383*
SMSA: RALEIGH-DURHAM, NC					
COUNTY:DURHAM STATE:NC	204	250	295	340	385
COUNTY:ORANGE STATE:NC	204	250	295	340	385
COUNTY:WAKE STATE:NC	204	250	295	340	385
SMSA: WILMINGTON, NC					
COUNTY:BRUNSWICK STATE:NC	177	217	257	296	335
COUNTY:NEW HANOVER STATE:NC	177	217	257	296	335
NON SMSA					
COUNTY:ALEXANDER STATE:NC	173	212	251	290	327
COUNTY:ALLEGHANY STATE:NC	173	212	251	290	327
COUNTY:ANSON STATE:NC	175	213	251*	290*	328*
COUNTY:ASHE STATE:NC	173	212	251	290	327
COUNTY:AVERY STATE:NC	173	212	251	290	327
COUNTY:BEAUFORT STATE:NC	187	228*	268*	310*	350*
COUNTY:BERTIE STATE:NC	160	196	230	268	302
COUNTY:BLADEN STATE:NC	194	236*	279*	321*	363*
COUNTY:BURKE STATE:NC	173	212	251	290	327
COUNTY:CABARRUS STATE:NC	155	189	225	259	295
COUNTY:CALDWELL STATE:NC	173	212	251	290	327
COUNTY:CAMDEN STATE:NC	187	228*	268*	310*	350*
COUNTY:CARTERET STATE:NC	162	198	233	269*	304
COUNTY:CASWELL STATE:NC	203	246*	291*	334*	379*
COUNTY:CATAWBA STATE:NC	173	212	251	290	327

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
NON SMSA					
COUNTY: CHATHAM STATE: NC	194	236	279*	321	363
COUNTY: CHEROKEE STATE: NC	165	202	240	277	313
COUNTY: CHOWAN STATE: NC	187	228*	268*	310*	350*
COUNTY: CLAY STATE: NC	165	202	240	277	313
COUNTY: CLEVELAND STATE: NC	173	212	251	290	327
COUNTY: COLUMBUS STATE: NC	177	217	257	296	335
COUNTY: CRAVEN STATE: NC	162	198	233	269*	304
COUNTY: DARE STATE: NC	187	228*	268*	310*	350*
COUNTY: DAVIE STATE: NC	191	234	276	319	361
COUNTY: DUPLIN STATE: NC	177	217	257	296	335
COUNTY: EDGECOMBE STATE: NC	160	196	230	268	302
COUNTY: FRANKLIN STATE: NC	160	196	230	268	302
COUNTY: GATES STATE: NC	187	228*	268*	310*	350*
COUNTY: GRAHAM STATE: NC	165	202	240	277	313
COUNTY: GRANVILLE STATE: NC	160	196	230	268	302
COUNTY: GREENE STATE: NC	187	228*	268*	310*	350*
COUNTY: HALIFAX STATE: NC	160	196	230	268	302
COUNTY: HARNETT STATE: NC	194	236*	279*	321*	363*
COUNTY: HAYWOOD STATE: NC	165	202	240	277	313
COUNTY: HENDERSON STATE: NC	165	202	240	277	313
COUNTY: HERTFORD STATE: NC	160	196	230	268	302
COUNTY: HOKE STATE: NC	194	236*	279*	321*	363*
COUNTY: HYDE STATE: NC	187	228*	268*	310*	350*
COUNTY: IREDELL STATE: NC	155	189	225	259	295

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
NON SMSA					
COUNTY: JACKSON STATE: NC	165	202	240	277	313
COUNTY: JOHNSTON STATE: NC	204	250	295	341	385
COUNTY: JONES STATE: NC	162	198	233	269*	304
COUNTY: LEE STATE: NC	194	236	279*	321	363
COUNTY: LENOIR STATE: NC	162	198	233	269*	304
COUNTY: LINCOLN STATE: NC	166	204	241	279	316
COUNTY: MCDOWELL STATE: NC	173	212	251	290	327
COUNTY: MACON STATE: NC	165	202	240	277	313
COUNTY: MARTIN STATE: NC	187	228*	268*	310*	350*
COUNTY: MITCHELL STATE: NC	173	212	251	290	327
COUNTY: MONTGOMERY STATE: NC	175	213	251*	290*	328*
COUNTY: MOORE STATE: NC	175	213	251*	290*	328*
COUNTY: NASH STATE: NC	160	196	230	268	302
COUNTY: NORTHAMPTON STATE: NC	160	196	230	268	302
COUNTY: ONSLOW STATE: NC	177	217	257	296	335
COUNTY: PAMLICO STATE: NC	162	198	233	269*	304
COUNTY: PASQUOTANK STATE: NC	187	228*	268*	310*	350*
COUNTY: PENDER STATE: NC	177	217	257	296	335
COUNTY: PERQUIMANS STATE: NC	187	228*	268*	310*	350*
COUNTY: PERSON STATE: NC	194	236	279*	321	363
COUNTY: PITT STATE: NC	187	228*	268*	310*	350*
COUNTY: POLK STATE: NC	173	212	251	290	327
COUNTY: RICHMOND STATE: NC	175	213	251*	290*	328*
COUNTY: ROBESON STATE: NC	194	236*	279*	321*	363*

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE					
NON SMSA					
COUNTY:ROCKINGHAM STATE:NC	162	199	236	272	308
COUNTY:ROWAN STATE:NC	155	189	225	259	295
COUNTY:RUTHERFORD STATE:NC	173	212	251	290	327
COUNTY:SAMPSON STATE:NC	194	236*	279*	321*	363*
COUNTY:SCOTLAND STATE:NC	155	189	225	259	295
COUNTY:STANLY STATE:NC	155	189	225	259	295
COUNTY:SURRY STATE:NC	191	234	276	319	361
COUNTY:SWAIN STATE:NC	165	202	240	277	313
COUNTY:TRANSYLVANIA STATE:NC	165	202	240	277	313
COUNTY:TYRRELL STATE:NC	187	228*	268*	310*	350*
COUNTY:VANCE STATE:NC	160	196	230	268	302
COUNTY:WARREN STATE:NC	212	259	307	353	399
COUNTY:WASHINGTON STATE:NC	187	228*	268*	310*	350*
COUNTY:WATAUGA STATE:NC	173	212	251	290	327
COUNTY:WAYNE STATE:NC	187	228*	268*	310*	350*
COUNTY:WILKES STATE:NC	173	212	251	290	327
COUNTY:WILSON STATE:NC	160	196	230	268	302
COUNTY:YANCEY STATE:NC	173	212	251	290	327

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE					
SMSA: BILOXI-GULFPORT, MS					
COUNTY:HANCOCK STATE:MS	182	224	265	323	354
COUNTY:HARRISON STATE:MS	182	224	265	323	354
COUNTY:STONE STATE:MS	182	224	265	323	354
SMSA: JACKSON, MS					
COUNTY:HINDS STATE:MS	202	248	293	338	382
COUNTY:RANKIN STATE:MS	202	248	293	338	382
SMSA: MEMPHIS, TN-AR-MS					
COUNTY:DE SOTO STATE:MS	188	231	272	313	355
SMSA: PASCAGOULA-MOSS POINT, MS					
COUNTY:JACKSON STATE:MS	182	224	265	323	354
NON SMSA					
COUNTY:ADAMS STATE:MS	162	190	225	279	309
COUNTY:ALCORN STATE:MS	175	201	239	276	312
COUNTY:AMITE STATE:MS	162	190	225	279	309
COUNTY:ATTALA STATE:MS	176	197	236	287	314
COUNTY:BENTON STATE:MS	161	194	227*	260	295
COUNTY:BOLIVAR STATE:MS	177	192	237	280	311
COUNTY:CALHOUN STATE:MS	177	217	255	294	355
COUNTY:CARROLL STATE:MS	176	197	236	287	314
COUNTY:CHICKASAW STATE:MS	175	201	239	276	312
COUNTY:CHOCTAW STATE:MS	154	188	223	257	291
COUNTY:CLAIBORNE STATE:MS	176	197	236	287	314
COUNTY:CLARKE STATE:MS	177	217	257	296	335
COUNTY:CLAY STATE:MS	166	204	241	278	315
COUNTY:COAHOMA STATE:MS	179	220	260	301	338
COUNTY:COPIAH STATE:MS	176	197	236	287	314
COUNTY:COVINGTON STATE:MS	177	217	257	296	335

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE					
NON SMSA					
COUNTY:FORREST STATE:MS	177	217	257	296	335
COUNTY:FRANKLIN STATE:MS	162	190	225	279	309
COUNTY:GEORGE STATE:MS	174	213	250	289	329
COUNTY:GREENE STATE:MS	174	213	250	289	329
COUNTY:GRENADA STATE:MS	176	197	236	287	314
COUNTY:HOLMES STATE:MS	176	197	236	287	314
COUNTY:HUMPHREYS STATE:MS	177	192	237	280	311
COUNTY:ISSAQUENA STATE:MS	177	192	237	280	311
COUNTY:ITAWAMBA STATE:MS	175	201	239	276	312
COUNTY:JASPER STATE:MS	177	217	257	296	335
COUNTY:JEFFERSON STATE:MS	162	190	225	279	309
COUNTY:JEFFERSON DA STATE:MS	162	190	225	279	309
COUNTY:JONES STATE:MS	177	217	257	296	335
COUNTY:KEMPER STATE:MS	177	217	257	296	335
COUNTY:LAFAYETTE STATE:MS	176	213	250	287	325
COUNTY:LAMAR STATE:MS	177	217	257	296	335
COUNTY:LAUDERDALE STATE:MS	177	217	257	296	335
COUNTY:LAWRENCE STATE:MS	162	190	225	279	309
COUNTY:LEAKE STATE:MS	153	187	223	257	291
COUNTY:LEE STATE:MS	166	204	241	278	315
COUNTY:LEFLORE STATE:MS	176	197	236	287	314
COUNTY:LINCOLN STATE:MS	162	190	225	279	309
COUNTY:LOWNDES STATE:MS	176	203	242	278	315
COUNTY:MADISON STATE:MS	176	197	236	287	314

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE					
NON SMSA					
COUNTY:MARION STATE:MS	153	186	221	255	290
COUNTY:MARSHALL STATE:MS	176	213	250	287	325
COUNTY:MONROE STATE:MS	175	201	239	276	322
COUNTY:MONTGOMERY STATE:MS	153	187	223	257	291
COUNTY:NESHOBA STATE:MS	177	217	257	296	335
COUNTY:NEWTON STATE:MS	177	217	257	296	335
COUNTY:NOXUBEE STATE:MS	166	204	241	278	315
COUNTY:OKTIBBEHA STATE:MS	175	214	252*	291*	329*
COUNTY:PANOLA STATE:MS	176	213	250	287	325
COUNTY:PEARL RIVER STATE:MS	156	189	229	294	347
COUNTY:PERRY STATE:MS	177	217	257	296	335
COUNTY:PIKE STATE:MS	162	190	225	279	309
COUNTY:PONTOTOC STATE:MS	175	201	239	276	312
COUNTY:PRENTISS STATE:MS	175	201	239	276	312
COUNTY:QUITMAN STATE:MS	176	213	250	287	325
COUNTY:SCOTT STATE:MS	153	187	223	257	291
COUNTY:SHARKEY STATE:MS	177	192	237	280	311
COUNTY:SIMPSON STATE:MS	176	197	236	287	314
COUNTY:SMITH STATE:MS	153	187	223	257	291
COUNTY:SUNFLOWER STATE:MS	177	192	237	280	311
COUNTY:TALLAHATCHIE STATE:MS	153	187	223	257	291
COUNTY:TATE STATE:MS	176	213	250	287	325
COUNTY:TIPPAH STATE:MS	175	201	239	276	312
COUNTY:TISHOMIGO STATE:MS	175	201	239	276	312

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE					
NON SMSA					
COUNTY:TUNICA STATE:MS	176	213	250	287	325
COUNTY:UNION STATE:MS	175	201	239	276	322
COUNTY:WALTHALL STATE:MS	162	190	225	279	309
COUNTY:WARREN STATE:MS	176	197	236	287	314
COUNTY:WASHINGTON STATE:MS	177	192	237	280	311
COUNTY:WAYNE STATE:MS	177	217	257	296	335
COUNTY:WEBSTER STATE:MS	166	204	241	278	315
COUNTY:WILKINSON STATE:MS	155	190	225	259	293
COUNTY:WINSTON STATE:MS	176	203	242	278	315
COUNTY:YALOBUSHA STATE:MS	153	187	223	257	291
COUNTY:YAZOO STATE:MS	176	197	236	287	314
JACKSONVILLE, FLORIDA AREA OFFICE					
SMSA: FORT LAUDERDALE-HOLLYWOOD, FL					
COUNTY:BROWARD STATE:FL	306	369	437	504	570
SMSA: FORT MYERS-CAPE CORAL, FL					
COUNTY:LEE STATE:FL	245	299	354	408	462
SMSA: MIAMI, FL					
COUNTY:DADE STATE:FL	310	376	443	511	577
SMSA: WEST PALM BEACH-BOCA RATON, FL					
COUNTY:PALM BEACH STATE:FL	274	334	394	455	514
NON SMSA					
COUNTY:CHARLOTTE STATE:FL	245	299	354	408	462
COUNTY:COLLIER STATE:FL	231	283	333	384	435
COUNTY:GLADES STATE:FL	193	237	281	324	367
COUNTY:HENDRY STATE:FL	193	237	281	324	367
COUNTY:MARTIN STATE:FL	193	237	281	324	367
COUNTY:MONROE STATE:FL	193	237	281	324	367
SMSA: GAINESVILLE, FL					
COUNTY:ALACHUA STATE:FL	193	237	281	324	367

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSONVILLE, FLORIDA AREA OFFICE					
SMSA: JACKSONVILLE, FL					
COUNTY:BAKER STATE:FL	204	250	295	341	385
COUNTY:CLAY STATE:FL	204	250	295	341	385
COUNTY:DUVAL STATE:FL	204	250	295	341	385
COUNTY:NASSAU STATE:FL	204	250	295	341	385
COUNTY:ST JOHNS STATE:FL	204	250	295	341	385
SMSA: PANAMA CITY, FL					
COUNTY:BAY STATE:FL	193	237	281	324	367
SMSA: PENSACOLA, FL					
COUNTY:ESCAMBIA STATE:FL	202	248	294	339	383
COUNTY:SANTA ROSA STATE:FL	202	248	294	339	383
SMSA: TALLAHASSEE, FL					
COUNTY:LEON STATE:FL	193	237	281	324	367
COUNTY:WAKULLA STATE:FL	193	237	281	324	367
NON SMSA					
COUNTY:BRADFORD STATE:FL	175	214	253	292	331
COUNTY:CALHOUN STATE:FL	193	237	281	324	367
COUNTY:COLUMBIA STATE:FL	175	214	253	292	331
COUNTY:DIXIE STATE:FL	193	237	281	324	367
COUNTY:FLAGLER STATE:FL	185	226	269	308	349
COUNTY:FRANKLIN STATE:FL	193	237	281	324	367
COUNTY:GADSDEN STATE:FL	193	237	281	324	367
COUNTY:GILCHRIST STATE:FL	193	237	281	324	367
COUNTY:GULF STATE:FL	193	237	281	324	367
COUNTY:HAMILTON STATE:FL	175	214	253	292	331
COUNTY:HOLMES STATE:FL	193	237	281	324	367
COUNTY:JACKSON STATE:FL	193	237	281	324	367
COUNTY:JEFFERSON STATE:FL	193	237	281	324	367

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSONVILLE, FLORIDA AREA OFFICE					
NON SMSA					
COUNTY:LAFAYETTE STATE:FL	175	214	253	292	331
COUNTY:LEVY STATE:FL	193	237	281	324	367
COUNTY:LIBERTY STATE:FL	193	237	281	324	367
COUNTY:MADISON STATE:FL	193	237	281	324	367
COUNTY:MARION STATE:FL	193	237	281	324	367
COUNTY:OKALOOSA STATE:FL	202	248	294	339	383
COUNTY:PUTNAM STATE:FL	193	237	281	324	367
COUNTY:SUWANNEE STATE:FL	175	214	253	292	331
COUNTY:TAYLOR STATE:FL	193	237	281	324	367
COUNTY:UNION STATE:FL	175	214	253	292	331
COUNTY:WALTON STATE:FL	202	248	294	339	383
COUNTY:WASHINGTON STATE:FL	193	237	281	324	367
SMSA: DAYTONA BEACH, FL					
COUNTY:VOLUSIA STATE:FL	185	226	269	308	349
SMSA: MELBOURN-TITUSVILLE-COCOA, FL					
COUNTY:BREVARD STATE:FL	243	295	348	403	455
SMSA: ORLANDO, FL					
COUNTY:ORANGE STATE:FL	236	288	341	392	444
COUNTY:OSCEOLA STATE:FL	236	288	341	392	444
COUNTY:SEMINOLE STATE:FL	236	288	341	392	444
NON SMSA					
COUNTY:INDIAN RIVER STATE:FL	193	237	281	324	367
COUNTY:LAKE STATE:FL	185	226	269	308	349
COUNTY:OKEECHOBEE STATE:FL	193	237	281	324	367
COUNTY:ST LUCIE STATE:FL	193	237	281	324	367
SMSA: BRADENTON, FL					
COUNTY:MANATEE STATE:FL	245	299	354	408	462
SMSA: LAKELAND-WINTER HAVEN, FL					
COUNTY:POLK STATE:FL	201	247	292	337	381

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSONVILLE, FLORIDA AREA OFFICE					
SMSA: SARASOTA, FL					
COUNTY:SARASOTA STATE:FL	245	299	354	408	462
SMSA: TAMPA-ST PETERSBURG, FL					
COUNTY:HILLSBOROUGH STATE:FL	207	252	316	395	439
COUNTY:PASCO STATE:FL	207	252	316	395	439
COUNTY:PINELLAS STATE:FL	207	252	316	395	439
NON SMSA					
COUNTY:CITRUS STATE:FL	201	247	292	337	381
COUNTY:DE SOTO STATE:FL	224	273	322*	371*	420*
COUNTY:HARDEE STATE:FL	224	273	322*	371*	420*
COUNTY:HERNANDO STATE:FL	201	247	292	337	381
COUNTY:HIGHLANDS STATE:FL	193	237	281	324	367
COUNTY:SUMTER STATE:FL	185	226	269	308	349
LOUISVILLE, KENTUCKY AREA OFFICE					
SMSA: CINCINNATI, OH-KY-IN					
COUNTY:BOONE STATE:KY	205	250	293	338	382
COUNTY:CAMPBELL STATE:KY	205	250	293	338	382
COUNTY:KENTON STATE:KY	205	250	293	338	382
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY					
COUNTY:CHRISTIAN STATE:KY	183	224	266	306	347
SMSA: EVANSVILLE, IN-KY					
COUNTY:HENDERSON STATE:KY	210	235	284	315	352
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH					
COUNTY:BOYD STATE:KY	172	210	248	287	325
COUNTY:GREENUP STATE:KY	172	210	248	287	325
SMSA: LEXINGTON-FAYETTE , KY					
COUNTY:BOURBON STATE:KY	196	239	295	349	405
COUNTY:CLARK STATE:KY	196	239	295	349	405
COUNTY:FAYETTE STATE:KY	196	239	295	349	405
COUNTY:JESSAMINE STATE:KY	196	239	295	349	405

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
SMSA: LEXINGTON-FAYETTE , KY					
COUNTY:SCOTT STATE:KY	196	239	295	349	405
COUNTY:WOODFORD STATE:KY	196	239	295	349	405
SMSA: LOUISVILLE, KY-IN					
COUNTY:BULLITT STATE:KY	181	222	262	303	343
COUNTY:JEFFERSON STATE:KY	181	222	262	303	343
COUNTY:OLDHAM STATE:KY	181	222	262	303	343
SMSA: OWENSBORO, KY					
COUNTY:DAVIESS STATE:KY	207	251	297	343	388
NON SMSA					
COUNTY:ADAIR STATE:KY	164	201	235	268	297
COUNTY:ALLEN STATE:KY	164	201	235	268	297
COUNTY:ANDERSON STATE:KY	196	239	282	326	369
COUNTY:BALLARD STATE:KY	155	189	225	259	295
COUNTY:BARREN STATE:KY	164	201	235	268	297
COUNTY:BATH STATE:KY	196	239	282	326	369
COUNTY:BELL STATE:KY	164	201	235	268	297
COUNTY:BOYLE STATE:KY	188	213	259	309	319
COUNTY:BRACKEN STATE:KY	207	251	297	343	388
COUNTY:BREATHITT STATE:KY	164	201	235	268	297
COUNTY:BRECKINRIDGE STATE:KY	200	244	289	335	378
COUNTY:BUTLER STATE:KY	164	201	235	268	297
COUNTY:CALDWELL STATE:KY	168	206	245	283	320
COUNTY:CALLOWAY STATE:KY	155	189	225	259	295
COUNTY:CARLISLE STATE:KY	155	189	225	259	295
COUNTY:CARROLL STATE:KY	207	251	297	343	388
COUNTY:CARTER STATE:KY	188	213	259	309	319

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY:CASEY	113	160	187	217	239
STATE:KY	8	7	5	7	
COUNTY:CLAY	164	201	235	268	297
STATE:KY					
COUNTY:CLINTON	164	201	235	268	297
STATE:KY					
COUNTY:CRITTENDON	168	206	245	283	320
STATE:KY					
COUNTY:CUMBERLAND	164	201	235	268	297
STATE:KY					
COUNTY:EDMONSON	164	201	235	268	297
STATE:KY					
COUNTY:ELLIOTT	156	189	228	309	334
STATE:KY					
COUNTY:ESTILL	196	239	282	326	369
STATE:KY					
COUNTY:FLEMING	207	251	297	343	388
STATE:KY					
COUNTY:FLOYD	140	172	203	235	266
STATE:KY					
COUNTY:FRANKLIN	196	239	282	326	369
STATE:KY					
COUNTY:FULTON	155	189	225	259	295
STATE:KY					
COUNTY:GALLATIN	207	251	297	343	388
STATE:KY					
COUNTY:GARRARD	133	160	187	217	239
STATE:KY	8	7	5	7	
COUNTY:GRANT	207	251	297	343	388
STATE:KY					
COUNTY:GRAVES	155	189	225	259	295
STATE:KY					
COUNTY:GRAYSON	200	244	289	335	378
STATE:KY					
COUNTY:GREEN	164	201	235	268	297
STATE:KY					
COUNTY:HANCOCK	161	198	245	283	320
STATE:KY					
COUNTY:HARDIN	200	244	289	335	378
STATE:KY					
COUNTY:HARLAN	164	201	235	268	297
STATE:KY					
COUNTY:HARRISON	196	239	296	342	386
STATE:KY					
COUNTY:HART	200	244	289	335	378
STATE:KY					
COUNTY:HENRY	200	244	289	335	378
STATE:KY					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY:HICKMAN STATE:KY	155	189	225	259	295
COUNTY:HOPKINS STATE:KY	161	198	245	283	320
COUNTY:JACKSON STATE:KY	164	201	235	268	297
COUNTY:JOHNSON STATE:KY	140	172	203	235	266
COUNTY:KNOTT STATE:KY	164	201	235	268	297
COUNTY:KNOX STATE:KY	164	201	235	268	297
COUNTY:LARUE STATE:KY	200	244	289	335	378
COUNTY:LAUREL STATE:KY	164	201	235	268	297
COUNTY:LAWRENCE STATE:KY	156	189	228	309	334
COUNTY:LEE STATE:KY	164	201	235	268	297
COUNTY:LESLIE STATE:KY	164	201	235	268	297
COUNTY:LETCHER STATE:KY	164	201	235	268	297
COUNTY:LEWIS STATE:KY	207	251	297	343	388
COUNTY:LINCOLN STATE:KY	133 8	160 7	187 5	217 7	239
COUNTY:LIVINGSTON STATE:KY	155	189	225	259	295
COUNTY:LOGAN STATE:KY	168	206	245	283	320
COUNTY:LYON STATE:KY	168	206	245	283	320
COUNTY:MCCRACKEN STATE:KY	175	208	246	284	323
COUNTY:MCCREARY STATE:KY	164	201	235	268	297
COUNTY:MCLEAN STATE:KY	161	198	245	283	320
COUNTY:MADISON STATE:KY	196	239	296	342	386
COUNTY:MAGOFFIN STATE:KY	164	201	235	268	297
COUNTY:MARION STATE:KY	200	244	289	335	378
COUNTY:MARSHALL STATE:KY	175	208	246	284	323

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY:MARTIN STATE:KY	140	172	203	235	266
COUNTY:MASON STATE:KY	207	251	297	343	388
COUNTY:MEADE STATE:KY	200	244	289	335	378
COUNTY:MENIFEE STATE:KY	164	201	235	268	297
COUNTY:MERCER STATE:KY	196	239	282	326	369
COUNTY:METCALFE STATE:KY	164	201	235	268	297
COUNTY:MONROE STATE:KY	164	201	235	268	297
COUNTY:MONTGOMERY STATE:KY	196	239	296	342	386
COUNTY:MORGAN STATE:KY	164	201	235	268	297
COUNTY:MUHLENBERG STATE:KY	161	198	245	283	320
COUNTY:NELSON STATE:KY	200	244	289	335	378
COUNTY:NICHOLAS STATE:KY	196	239	282	326	369
COUNTY:OHIO STATE:KY	161	198	234	270	305
COUNTY:OWEN STATE:KY	207	251	297	343	388
COUNTY:OWSLEY STATE:KY	164	201	235	268	297
COUNTY:PENDLETON STATE:KY	207	251	297	343	388
COUNTY:PERRY STATE:KY	164	201	235	268	297
COUNTY:PIKE STATE:KY	164	201	235	268	297
COUNTY:POWELL STATE:KY	164	201	235	279	297
COUNTY:PULASKI STATE:KY	164	201	235	268	297
COUNTY:ROBERTSON STATE:KY	207	251	297	343	388
COUNTY:ROCKCASTLE STATE:KY	164	201	235	268	297
COUNTY:ROWAN STATE:KY	140	172	203	235	260
COUNTY:RUSSELL STATE:KY	133 8	160 7	187 5	217 7	239

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY:SHELBY STATE:KY	200	244	289	335	378
COUNTY:SIMPSON STATE:KY	164	201	235	268	297
COUNTY:SPENCER STATE:KY	200	244	289	335	378
COUNTY:TAYLOR STATE:KY	164	201	235	268	297
COUNTY:TODD STATE:KY	183	224	266	306	347
COUNTY:TRIGG STATE:KY	183	224	266	306	347
COUNTY:TRIMBLE STATE:KY	200	244	289	335	378
COUNTY:UNION STATE:KY	161	198	245	283	320
COUNTY:WARREN STATE:KY	164	201	235	268	297
COUNTY:WASHINGTON STATE:KY	200	244	289	335	378
COUNTY:WAYNE STATE:KY	164	201	235	268	297
COUNTY:WEBSTER STATE:KY	161	198	245	283	320
COUNTY:WHITLEY STATE:KY	164	201	235	279	297
COUNTY:WOLFE STATE:KY	133 8	160 7	187 5	217 7	239

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
SMSA: CHATTANOOGA, TN-GA					
COUNTY:HAMILTON STATE:TN	183	224	266	306	347
COUNTY:MARION STATE:TN	183	224	266	306	347
COUNTY:SEQUATCHIE STATE:TN	183	224	266	306	347
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA					
COUNTY:CARTER STATE:TN	180	221	261	302	341
COUNTY:HAWKINS STATE:TN	180	221	261	302	341
COUNTY:SULLIVAN STATE:TN	180	221	261	302	341
COUNTY:UNICOI STATE:TN	180	221	261	302	341
COUNTY:WASHINGTON STATE:TN	180	221	261	302	341
SMSA: KNOXVILLE, TN					
COUNTY:ANDERSON STATE:TN	183	224	266	348	381
COUNTY:BLOUNT STATE:TN	183	224	266	348	381
COUNTY:KNOX STATE:TN	183	224	266	348	381
COUNTY:UNION STATE:TN	183	224	266	348	381
NON SMSA					
COUNTY:BLEDSOE STATE:TN	156	191	227	261	297
COUNTY:BRADLEY STATE:TN	156	191	227	261	297
COUNTY:CAMPBELL STATE:TN	145	179	212	244	277
COUNTY:CLAIBORNE STATE:TN	145	179	212	244	277
COUNTY:COCKE STATE:TN	145	179	212	244	277
COUNTY:CUMBERLAND STATE:TN	145	179	212	244	277
COUNTY:FENTRESS STATE:TN	145	179	212	244	277
COUNTY:GRAINGER STATE:TN	145	179	212	244	277
COUNTY:GREENE STATE:TN	180	221	261	302	341
COUNTY:GRUNDY STATE:TN	156	191	227	261	297
COUNTY:HAMBLEN STATE:TN	145	179	212	244	277

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
NON SMSA					
COUNTY:HANCOCK STATE:TN	180	221	261	302	341
COUNTY:JEFFERSON STATE:TN	145	179	212	244	277
COUNTY:JOHNSON STATE:TN	180	221	261	302	341
COUNTY:LOUDON STATE:TN	145	179	212	244	277
COUNTY:MCMINN STATE:TN	156	191	227	261	297
COUNTY:MEIGS STATE:TN	156	191	227	261	297
COUNTY:MONROE STATE:TN	145	179	212	244	277
COUNTY:MORGAN STATE:TN	145	179	212	244	277
COUNTY:PICKETT STATE:TN	139	169	202	233	263
COUNTY:POLK STATE:TN	156	191	227	261	297
COUNTY:RHEA STATE:TN	156	191	227	261	297
COUNTY:ROANE STATE:TN	145	179	212	244	277
COUNTY:SCOTT STATE:TN	145	179	212	244	277
COUNTY:SEVIER STATE:TN	145	179	212	244	277
SMSA: MEMPHIS, TN-AR-MS					
COUNTY:SHELBY STATE:TN	188	231	272	313	355
COUNTY:TIPTON STATE:TN	188	231	272	313	355
NON SMSA					
COUNTY:BENTON STATE:TN	167	204	242*	278*	315*
COUNTY:CARROLL STATE:TN	150	185	218	253	285
COUNTY:CHESTER STATE:TN	150	185	218	253	285
COUNTY:CROCKETT STATE:TN	150	185	218	253	285
COUNTY:DECATUR STATE:TN	150	185	218	253	285
COUNTY:DYER STATE:TN	150	185	218	253	285
COUNTY:FAYETTE STATE:TN	151	184	218*	251	284

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
NON SMSA					
COUNTY:GIBSON STATE:TN	150	185	218	253	285
COUNTY:HARDEMAN STATE:TN	151	184	218*	251	284
COUNTY:HARDIN STATE:TN	151	186	221	255	289
COUNTY:HAYWOOD STATE:TN	150	185	218	253	285
COUNTY:HENDERSON STATE:TN	150	185	218	253	285
COUNTY:HENRY STATE:TN	150	185	218	253	285
COUNTY:LAKE STATE:TN	155	189	225	259	295
COUNTY:LAUDERDALE STATE:TN	150	185	218	253	285
COUNTY:MCNAIRY STATE:TN	151	186	221	255	289
COUNTY:MADISON STATE:TN	150	184	217*	251	283
COUNTY:OBION STATE:TN	155	189	225	259	295
COUNTY:WEAKLEY STATE:TN	150	185	218	253	285
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY					
COUNTY:MONTGOMERY STATE:TN	183	224	266	306	347
SMSA: NASHVILLE-DAVIDSON, TN					
COUNTY:CHEATHAM STATE:TN	203	246*	291*	334*	379*
COUNTY:DAVIDSON STATE:TN	203	246*	291*	334*	379*
COUNTY:DICKSON STATE:TN	203	246*	291*	334*	379*
COUNTY:ROBERTSON STATE:TN	203	246*	291*	334*	379*
COUNTY:RUTHERFORD STATE:TN	203	246*	291*	334*	379*
COUNTY:SUMNER STATE:TN	203	246*	291*	334*	379*
COUNTY:WILLIAMSON STATE:TN	203	246*	291*	334*	379*
COUNTY:WILSON STATE:TN	203	246*	291*	334*	379*
NON SMSA					
COUNTY:BEDFORD STATE:TN	156	191	227	261	297
COUNTY:CANNON STATE:TN	139	169	202	233	263

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
NON SMSA					
COUNTY:CLAY STATE:TN	139	169	202	233	263
COUNTY:COFFEE STATE:TN	156	191	227	261	297
COUNTY:DE KALB STATE:TN	139	169	202	233	263
COUNTY:FRANKLIN STATE:TN	176	214*	253*	292*	330*
COUNTY:GILES STATE:TN	156	191	227	261	297
COUNTY:HICKMAN STATE:TN	156	191	227	261	297
COUNTY:HOUSTON STATE:TN	167	204	242*	278	315*
COUNTY:HUMPHREYS STATE:TN	183	224	266	306	347
COUNTY:JACKSON STATE:TN	139	169	202	233	263
COUNTY:LAWRENCE STATE:TN	156	191	227	261	297
COUNTY:LEWIS STATE:TN	156	191	227	261	297
COUNTY:LINCOLN STATE:TN	176	214*	253*	292*	330*
COUNTY:MACON STATE:TN	139	169	202	233	263
COUNTY:MARSHALL STATE:TN	156	191	227	261	297
COUNTY:MAURY STATE:TN	156	191	227	261	297
COUNTY:MOORE STATE:TN	156	191	227	261	297
COUNTY:OVERTON STATE:TN	139	169	202	233	263
COUNTY:PERRY STATE:TN	139	169	202	233	263
COUNTY:PUTNAM STATE:TN	139	169	202	233	263
COUNTY:SMITH STATE:TN	139	169	202	233	263
COUNTY:STEWART STATE:TN	167	204	242*	278	315*
COUNTY:TROUSDALE STATE:TN	139	169	202	233	263
COUNTY:VAN BUREN STATE:TN	139	169	202	233	263
COUNTY:WARREN STATE:TN	139	169	202	233	263

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS APFAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE					
NON SMSA					
COUNTY:WAYNE STATE:TN	151	186	221	255	289
COUNTY:WHITE STATE:TN	139	169	202	233	263

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
SMSA: CHICAGO, IL					
COUNTY:COOK STATE:IL	280	318	378	441	497
COUNTY:DU PAGE STATE:IL	280	318	378	441	497
COUNTY:KANE STATE:IL	280	318	378	441	497
COUNTY:LAKE STATE:IL	280	318	378	441	497
COUNTY:MCHENRY STATE:IL	280	318	378	441	497
COUNTY:WILL STATE:IL	280	318	378	441	497
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL					
COUNTY:ROCK ISLAND STATE:IL	214	262	310	359	406*
SMSA: KANKAKEE, ILLINOIS					
COUNTY:KANKAKEE STATE:IL	180	220	262	303	343
SMSA: ROCKFORD, IL					
COUNTY:BOONE STATE:IL	205	258	316	356	413
COUNTY:WINNEBAGO STATE:IL	205	258	316	356	413
NON SMSA					
COUNTY:CARROLL STATE:IL	180	220	262	303	343
COUNTY:DE KALB STATE:IL	205	249	296	342	388
COUNTY:GRUNDY STATE:IL	205	249	296	342	388
COUNTY:JO DAVIESS STATE:IL	163	199	236	274	311
COUNTY:KENDALL STATE:IL	205	249	296	342	388
COUNTY:LEE STATE:IL	187	228	270	313	355
COUNTY:OGLE STATE:IL	187	228	270	313	355
COUNTY:STEPHENSON STATE:IL	187	228	270	313	355
COUNTY:WHITESIDE STATE:IL	180	220	262	303	343
SMSA: BLOOMINGTON-NORMAL, IL					
COUNTY:MCLEAN STATE:IL	187	228	270	313	355
SMSA: CHAMPAIGN-URBANA-RANTOUL, IL					
COUNTY:CHAMPAIGN STATE:IL	207	252	299	346	392
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL					
COUNTY:HENRY STATE:IL	214	262	310	359	406

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
SMSA: DECATUR, IL					
COUNTY:MACON STATE:IL	195	238	283	327	371
SMSA: PEORIA, IL					
COUNTY:PEORIA STATE:IL	214	262	310	359	406
COUNTY:TAZEWELL STATE:IL	214	262	310	359	406
COUNTY:WOODFORD STATE:IL	214	262	310	359	406
SMSA: ST LOUIS, MO-IL					
COUNTY:CLINTON STATE:IL	219	267	313	361	411
COUNTY:MADISON STATE:IL	219	267	313	361	411
COUNTY:MONROE STATE:IL	219	267	313	361	411
COUNTY:ST CLAIR STATE:IL	219	267	313	361	*411
SMSA: SPRINGFIELD, IL					
COUNTY:MENARD STATE:IL	195	238	283	327	371
COUNTY:SANGAMON STATE:IL	195	238	283	327	371
NON SMSA					
COUNTY:ADAMS STATE:IL	164	200	237	276	313
COUNTY:ALEXANDER STATE:IL	134	164	195	227	257
COUNTY:BOND STATE:IL	149	183	217	251	285
COUNTY:BROWN STATE:IL	164	200	237	276	313
COUNTY:BUREAU STATE:IL	180	220	262	303	343
COUNTY:CALHOUN STATE:IL	149	183	217	251	285
COUNTY:CASS STATE:IL	195	238	283	327	371
COUNTY:CHRISTIAN STATE:IL	195	238	283	327	371
COUNTY:CLARK STATE:IL	187	228	270	313	355
COUNTY:CLAY STATE:IL	149	183	217	251	285
COUNTY:COLES STATE:IL	207	252	299	346	392
COUNTY:CRANFORD STATE:IL	187	228	270	313	355
COUNTY:CUMBERLAND STATE:IL	207	252	299	346	392

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
NON SMSA					
COUNTY:DE WITT STATE:IL	195	238	283	327	371
COUNTY:DOUGLAS STATE:IL	207	252	299	346	392
COUNTY:EDGAR STATE:IL	207	252	299	346	392
COUNTY:EDWARDS STATE:IL	137	169	201	232	265
COUNTY:EFFINGHAM STATE:IL	149	183	217	251	285
COUNTY:FAYETTE STATE:IL	149	183	217	251	285
COUNTY:FORD STATE:IL	207	252	299	346	392
COUNTY:FRANKLIN STATE:IL	156	189	227	261	297
COUNTY:FULTON STATE:IL	187	228	270	313	355
COUNTY:GALLATIN STATE:IL	137	169	201	232	265
COUNTY:GREENE STATE:IL	149	183	217	251	285
COUNTY:HAMILTON STATE:IL	137	169	201	232	265
COUNTY:HANCOCK STATE:IL	164	200	237	276	313
COUNTY:HARDIN STATE:IL	134	164	195	227	257
COUNTY:HENDERSON STATE:IL	164	200	237	276	313
COUNTY:IROQUOIS STATE:IL	180	220	262	303	343
COUNTY:JACKSON STATE:IL	181	235	300	344	416
COUNTY:JASPER STATE:IL	149	183	217	251	285
COUNTY:JEFFERSON STATE:IL	156	189	227	261	297
COUNTY:JERSEY STATE:IL	149	183	217	251	285
COUNTY:JOHNSON STATE:IL	134	164	195	227	257
COUNTY:KNOX STATE:IL	187	228	270	313	355
COUNTY:LA SALLE STATE:IL	206	249	296	342	388
COUNTY:LAWRENCE STATE:IL	137	169	201	232	265

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
NON SMSA					
COUNTY:LIVINGSTON STATE:IL	205	249	296	342	388
COUNTY:LOGAN STATE:IL	195	238	283	327	371
COUNTY:MCDONOUGH STATE:IL	187	228	270	313	355
COUNTY:MACOUPIN STATE:IL	149	183	217	251	285
COUNTY:MARION STATE:IL	149	183	217	251	285
COUNTY:MARSHALL STATE:IL	187	228	270	313	355
COUNTY:MASON STATE:IL	195	238	283	327	371
COUNTY:MASSAC STATE:IL	134	164	195	227	257
COUNTY:MERCER STATE:IL	180	220	262	303	343
COUNTY:MONTGOMERY STATE:IL	149	183	217	251	285
COUNTY:MORGAN STATE:IL	195	238	283	327	371
COUNTY:MOULTRIE STATE:IL	195	238	283	327	371
COUNTY:PERRY STATE:IL	156	189	227	261	297
COUNTY:PIATT STATE:IL	207	252	299	346	392
COUNTY:PIKE STATE:IL	164	200	237	276	313
COUNTY:POPE STATE:IL	134	164	195	227	257
COUNTY:PULASKI STATE:IL	134	164	195	227	257
COUNTY:PUTNAM STATE:IL	205	249	296	342	388
COUNTY:RANDOLPH STATE:IL	156	189	227	261	297
COUNTY:RICHLAND STATE:IL	149	183	217	251	285
COUNTY:SALINE STATE:IL	137	169	201	232	265
COUNTY:SCHUYLER STATE:IL	164	200	237	276	313
COUNTY:SCOTT STATE:IL	195	238	283	327	371
COUNTY:SHELBY STATE:IL	195	238	283	327	371

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE					
NON SMSA					
COUNTY:STARK STATE:IL	187	228	270	313	355
COUNTY:UNION STATE:IL	134	164	195	227	257
COUNTY:VERMILION STATE:IL	207	252	299	346	392
COUNTY:WABASH STATE:IL	137	169	201	232	265
COUNTY:WARREN STATE:IL	187	228	270	313	355
COUNTY:WASHINGTON STATE:IL	156	189	227	261	297
COUNTY:WAYNE STATE:IL	149	183	217	251	285
COUNTY:WHITE STATE:IL	137	169	201	232	265
COUNTY:WILLIAMSON STATE:IL	156	189	227	261	297
COLUMBUS, OHIO AREA OFFICE					
SMSA: CINCINNATI, OH-KY-IN					
COUNTY:CLERMONT STATE:OH	205	250	293	338	382
COUNTY:HAMILTON STATE:OH	205	250	293	338	382
COUNTY:WARREN STATE:OH	205	250	293	338	382
SMSA: DAYTON, OH					
COUNTY:GREENE STATE:OH	205	249	296	342	388
COUNTY:MONTGOMERY STATE:OH	205	249	296	342	388
COUNTY:PREBLE STATE:OH	205	249	296	342	388
SMSA: HAMILTON-MIDDLETOWN, OH					
COUNTY:BUTLER STATE:OH	178	217	258	298	339
NON SMSA					
COUNTY:ADAMS STATE:OH	178	217	258	298	339
COUNTY:BROWN STATE:OH	178	217	258	298	339
COUNTY:CLINTON STATE:OH	178	217	258	298	339
COUNTY:HIGHLAND STATE:OH	178	217	258	298	339

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE					
SMSA: AKRON, OH					
COUNTY:PORTAGE STATE:OH	211	258	306	354	400
COUNTY:SUMMIT STATE:OH	211	258	306	354	400
SMSA: CANTON, OH					
COUNTY:CARROLL STATE:OH	190	230	273	314	356
COUNTY:STARK STATE:OH	190	230	273	314	356
SMSA: CLEVELAND, OH					
COUNTY:CUYAHOGA STATE:OH	199	242	288	335	378
COUNTY:GEAUGA STATE:OH	199	242	288	335	378
COUNTY:LAKE STATE:OH	199	242	288	335	378
COUNTY:MEDINA STATE:OH	199	242	288	335	378
SMSA: LIMA, OH					
COUNTY:PUTNAM STATE:OH	195	227	275	317	352
SMSA: LORAIN-ELYRIA, OH					
COUNTY:LORAIN STATE:OH	206	251	298	343	390
SMSA: MANSFIELD, OH					
COUNTY:RICHLAND STATE:OH	179	223	262	301	340
SMSA: STEUBENVILLE-WEIRTON, OH-WV					
COUNTY:JEFFERSON STATE:OH	165	201	240	278	314
SMSA: TOLEDO, OH-MI					
COUNTY:FULTON STATE:OH	189	229	272	314	357
COUNTY:LUCAS STATE:OH	189	229	272	314	357
COUNTY:OTTAWA STATE:OH	189	229	272	314	357
COUNTY:WOOD STATE:OH	189	229	272	314	357
SMSA: YOUNGSTOWN-WARREN, OH					
COUNTY:MAHONING STATE:OH	180	220	262	303	343
COUNTY:TRUMBULL STATE:OH	180	220	262	303	343
NON SMSA					
COUNTY:ASHLAND STATE:OH	170	209	247	287	325
COUNTY:ASHTABULA STATE:OH	170	209	247	287	325
COUNTY:COLUMBIANA STATE:OH	150	184	218	253	287
COUNTY:CRAWFORD STATE:OH	174	212	250	291	329

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE					
NON SMSA					
COUNTY:DEFIANCE STATE:OH	163	199	236	274	311
COUNTY:ERIE STATE:OH	170	209	247	287	325
COUNTY:HANCOCK STATE:OH	170	209	247	287	325
COUNTY:HARRISON STATE:OH	133	162	194	225	255
COUNTY:HENRY STATE:OH	170	209	247	287	325
COUNTY:HOLMES STATE:OH	150	184	218	253	287
COUNTY:HURON STATE:OH	170	209	247	287	325
COUNTY:PAULDING STATE:OH	163	199	236	274	311
COUNTY:SANDUSKY STATE:OH	170	209	247	287	325
COUNTY:SENECA STATE:OH	170	209	247	287	325
COUNTY:TUSCARAWAS STATE:OH	150	184	218	253	287
COUNTY:WAYNE STATE:OH	170	209	247	287	325
COUNTY:WILLIAMS STATE:OH	163	199	236	274	311
COUNTY:WYANDOT STATE:OH	174	212	250	291	329
SMSA: COLUMBUS, OH					
COUNTY:DELAWARE STATE:OH	201	244	290	336	379
COUNTY:FAIRFIELD STATE:OH	201	244	290	336	379
COUNTY:FRANKLIN STATE:OH	201	244	290	336	379
COUNTY:MADISON STATE:OH	201	244	290	336	379
COUNTY:PICKAWAY STATE:OH	201	244	290	336	379
SMSA: DAYTON, OH					
COUNTY:MIAMI STATE:OH	205	249	296	342	388
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH					
COUNTY:LAWRENCE STATE:OH	172	210	248	287	325
SMSA: LIMA, OH					
COUNTY:ALLEN STATE:OH	195	227	275	317	352
COUNTY:AUGLAIZE STATE:OH	195	227	275	317	352

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE					
SMSA: LIMA, OH					
COUNTY:VAN WERT STATE:OH	195	227	275	317	352
SMSA: PARKERSBURG-MARIETTA, WV-OH					
COUNTY:WASHINGTON STATE:OH	188	231	212	314	355
SMSA: SPRINGFIELD, OH					
COUNTY:CHAMPAIGN STATE:OH	168	204	241	280	316
COUNTY:CLARK STATE:OH	168	204	241	280	316
SMSA: WHEELING, WV-OH					
COUNTY:BELMONT STATE:OH	177	204	250	294	324
NON SMSA					
COUNTY:ATHENS STATE:OH	173	223	284	322	364
COUNTY:COSHOCTON STATE:OH	167	205	244	281	318
COUNTY:DARKE STATE:OH	160	195	231	268	303
COUNTY:FAYETTE STATE:OH	145	175	210	243	276
COUNTY:GALLIA STATE:OH	120	147	175	203	231
COUNTY:GUERNSEY STATE:OH	179	215	259	297	336
COUNTY:HARDIN STATE:OH	163	199	236	274	311
COUNTY:HOCKING STATE:OH	163	199	236	274	311
COUNTY:JACKSON STATE:OH	145	175	210	243	276
COUNTY:KNOX STATE:OH	174	212	250	291	329
COUNTY:LICKING STATE:OH	170	209	247	287	325
COUNTY:LOGAN STATE:OH	160	195	231	268	303
COUNTY:MARION STATE:OH	145	175	210	243	276
COUNTY:MEIGS STATE:OH	120	147	175	203	231
COUNTY:MERCER STATE:OH	163	199	236	274	311
COUNTY:MONROE STATE:OH	133	162	194	225	255
COUNTY:MORGAN STATE:OH	163	199	236	274	311
COUNTY:MORROW STATE:OH	174	212	250	291	329

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE					
NON SMSA					
COUNTY:MUSKINGUM STATE:OH	172	209	246	285	323
COUNTY:NOBLE STATE:OH	163	199	236	274	311
COUNTY:PERRY STATE:OH	159	194	230	266	301
COUNTY:PIKE STATE:OH	166	195	237	266	296
COUNTY:ROSS STATE:OH	145	175	210	243	276
COUNTY:SCIOTO STATE:OH	165	193	235	262	291
COUNTY:SHELBY STATE:OH	170	200	244	287	314
COUNTY:UNION STATE:OH	145	175	210	243	278
COUNTY:VINTON STATE:OH	145	175	210	243	276
DETROIT, MICHIGAN AREA OFFICE					
SMSA: ANN ARBOR, MI					
COUNTY:WASHTENAW STATE:MI	263	321	380	438	497
SMSA: DETROIT, MI					
COUNTY:LIVINGSTON STATE:MI	246	301	355	410	463
COUNTY:MACOMB STATE:MI	246	301	355	410	463
COUNTY:OAKLAND STATE:MI	246	301	355	410	463
COUNTY:ST CLAIR STATE:MI	246	301	359	410	463
COUNTY:WAYNE STATE:MI	246	301	355	410	463
SMSA: TOLEDO, OH-MI					
COUNTY:MONROE STATE:MI	189	229	272	314	357
NON SMSA					
COUNTY:LENAWEE STATE:MI	189	229	272	314	357
SMSA: BAY CITY, MI					
COUNTY:BAY STATE:MI	207	252	299	346	392
SMSA: DETROIT, MI					
COUNTY:LAPEER STATE:MI	246	301	355	410	463

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
SMSA FLINT, MI					
COUNTY:GENESEE STATE:MI	217	265	313	362	410
COUNTY:SHIAWASSEE STATE:MI	217	265	313	362	410
SMSA SAGINAW, MI					
COUNTY:SAGINAW STATE:MI	207	252	299	346	392
NON SMSA					
COUNTY ALCONA STATE:MI	187	228	270	313	355
COUNTY ALPENA STATE:MI	187	228	270	313	355
COUNTY:ARENAC STATE MI	187	228	270	313	355
COUNTY:GLADWIN STATE:MI	187	228	270	313	355
COUNTY HURON STATE:MI	187	228	270	313	355
COUNTY IOSCO STATE:MI	187	228	270	313	355
COUNTY:MIDLAND STATE:MI	207	252	299	346	392
COUNTY:MONTMORENCY STATE:MI	187	228	270	313	355
COUNTY:OGEMAW STATE:MI	187	228	287	313	355
COUNTY:OSCODA STATE:MI	187	228	270	313	355
COUNTY:PRESQUE ISLE STATE:MI	187	228	270	313	355
COUNTY SANILAC STATE:MI	187	228	270	313	355
COUNTY:TUSCOLA STATE:MI	187	228	270	313	355
SMSA: BATTLE CREEK, MI					
COUNTY:BARRY STATE:MI	186	227	269	311	352
COUNTY:CALHOUN STATE:MI	186	227	269	311	352
SMSA: GRAND RAPIDS, MI					
COUNTY:KENT STATE:MI	182	223	264	306	347
COUNTY:OTTAWA STATE:MI	182	223	264	306	347
SMSA. JACKSON, MI					
COUNTY:JACKSON STATE:MI	186	227	269	311	352
SMSA KALAMAZOO-PORTAGE , MI					
COUNTY:KALAMAZOO STATE:MI	222	270	322	370	420

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
SMSA KALAMAZOO-PORTAGE , MI					
COUNTY,VAN BUREN STATE:MI	222	270	322	370	420
SMSA LANSING-EAST LANSING , MI					
COUNTY:CLINTON STATE:MI	236	286	341	393	445
COUNTY:EATON STATE:MI	236	286	341	393	445
COUNTY:INGHAM STATE:MI	236	286	341	393	445
COUNTY:IONIA STATE:MI	236	286	341	393	445
SMSA MUSKEGON-NORTON SHORES-MUSKEGON HEIGHTS, MI					
COUNTY:MUSKEGON STATE:MI	165	202	240	278	315
COUNTY:OCEANA STATE:MI	165	202	240	278	315
NON SMSA					
COUNTY:ALGER STATE:MI	165	202	240	278	315
COUNTY:ALLEGAN STATE:MI	165	202	240	278	315
COUNTY:ANTRIM STATE:MI	165	202	240	278	315
COUNTY:BARAGA STATE:MI	165	202	240	278	315
COUNTY:BENZIE STATE:MI	165	202	240	278	315
COUNTY:BERRIEN STATE:MI	190	231	274	316	359
COUNTY:BRANCH STATE:MI	186	227	269	311	352
COUNTY:CASS STATE:MI	190	231	274	316	359
COUNTY:CHARLEVOIX STATE:MI	165	202	240	278	315
COUNTY:CHEBOYGAN STATE:MI	187	228	270	313	355
COUNTY:CHIPPEWA STATE:MI	187	228	287	313	355
COUNTY:CLARE STATE:MI	187	228	287	313	355
COUNTY:CRAWFORD STATE:MI	187	228	287	313	355
COUNTY:DELTA STATE:MI	181	214	277	306	345
COUNTY:DICKINSON STATE:MI	181	214	277	306	345
COUNTY:EMMET STATE:MI	165	202	240	278	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR, 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
NON SMSA					
COUNTY:GOGEBIC STATE:MI	187	230	258	291	328
COUNTY:GRD TRAVERSE STATE:MI	227	262	298	347	429
COUNTY:GRATIOT STATE:MI	187	228	270	313	355
COUNTY:HILLSDALE STATE:MI	186	227	269	311	352
COUNTY:HOUGHTON STATE:MI	181	214	277	306	345
COUNTY:IRON STATE:MI	181	214	277	306	345
COUNTY:ISABELLA STATE:MI	187	228	270	313	355
COUNTY:KALKASKA STATE:MI	165	202	240	278	315
COUNTY:KEWEENAW STATE:MI	165	202	240	278	315
COUNTY:LAKE STATE:MI	181	214	277	306	345
COUNTY:LEELANAU STATE:MI	165	202	240	278	315
COUNTY:LUCE STATE:MI	187	228	270	313	356
COUNTY:MACKINAC STATE:MI	187	228	287	313	355
COUNTY:MANISTEE STATE:MI	181	214	277	306	345
COUNTY:MARQUETTE STATE:MI	181	214	277	306	345
COUNTY:MASON STATE:MI	181	214	277	306	345
COUNTY:MECOSTA STATE:MI	165	202	240	278	315
COUNTY:MENOMINEE STATE:MI	165	202	240	278	315
COUNTY:MISSAUKEE STATE:MI	181	214	277	306	345
COUNTY:MONTCALM STATE:MI	165	202	240	278	315
COUNTY:NEWAYGO STATE:MI	165	202	240	278	315
COUNTY:ONTONAGON STATE:MI	187	230	258	291	328
COUNTY:OSCEOLA STATE:MI	181	214	277	306	345
COUNTY:OTSEWO STATE:MI	187	228	287	313	355

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE					
NON SMSA					
COUNTY:ROSCOMMON STATE:MI	187	228	287	313	355
COUNTY:ST JOSEPH STATE:MI	190	231	274	316	359
COUNTY:SCHOOLCRAFT STATE:MI	165	202	240	278	315
COUNTY:WEXFORD STATE:MI	181	214	277	306	345
INDIANAPOLIS, INDIANA AREA OFFICE					
SMSA: ANDERSON, IN					
COUNTY:MADISON STATE:IN	179	218	260	300	341
SMSA: BLOOMINGTON, IN					
COUNTY:MONROE STATE:IN	194	237	282	325	368
SMSA: CINCINNATI, OH-KY-IN					
COUNTY:DEARBORN STATE:IN	205	250	293	338	382
SMSA: ELKHART, IN.					
COUNTY:ELKHART STATE:IN	197	240	284	327	371
SMSA: EVANSVILLE, IN-KY					
COUNTY:GIBSON STATE:IN	210	235	284	315	352
COUNTY:POSEY STATE:IN	210	235	284	315	352
COUNTY:VANDERBURGH STATE:IN	210	235	284	315	352
COUNTY:WARRICK STATE:IN	210	235	284	315	352
SMSA: FORT WAYNE, IN					
COUNTY:ADAMS STATE:IN	209	255	302	351	396
COUNTY:ALLEN STATE:IN	209	255	302	351	396

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
SMSA FORT WAYNE, IN					
COUNTY:DE KALB STATE:IN	209	255	302	351	396
COUNTY:WELLS STATE:IN	209	255	302	351	396
SMSA GARY-HAMMOND-EAST CHICAGO, IN					
COUNTY:LAKE STATE:IN	195	238	282	327	371
COUNTY:PORTER STATE:IN	195	238	282	327	371
SMSA INDIANAPOLIS, IN					
COUNTY:BOONE STATE:IN	200	243	288	334	378
COUNTY:HAMILTON STATE:IN	200	243	288	334	378
COUNTY:HANCOCK STATE:IN	200	243	288	334	378
COUNTY:HENDRICKS STATE:IN	200	243	288	334	378
COUNTY:JOHNSON STATE:IN	200	243	288	334	378
COUNTY:MARION STATE:IN	200	243	288	334	378
COUNTY:MORGAN STATE:IN	200	243	288	334	378
COUNTY:SHELBY STATE:IN	200	243	288	334	378
SMSA KOKOMO, IN					
COUNTY:HOWARD STATE:IN	194	237	282	325	368
COUNTY:TIPTON STATE:IN	194	237	282	325	368
SMSA LAFAYETTE-WEST LAFAYETTE, IN					
COUNTY:TIPPECANOE STATE:IN	205	249	296	342	388
SMSA LOUISVILLE, KY-IN					
COUNTY:CLARK STATE:IN	181	222	262	303	343
COUNTY:FLOYD STATE:IN	181	222	262	303	343
SMSA MUNCIE, IN					
COUNTY:DELAWARE STATE:IN	179	218	260	300	341
SMSA SOUTH BEND, IN					
COUNTY:MARSHALL STATE:IN	205	249	296	342	388
COUNTY:ST JOSEPH STATE:IN	205	249	296	342	388
SMSA TERRE HAUTE, IN					
COUNTY:CLAY STATE:IN	187	228	270	313	355

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
SMSA- TERRE HAUTE, IN					
COUNTY-SULLIVAN STATE-IN	187	228	270	313	355
COUNTY VERMILLION STATE-IN	187	228	270	313	355
COUNTY-VIGO STATE-IN	187	228	270	313	355
NON SMSA					
COUNTY-BARTHOLOMEW STATE-IN	194	237	282	325	368
COUNTY-BENTON STATE-IN	205	249	296	342	388
COUNTY-BLACKFORD STATE-IN	179	218	260	300	341
COUNTY-BROWN STATE-IN	194	237	282	325	368
COUNTY-CARROLL STATE-IN	205	249	296	342	388
COUNTY-CASS STATE-IN	194	237	282	325	368
COUNTY-CLINTON STATE-IN	205	249	296	342	388
COUNTY-CRAWFORD STATE-IN	173	210	249	288	327
COUNTY-DAVIESS STATE-IN	210	235	284	315	352
COUNTY-DECATUR STATE-IN	194	237	282	325	368
COUNTY-DUBOIS STATE-IN	210	235	284	315	352
COUNTY-FAYETTE STATE-IN	178	217	258	298	339
COUNTY-FOUNTAIN STATE-IN	205	249	296	342	388
COUNTY-FRANKLIN STATE-IN	178	217	258	298	339
COUNTY-FULTON STATE-IN	190	231	274	316	359
COUNTY-GRANT STATE-IN	179	218	260	300	341
COUNTY-GREENE STATE-IN	187	228	270	313	355
COUNTY-HARRISON STATE-IN	173	210	249	288	327
COUNTY-HENRY STATE-IN	179	218	260	300	341
COUNTY-HUNTINGTON STATE-IN	163	199	236	274	311
COUNTY-JACKSON STATE-IN	194	237	282	325	368

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
NON SMSA					
COUNTY:JASPER STATE IN	180	220	262	303	343
COUNTY JAY STATE IN	179	218	260	300	341
COUNTY JEFFERSON STATE IN	173	210	249	288	327
COUNTY:JENNINGS STATE IN	194	237	282	325	368
COUNTY KNOX STATE IN	143 6	169	201	232	265
COUNTY KOSCIUSKO STATE IN	190	231	274	316	359
COUNTY LAGRANGE STATE IN	190	231	274	316	359
COUNTY LA PORTE STATE IN	180	220	262	303	343
COUNTY LAWRENCE STATE IN	194	237	282	325	368
COUNTY:MARTIN STATE IN	210	235	284	315	352
COUNTY MIAMI STATE:IN	194	237	282	325	368
COUNTY:MONTGOMERY STATE:IN	205	249	296	342	388
COUNTY NEWTON STATE:IN	180	220	262	303	343
COUNTY:NOBLE STATE IN	163	199	236	274	311
COUNTY OHIO STATE:IN	178	217	258	298	339
COUNTY:ORANGE STATE:IN	173	210	249	288	327
COUNTY OWEN STATE:IN	194	237	282	325	368
COUNTY PARKE STATE IN	187	228	270	313	355
COUNTY PERRY STATE:IN	210	235	284	315	352
COUNTY PIKE STATE:IN	210	235	284	315	352
COUNTY:PULASKI STATE IN	180	220	262	303	343
COUNTY PUTNAM STATE IN	194	237	282	325	368
COUNTY RANDOLPH STATE IN	179	218	260	300	341
COUNTY RIPLEY STATE IN	178	217	258	298	339

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE					
NON SMSA					
COUNTY RUSH STATE IN	194	237	282	325	368
COUNTY SCOTT STATE IN	173	210	249	288	327
COUNTY SPENCER STATE IN	210	235	284	315	352
COUNTY STARKE STATE IN	180	220	262	303	343
COUNTY STEUBEN STATE IN	163	199	236	274	311
COUNTY SWITZERLAND STATE IN	178	217	258	298	339
COUNTY UNION STATE IN	178	217	258	298	339
COUNTY WABASH STATE IN	163	199	236	274	311
COUNTY WARREN STATE IN	205	249	296	342	388
COUNTY WASHINGTON STATE IN	173	210	249	288	327
COUNTY WAYNE STATE IN	179	218	260	300	341
COUNTY WHITE STATE IN	205	249	296	342	388
COUNTY WHITLEY STATE IN	163	199	236	274	311

NOTE FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS, 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE					
SMSA: APPLETON-OSHKOSH, WI					
COUNTY:CALUMET STATE:WI	196	241	285	329	373
COUNTY:OUTAGAMIE STATE:WI	196	241	285	329	373
COUNTY:WINNEBAGO STATE:WI	196	241	285	329	373
SMSA: DULUTH-SUPERIOR, MN-WI					
COUNTY:DOUGLAS STATE:WI	217	250	304	339	376
SMSA: EAU CLAIRE, WI					
COUNTY:CHIPPEWA STATE:WI	150	184	218	253	287
COUNTY:EAU CLAIRE STATE:WI	150	184	218	253	287
SMSA: GREEN BAY, WI					
COUNTY:BROWN STATE:WI	179	218	260	300	341
SMSA: JANESVILLE-BELOIT,WI					
COUNTY:ROCK STATE:WI	187	228	270	313	355
SMSA: KENOSHA, WI					
COUNTY:KENOSHA STATE:WI	206	251	298	343	390
SMSA: LA CROSSE, WI					
COUNTY:LA CROSSE STATE:WI	164	200	237	276	313
SMSA: MADISON, WI					
COUNTY:DANE STATE:WI	214	261	309	356	*404
SMSA: MILWAUKEE, WI					
COUNTY:MILWAUKEE STATE:WI	231	281	335	388	441
COUNTY:OZAUKEE STATE:WI	231	281	335	388	441
COUNTY:WASHINGTON STATE:WI	231	281	335	388	441
COUNTY:WAUKESHA STATE:WI	231	281	335	388	441
SMSA: MINNEAPOLIS-ST PAUL, MN-WI					
COUNTY:ST CROIX STATE:WI	232	281*	330*	380*	428*
SMSA: RACINE, WI					
COUNTY:RACINE STATE:WI	206	251	298	343	390
NON SMSA					
COUNTY:ADAMS STATE:WI	174	212	250	291	329
COUNTY:ASHLAND STATE:WI	150	184	218	253	287
COUNTY:BARRON STATE:WI	150	184	218	253	287
COUNTY:BAYFIELD STATE:WI	150	184	218	253	287

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE					
NON SMSA					
COUNTY:BUFFALO STATE:WI	164	200	237	276	313
COUNTY:BURNETT STATE:WI	175	213	253	293	331
COUNTY:CLARK STATE:WI	182	223	265	307	348
COUNTY:COLUMBIA STATE:WI	174	212	250	291	329
COUNTY:CRAWFORD STATE:WI	163	199	236	274	311
COUNTY:DODGE STATE:WI	174	212	250	291	329
COUNTY:DOOR STATE:WI	179	218	260	300	341
COUNTY:DUNN STATE:WI	150	184	218	253	287
COUNTY:FLORENCE STATE:WI	165	202	240	278	315
COUNTY:FOND DU LAC STATE:WI	174	212	250	291	329
COUNTY:FOREST STATE:WI	165	202	240	278	315
COUNTY:GRANT STATE:WI	163	199	236	274	311
COUNTY:GREEN STATE:WI	187	228	270	313	355
COUNTY:GREEN LAKE STATE:WI	174	212	250	291	329
COUNTY:IOWA STATE:WI	174	212	250	291	329
COUNTY:IRON STATE:WI	150	184	218	253	287
COUNTY:JACKSON STATE:WI	164	200	237	276	313
COUNTY:JEFFERSON STATE:WI	174	212	250	291	329
COUNTY:JUNEAU STATE:WI	164	200	237	276	313
COUNTY:KEWAUNEE STATE:WI	179	218	260	300	341
COUNTY:LAFAYETTE STATE:WI	163	199	236	271	311
COUNTY:LANGLADE STATE:WI	182	223	265	307	348
COUNTY:LINCOLN STATE:WI	182	223	265	307	348
COUNTY:MANITOWOC STATE:WI	179	218	260	300	341

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE					
NON SMSA					
COUNTY:MARATHON STATE:WI	182	223	265	307	348
COUNTY:MARINETTE STATE:WI	165	202	240	278	315
COUNTY:MARQUETTE STATE:WI	174	212	250	291	329
COUNTY:MENOMINEE STATE:WI	165	202	240	278	315
COUNTY:MONROE STATE:WI	164	200	237	276	313
COUNTY:OCONTO STATE:WI	165	202	240	278	315
COUNTY:ONEIDA STATE:WI	182	223	265	307	348
COUNTY:PEPIN STATE:WI	150	184	218	253	287
COUNTY:PIERCE STATE:WI	175	213	253	293	331
COUNTY:POLK STATE:WI	175	213	253	293	331
COUNTY:PORTAGE STATE:WI	182	223	265	307	348
COUNTY:PRICE STATE:WI	182	223	265	307	348
COUNTY:RICHLAND STATE:WI	174	212	250	291	329
COUNTY:RUSK STATE:WI	150	184	218	253	287
COUNTY:SAUK STATE:WI	174	212	250	291	329
COUNTY:SAWYER STATE:WI	150	184	218	253	287
COUNTY:SHAWANO STATE:WI	165	202	240	278	315
COUNTY:SHEBOYGAN STATE:WI	174	212	250	291	329
COUNTY:TAYLOR STATE:WI	182	223	265	307	348
COUNTY:TREMPEALEAU STATE:WI	164	200	237	276	313
COUNTY:VERNON STATE:WI	164	200	237	276	313
COUNTY:VILAS STATE:WI	182	223	265	307	348
COUNTY:WALWORTH STATE:WI	174	212	250	291	329
COUNTY:WASHBURN STATE:WI	150	184	218	253	287

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE					
NON SMSA					
COUNTY:WAUPACA STATE:WI	165	202	240	278	315
COUNTY:WAUSHARA STATE:WI	174	212	250	291	329
COUNTY:WOOD STATE:WI	182	223	265	307	348
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
SMSA: DULUTH-SUPERIOR, MN-WI					
COUNTY:ST LOUIS STATE:MN	217	250	304	339	376
SMSA: FARGO-MOORHEAD, ND-MN					
COUNTY:CLAY STATE:MN	205	235	308	356	381
SMSA: GRAND FORKS, N.D.-MN					
COUNTY:POLK STATE:MN	205	246	296	344	376
SMSA: MINNEAPOLIS-ST PAUL, MN-WI					
COUNTY:ANOKA STATE:MN	232	281*	330*	380*	428*
COUNTY:CARVER STATE:MN	232	281*	330*	380*	428*
COUNTY:CHISAGO STATE:MN	232	281*	330*	380*	428*
COUNTY:DAKOTA STATE:MN	232	281*	330*	380*	428*
COUNTY:HENNEPIN STATE:MN	232	281*	330*	380*	428*
COUNTY:RAMSEY STATE:MN	232	281*	330*	380*	428*
COUNTY:SCOTT STATE:MN	232	281*	330*	380*	428*
COUNTY:WASHINGTON STATE:MN	232	281*	330*	380*	428*

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION - S	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
SMSA: MINNEAPOLIS-ST PAUL, MN-WI					
COUNTY:WRIGHT STATE:MN	232	281*	330*	380*	428*
SMSA: ROCHESTER, MN					
COUNTY:OLMSTED STATE:MN	210	255	300*	345	410*
SMSA: ST. CLOUD, MN					
COUNTY:BENTON STATE:MN	201	245	289*	333	377
COUNTY:SHERBURNE STATE:MN	201	245	289*	333	377
COUNTY:STEARNS STATE:MN	201	245	289*	333	377
NON SMSA					
COUNTY:AITKIN STATE:MN	168	204	243	280	318
COUNTY:BECKER STATE:MN	175	213	253	293	331
COUNTY:BELTRAMI STATE:MN	168	204	243	280	318
COUNTY:BIG STONE STATE:MN	168	204	243	280	318
COUNTY:BLUE EARTH STATE:MN	201	245	289*	333	377
COUNTY:BROWN STATE:MN	197	242	286	330	376
COUNTY:CARLTON STATE:MN	197	242	286	330	376
COUNTY:CASS STATE:MN	168	204	243	280	318
COUNTY:CHIPPEWA STATE:MN	168	204	243	280	318
COUNTY:CLEARWATER STATE:MN	175	213	253	293	331
COUNTY:COOK STATE:MN	163	199	236	273	310
COUNTY:COTTONWOOD STATE:MN	168	204	243	280	318
COUNTY:CROW WING STATE:MN	182	223	262*	302	343
COUNTY:DODGE STATE:MN	197	242	286	330	376
COUNTY:DOUGLAS STATE:MN	168	204	243	280	318
COUNTY:FARIBAULT STATE:MN	197	242	286	330	376
COUNTY:FILLMORE STATE:MN	197	242	286	330	376
COUNTY:FREEBORN STATE:MN	197	242	286	330	376

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
NON SMSA					
COUNTY: GOODHUE STATE: MN	175	213	253	293	331
COUNTY: GRANT STATE: MN	154	187	223	259	295
COUNTY: HOUSTON STATE: MN	164	200	237	276	313
COUNTY: HUBBARD STATE: MN	168	204	243	280	318
COUNTY: ISANTI STATE: MN	175	213	253	293	331
COUNTY: ITASCA STATE: MN	197	242	286	330	376
COUNTY: JACKSON STATE: MN	178	217	258	298	339
COUNTY: KANABEC STATE: MN	175	213	253	293	331
COUNTY: KANDIYOHI STATE: MN	182	223	262*	302	343
COUNTY: KITTSON STATE: MN	175	213	253	293	331
COUNTY: KOOCHICHING STATE: MN	163	198	236	273	310
COUNTY: LAC QUI PARL STATE: MN	168	204	243	280	318
COUNTY: LAKE STATE: MN	163	199	236	273	310
COUNTY: LAKE OF WOOD STATE: MN	168	204	243	280	318
COUNTY: LE SUEUR STATE: MN	197	242	286	330	376
COUNTY: LINCOLN STATE: MN	178	217	258	298	339
COUNTY: LYON STATE: MN	178	217	258	298	339
COUNTY: MCLEOD STATE: MN	197	242	286	330	376
COUNTY: MAHNOMEN STATE: MN	175	213	253	293	331
COUNTY: MARSHALL STATE: MN	175	213	263	293	331
COUNTY: MARTIN STATE: MN	182	223	262*	302	343
COUNTY: MEEKER STATE: MN	182	223	262*	302	343
COUNTY: MILLE LACS STATE: MN	175	213	253	293	331
COUNTY: MORRISON STATE: MN	182	223	262*	302	343

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK, NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
NON SMSA					
COUNTY:MOWER STATE:MN	197	242	286	330	376
COUNTY:MURRAY STATE:MN	178	217	258	298	339
COUNTY:NICOLLET STATE:MN	197	242	286	330	376
COUNTY:NOBLES STATE:MN	178	217	258	298	339
COUNTY:NORMAN STATE:MN	175	213	253	293	331
COUNTY:OTTER TAIL STATE:MN	175	213	253	293	331
COUNTY:PENNINGTON STATE:MN	175	213	253	293	331
COUNTY:PINE STATE:MN	175	213	253	293	331
COUNTY:PIPESTONE STATE:MN	178	217	258	298	339
COUNTY:POPE STATE:MN	168	204	243	280	318
COUNTY:RED LAKE STATE:MN	175	213	253	293	331
COUNTY:REDWOOD STATE:MN	168	204	243	280	318
COUNTY:RENVILLE STATE:MN	168	204	243	280	318
COUNTY:RICE STATE:MN	175	213	253	293	331
COUNTY:ROCK STATE:MN	178	217	258	298	339
COUNTY:ROSEAU STATE:MN	175	213	253	293	331
COUNTY:SIBLEY STATE:MN	197	242	286	330	376
COUNTY:STEELE STATE:MN	197	242	286	330	376
COUNTY:STEVENS STATE:MN	168	204	243	280	318
COUNTY:SWIFT STATE:MN	168	204	243	280	318
COUNTY:TODD STATE:MN	168	204	243	280	318
COUNTY:TRAVERSE STATE:MN	154	187	223	259	295
COUNTY:WABASHA STATE:MN	197	242	286	330	376
COUNTY:WADENA STATE:MN	168	204	243	280	318

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE					
NON SMSA					
COUNTY:WASECA STATE:MN	197	242	286	330	376
COUNTY:WATONWAN STATE:MN	182	223	262*	302	343
COUNTY:WILKIN STATE:MN	175	213	253	293	331
COUNTY:WINONA STATE:MN	180	220	261	303	343
COUNTY:YELLOW MEDIC STATE:MN	168	204	243	280	318
REGION 6					
DALLAS, TEXAS AREA OFFICE					
SMSA: ALBUQUERQUE, NM					
COUNTY:BERNALILLO STATE:NM	187	230	271	314	0
COUNTY:SANDOVAL STATE:NM	187	230	271	314	0
SMSA: LAS CRUCES, NM.					
COUNTY:DONA ANA STATE:NM	158	193	228	264	300
NON SMSA					
COUNTY:CATRON STATE:NM	158	193	228	264	300
COUNTY:CHAVES STATE:NM	158	193	228	264	300
COUNTY:COLFAX STATE:NM	168	205*	241*	278	314
COUNTY:CURRY STATE:NM	151	184	218	252	287
COUNTY:DE BACA STATE:NM	151	184	218	252	287
COUNTY:EDDY STATE:NM	158	193	228	264	300
COUNTY:GRANT STATE:NM	158	193	228	264	300
COUNTY:GUADALUPE STATE:NM	151	184	218	252	287

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY:HARDING STATE:NM	151	184	218	252	287
COUNTY:HIDALGO STATE:NM	158	193	228	264	300
COUNTY:LEA STATE:NM	158	193	228	264	300
COUNTY:LINCOLN STATE:NM	158	193	228	264	300
COUNTY:LOS ALAMOS STATE:NM	168	205*	241*	278	314
COUNTY:LUNA STATE:NM	168	205*	241*	278*	314
COUNTY:MCKINLEY STATE:NM	168	205	241*	278	314
COUNTY:MORA STATE:NM	168	205*	241*	278	314
COUNTY:OTERO STATE:NM	158	193	228	264	300
COUNTY:QUAY STATE:NM	151	184	218	252	287
COUNTY:RIO ARRIBA STATE:NM	168	205	241*	278	314
COUNTY:ROOSEVELT STATE:NM	151	184	218	252	287
COUNTY:SAN JUAN STATE:NM	187	230	271	314	356
COUNTY:SAN MIGUEL STATE:NM	168	205*	241*	278	314
COUNTY:SANTE FE STATE:NM	187	230	271	314	356
COUNTY:SIERRA STATE:NM	158	193	228	264	300
COUNTY:SOCORRO STATE:NM	158	193	228	264	300
COUNTY:TAOS STATE:NM	168	205*	241*	278	314
COUNTY:TORRANCE STATE:NM	168	205*	241*	278	314
COUNTY:UNION STATE:NM	151	184	218	252	287
COUNTY:VALENCIA STATE:NM	168	205	241*	278	314
SMSA: DALLAS-FORT WORTH , TX					
COUNTY:COLLIN STATE:TX	223	269	316	363	408
COUNTY:DALLAS STATE:TX	223	269	316	363	408
COUNTY:DENTON STATE:TX	223	269	316	363	408

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
SMSA: DALLAS-FORT WORTH , TX					
COUNTY:ELLIS STATE:TX	223	269	316	363	408
COUNTY:KAUFMAN STATE:TX	223	269	316	363	408
COUNTY:ROCKWALL STATE:TX	223	269	316	363	408
SMSA: KILLEEN-TEMPLE, TX					
COUNTY:BELL STATE:TX	187	227	270	312	352
COUNTY:CORYELL STATE:TX	187	227	270	312	352
SMSA: LONGVIEW-MARSHALL, TX					
COUNTY:GREGG STATE:TX	151	186	221	255	289
SMSA: SHERMAN-DENISON, TX					
COUNTY:GRAYSON STATE:TX	161	198	234	270	305
SMSA: TEXARKANA, TX-AR					
COUNTY:BOWIE STATE:TX	151	186	221	255	289
SMSA: TYLER, TX					
COUNTY:SMITH STATE:TX	151	186	221	255	289
SMSA: WACO, TX					
COUNTY:MCLENNAN STATE:TX	187	227	270	312	352
NON SMSA					
COUNTY:ANDERSON STATE:TX	151	186	221	255	289
COUNTY:CAMP STATE:TX	132	163	192	222	252
COUNTY:CHEROKEE STATE:TX	151	186	221	255	289
COUNTY:COOKE STATE:TX	161	198	234	270	305
COUNTY:DELTA STATE:TX	132	163	192	222	252
COUNTY:FALLS STATE:TX	187	227	270	312	352
COUNTY:FANNIN STATE:TX	161	198	234	270	305
COUNTY:FRANKLIN STATE:TX	132	163	192	222	252
COUNTY:FREESTONE STATE:TX	187	227	270	312	352
COUNTY:HENDERSON STATE:TX	151	186	221	255	289
COUNTY:HILL STATE:TX	187	227	270	312	352
COUNTY:HOPKINS STATE:TX	161	198	234	270	305

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY:HUNT STATE:TX	165	202	238	274	309
COUNTY:LAMAR STATE:TX	151	186	221	255	289
COUNTY:LIMESTONE STATE:TX	187	227	270	312	352
COUNTY:MILAM STATE:TX	173	212	251	290	327
COUNTY:NAVARRO STATE:TX	161	198	234	270	305
COUNTY:RAINS STATE:TX	161	198	234	270	305
COUNTY:RED RIVER STATE:TX	132	163	192	222	252
COUNTY:RUSK STATE:TX	151	186	221	255	289
COUNTY:TITUS STATE:TX	140	172	203	235	265
COUNTY:UPSHUR STATE:TX	151	186	221	255	289
COUNTY:VAN ZANDT STATE:TX	161	198	234	270	305
COUNTY:WOOD STATE:TX	151	186	221	255	289
SMSA: ABILENE, TX					
COUNTY:CALLAHAN STATE:TX	166	204	241	279	316
COUNTY:JONES STATE:TX	166	204	241	279	316
COUNTY:TAYLOR STATE:TX	166	204	241	279	316
SMSA: DALLAS-FORT WORTH , TX					
COUNTY:HOOD STATE:TX	223	269	316	363	408
COUNTY:JOHNSON STATE:TX	223	269	316	363	408
COUNTY:PARKER STATE:TX	223	269	316	363	408
COUNTY:TARRANT STATE:TX	223	269	316	363	408
COUNTY:WISE STATE:TX	223	269	316	363	408
SMSA: SAN ANGELO, TX					
COUNTY:TOM GREEN STATE:TX	166	204	241	279	316
SMSA: WICHITA FALLS, TX					
COUNTY:CLAY STATE:TX	183	224	266	306	347
COUNTY:WICHITA STATE:TX	183	224	266	306	347

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY:ARCHER STATE:TX	183	224	266	306	347
COUNTY:BAYLOR STATE:TX	183	224	266	306	347
COUNTY:BOSQUE STATE:TX	187	227	270	312	352
COUNTY:BROWN STATE:TX	166	204	241	279	316
COUNTY:COKE STATE:TX	166	204	241	279	316
COUNTY:COLEMAN STATE:TX	166	204	241	279	316
COUNTY:COMANCHE STATE:TX	166	204	241	279	316
COUNTY:CONCHO STATE:TX	166	204	241	279	316
COUNTY:CROCKETT STATE:TX	176	215	254	294	333
COUNTY:EASTLAND STATE:TX	166	204	241	279	316
COUNTY:ERATH STATE:TX	161	198	234	270	305
COUNTY:FOARD STATE:TX	183	224	266	306	347
COUNTY:HAMILTON STATE:TX	187	227	270	312	352
COUNTY:HARDEMAN STATE:TX	183	224	266	306	347
COUNTY:HASKELL STATE:TX	166	204	241	279	316
COUNTY:IRION STATE:TX	166	204	241	279	316
COUNTY:JACK STATE:TX	183	224	266	306	347
COUNTY:KIMBLE STATE:TX	166	204	241	279	316
COUNTY:KNOX STATE:TX	166	204	241	279	316
COUNTY:LAMPASAS STATE:TX	187	227	270	312	352
COUNTY:MCCULLOCH STATE:TX	166	204	241	279	316
COUNTY:MASON STATE:TX	166	204	241	279	316
COUNTY:MENARD STATE:TX	166	204	241	279	316
COUNTY:MILLS STATE:TX	166	204	241	279	316

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE *AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY:MONTAGUE STATE:TX	161	198	234	270	305
COUNTY:PALO PINTO STATE:TX	161	198	234	270	305
COUNTY:REAGAN STATE:TX	176	215	254	294	333
COUNTY:RUNNELS STATE:TX	166	204	241	279	316
COUNTY:SAN SABA STATE:TX	166	204	241	279	316
COUNTY:SCHLEICHER STATE:TX	166	204	241	279	316
COUNTY:SHACKLEFORD STATE:TX	166	204	241	279	316
COUNTY:SOMERVELL STATE:TX	161	198	234	270	305
COUNTY:STEPHENS STATE:TX	166	204	241	279	316
COUNTY:STERLING STATE:TX	166	204	241	279	316
COUNTY:SUTTON STATE:TX	166	204	241	279	316
COUNTY:THROCKMORTON STATE:TX	183	224	266	306	347
COUNTY:WILBARGER STATE:TX	183	224	266	306	347
COUNTY:YOUNG STATE:TX	183	224	266	306	347
SMSA: BEAUMONT-PORT ARTHUR-ORANGE, TX					
COUNTY:HARDIN STATE:TX	175	214	253	292	331
COUNTY:JEFFERSON STATE:TX	175	214	253	292	331
COUNTY:ORANGE STATE:TX	175	214	253	292	331
SMSA: BRYAN-COLLEGE STATION, TX					
COUNTY:BRAZOS STATE:TX	173	212	251	290	327
SMSA: GALVESTON-TEXAS CITY, TX					
COUNTY:GALVESTON STATE:TX	205	250	296	342	386
SMSA: HOUSTON, TX					
COUNTY:BRAZORIA STATE:TX	214	262	312	362	410
COUNTY:FORT BEND STATE:TX	214	262	312	362	410
COUNTY:HARRIS STATE:TX	214	262	312	362	410
COUNTY:LIBERTY STATE:TX	214	262	312	362	410

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
SMSA: HOUSTON, TX					
COUNTY:MONTGOMERY STATE:TX	214	262	312	362	410
COUNTY:WALLER STATE:TX	214	262	312	362	410
NON SMSA					
COUNTY:ANGELINA STATE:TX	151	186	221	255	289
COUNTY:AUSTIN STATE:TX	172	210	248	287	325
COUNTY:BURLESON STATE:TX	173	212	251	290	327
COUNTY:CHAMBERS STATE:TX	172	210	248	287	325
COUNTY:COLORADO STATE:TX	172	210	248	287	325
COUNTY:GRIMES STATE:TX	173	212	251	290	327
COUNTY:HOUSTON STATE:TX	151	186	221	255	289
COUNTY:JASPER STATE:TX	172	210	248	287	325
COUNTY:LEON STATE:TX	173	212	251	290	327
COUNTY:MADISON STATE:TX	173	212	251	290	327
COUNTY:MATAGORDA STATE:TX	172	210	248	287	325
COUNTY:NACOGDOCHES STATE:TX	151	186	221	255	289
COUNTY:NEWTON STATE:TX	172	210	248	287	325
COUNTY:POLK STATE:TX	172	210	248	287	325
COUNTY:ROBERTSON STATE:TX	173	212	251	290	327
COUNTY:SABINE STATE:TX	144 3	173	205	237	268
COUNTY:SAN AUGUSTIN STATE:TX	144 3	173	205	237	268
COUNTY:SAN JACINTO STATE:TX	172	210	248	287	325
COUNTY:SHELBY STATE:TX	144 3	173	205	237	268
COUNTY:TRINITY STATE:TX	151	186	221	255	289
COUNTY:TYLER STATE:TX	172	210	248	287	325
COUNTY:WALKER STATE:TX	172	210	248	287	325

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY:WASHINGTON STATE:TX	172	210	248	287	325
COUNTY:WHARTON STATE:TX	172	210	248	287	325
SMSA: AMARILLO, TX					
COUNTY:POTTER STATE:TX	160	196	230	268	302
COUNTY:RANDALL STATE:TX	160	196	230	268	302
SMSA: EL PASO, TX					
COUNTY:EL PASO STATE:TX	196	240*	282*	326*	368*
SMSA: LUBBOCK, TX					
COUNTY:LUBBOCK STATE:TX	166	204	241	279	316
SMSA: MIDLAND, TX					
COUNTY:MIDLAND STATE:TX	176	215	254	294	333
SMSA: ODESSA, TX					
COUNTY:ECTOR STATE:TX	176	215	254	294	333
NON SMSA					
COUNTY:ANDREWS STATE:TX	176	215	254	294	333
COUNTY:ARMSTRONG STATE:TX	160	196	230	268	302
COUNTY:BAILEY STATE:TX	166	204	241	279	316
COUNTY:BORDEN STATE:TX	176	215	254	294	333
COUNTY:BREWSTER STATE:TX	176	215	254	294	333
COUNTY:BRISCOE STATE:TX	160	196	230	268	302
COUNTY:CARSON STATE:TX	160	196	230	268	302
COUNTY:CASTRO STATE:TX	160	196	230	268	302
COUNTY:CHILDRESS STATE:TX	183	224	266	306	347
COUNTY:COCHRAN STATE:TX	166	204	241	279	316
COUNTY:COLLINGSWORT STATE:TX	160	196	230	268	302
COUNTY:COTTLE STATE:TX	183	224	266	306	347
COUNTY:CRANE STATE:TX	176	215	254	294	333
COUNTY:CROSBY STATE:TX	166	204	241	279	316

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY:CULBERSON STATE:TX	165	202	240	277	313
COUNTY:DALLAM STATE:TX	160	196	230	268	302
COUNTY:DAWSON STATE:TX	176	215	254	294	333
COUNTY:DEAF SMITH STATE:TX	160	196	230	268	302
COUNTY:DICKENS STATE:TX	166	204	241	279	316
COUNTY:DONLEY STATE:TX	160	196	230	268	302
COUNTY:FISHER STATE:TX	166	204	241	279	316
COUNTY:FLOYD STATE:TX	166	204	241	279	316
COUNTY:GAINES STATE:TX	176	215	254	294	333
COUNTY:GARZA STATE:TX	166	204	241	279	316
COUNTY:GLASSCOCK STATE:TX	176	215	254	294	333
COUNTY:GRAY STATE:TX	160	196	230	268	302
COUNTY:HALE STATE:TX	166	204	241	279	316
COUNTY:HALL STATE:TX	160	196	230	268	302
COUNTY:HANSFORD STATE:TX	160	196	230	268	302
COUNTY:HARTLEY STATE:TX	160	196	230	268	302
COUNTY:HEMPHILL STATE:TX	160	196	230	268	302
COUNTY:HOCKLEY STATE:TX	151	186	221	255	289
COUNTY:HOWARD STATE:TX	176	215	254	294	333
COUNTY:HUDSPETH STATE:TX	165	202	240	277	313
COUNTY:HUTCHINSON STATE:TX	160	196	230	268	302
COUNTY:JEFF DAVIS STATE:TX	165	202	240	277	313
COUNTY:KENT STATE:TX	166	204	241	279	316
COUNTY:KING STATE:TX	166	204	241	279	316

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY:LAMB STATE:TX	166	204	241	279	316
COUNTY:LIPSCOMB STATE:TX	160	196	230	268	302
COUNTY:LOVING STATE:TX	176	215	254	294	333
COUNTY:LYNN STATE:TX	166	204	241	279	316
COUNTY:MARTIN STATE:TX	176	215	254	294	333
COUNTY:MITCHELL STATE:TX	155	189	225	259	295
COUNTY:MOORE STATE:TX	160	196	230	268	302
COUNTY:MOTLEY STATE:TX	166	204	241	279	316
COUNTY:NOLAN STATE:TX	166	204	241	279	316
COUNTY:OCHILTREE STATE:TX	160	196	230	268	302
COUNTY:OLDHAM STATE:TX	160	196	230	268	302
COUNTY:PARMER STATE:TX	160	196	230	268	302
COUNTY:PECOS STATE:TX	176	215	254	294	333
COUNTY:PRESIDIO STATE:TX	165	202	240	277	313
COUNTY:REEVES STATE:TX	176	215	254	294	333
COUNTY:ROBERTS STATE:TX	160	196	230	268	302
COUNTY:SCURRY STATE:TX	166	204	241	279	316
COUNTY:SHERMAN STATE:TX	160	196	230	268	302
COUNTY:STONEWALL STATE:TX	166	204	241	279	316
COUNTY:SWISHER STATE:TX	160	196	230	268	302
COUNTY:TERRELL STATE:TX	176	215	254	294	333
COUNTY:TERRY STATE:TX	166	204	241	279	316
COUNTY:UPTON STATE:TX	176	215	254	294	333
COUNTY:WARD STATE:TX	176	215	254	294	333

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE					
NON SMSA					
COUNTY:WHEELER STATE:TX	160	196	230	268	302
COUNTY:WINKLER STATE:TX	176	215	254	294	333
COUNTY:YOAKUM STATE:TX	166	204	241	279	316
SMSA: LONGVIEW-MARSHALL, TX					
COUNTY:HARRISON STATE:TX	151	186	221	255	289
NON SMSA					
COUNTY:CASS STATE:TX	132	163	192	222	252
COUNTY:MARION STATE:TX	141	173	205	237	268
COUNTY:MORRIS STATE:TX	132	163	192	222	252
COUNTY:PANOLA STATE:TX	141	173	205	237	268
LITTLE ROCK, ARKANSAS AREA OFFICE					
SMSA: FAYETTEVILLE-SPRINGDALE, AR					
COUNTY:BENTON STATE:AR	161	198	234	270	305
COUNTY:WASHINGTON STATE:AR	161	198	234	270	305
SMSA: FORT SMITH, AR-OK					
COUNTY:CRAWFORD STATE:AR	154	188	223	257	291
COUNTY:SEBASTIAN STATE:AR	154	188	223	257	291
SMSA: LITTLE ROCK-NORTH LITTLE ROCK, AR					
COUNTY:PULASKI STATE:AR	176	214	253*	292	330
COUNTY:SALINE STATE:AR	176	214	253*	292	330
SMSA: MEMPHIS, TN-AR-MS					
COUNTY:CRITTENDEN STATE:AR	172	210	247*	284*	322
SMSA: PINE BLUFF, AR					
COUNTY:JEFFERSON STATE:AR	156	191	227	261	297
SMSA: TEXARKANA, TX-AR					
COUNTY:LITTLE RIVER STATE:AR	151	186	221	255	289
COUNTY:MILLER STATE:AR	151	186	221	255	289

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE					
NON SMSA					
COUNTY:ARKANSAS STATE:AR	156	191	227	261	297
COUNTY:ASHLEY STATE:AR	141	173	205	237	268
COUNTY:BAXTER STATE:AR	165	202	240	277	313
COUNTY:BOONE STATE:AR	165	202	240	277	313
COUNTY:BRADLEY STATE:AR	141	173	205	237	268
COUNTY:CALHOUN STATE:AR	141	173	205	237	268
COUNTY:CARROLL STATE:AR	165	202	240	277	313
COUNTY:CHICOT STATE:AR	141	173	205	237	268
COUNTY:CLARK STATE:AR	139	169	202	233	263
COUNTY:CLAY STATE:AR	155	189	225	259	295
COUNTY:CLEBURNE STATE:AR	139	169	202	233	263
COUNTY:CLEVELAND STATE:AR	156	191	227	261	297
COUNTY:COLUMBIA STATE:AR	141	173	205	237	268
COUNTY:CONWAY STATE:AR	139	169	202	233	263
COUNTY:CRAIGHEAD STATE:AR	155	189	225	259	295
COUNTY:CROSS STATE:AR	155	189	225	259	295
COUNTY:DALLAS STATE:AR	141	173	205	237	268
COUNTY:DESHA STATE:AR	141	173	205	237	268
COUNTY:DREW STATE:AR	141	173	205	237	268
COUNTY:FAULKNER STATE:AR	139	169	202	233	263
COUNTY:FRANKLIN STATE:AR	140	172	203	235	266
COUNTY:FULTON STATE:AR	139	169	202	233	263
COUNTY:GARLAND STATE:AR	139	169	202	233	263
COUNTY:GRANT STATE:AR	156	191	227	261	297

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE					
NON SMSA					
COUNTY:GREENE STATE:AR	155	189	225	259	295
COUNTY:HEMPSTEAD STATE:AR	132	163	192	222	252
COUNTY:HOTSPRING STATE:AR	139	169	202	233	263
COUNTY:HOWARD STATE:AR	132	163	192	222	252
COUNTY:INDEPENDENCE STATE:AR	139	169	202	233	263
COUNTY:IZARD STATE:AR	139	169	202	233	263
COUNTY:JACKSON STATE:AR	156	191	227	261	297
COUNTY:JOHNSON STATE:AR	139	169	202	233	263
COUNTY:LAFAYETTE STATE:AR	132	163	192	222	252
COUNTY:LAWRENCE STATE:AR	155	189	225	259	295
COUNTY:LEE STATE:AR	155	189	225	259	295
COUNTY:LINCOLN STATE:AR	156	191	227	261	297
COUNTY:LOGAN STATE:AR	140	172	203	235	266
COUNTY:LONOKE STATE:AR	156	191	227	261	297
COUNTY:MADISON STATE:AR	161	198	234	270	305
COUNTY:MARION STATE:AR	165	202	240	277	313
COUNTY:MISSISSIPPI STATE:AR	155	189	225	259	295
COUNTY:MONROE STATE:AR	156	191	227	261	297
COUNTY:MONTGOMERY STATE:AR	139	169	202	233	263
COUNTY:NEVADA STATE:AR	132	163	192	222	252
COUNTY:NEWTON STATE:AR	165	202	240	277	313
COUNTY:OUACHITA STATE:AR	141	173	205	237	268
COUNTY:PERRY STATE:AR	139	169	202	233	263
COUNTY:PHILLIPS STATE:AR	155	189	225	259	295

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE					
NON SMSA					
COUNTY:PIKE STATE:AR	139	169	202	233	263
COUNTY:POINSETT STATE:AR	155	189	225	259	295
COUNTY:POLK STATE:AR	140	172	203	235	266
COUNTY:POPE STATE:AR	139	169	202	233	263
COUNTY:PRAIRIE STATE:AR	156	191	227	261	297
COUNTY:RANDOLPH STATE:AR	155	189	225	259	295
COUNTY:ST FRANCIS STATE:AR	155	189	225	259	295
COUNTY:SCOTT STATE:AR	140	172	203	235	*266
COUNTY:SEARCY STATE:AR	165	202	240	277	313
COUNTY:SEVIER STATE:AR	132	163	192	222	252
COUNTY:SHARP STATE:AR	139	169	202	233	263
COUNTY:STONE STATE:AR	139	169	202	233	263
COUNTY:UNION STATE:AR	141	173	205	237	268
COUNTY:VAN BUREN STATE:AR	139	169	202	233	263
COUNTY:WHITE STATE:AR	156	191	227	261	297
COUNTY:WOODRUFF STATE:AR	156	191	227	261	297
COUNTY:YELL STATE:AR	140	172	203	235	266

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW ORLEANS, LOUISIANA AREA OFFICE					
SMSA: BATON ROUGE, LA					
PARISH:ASCENSION STATE:LA	218	264*	312*	359	407
PARISH:E BATON ROUG STATE:LA	218	264*	312*	359	407
PARISH:LIVINGSTON STATE:LA	218	264*	312*	359	407
PARISH:W BATON ROUG STATE:LA	218	264*	312*	359	407
SMSA: LAFAYETTE, LA					
PARISH:LAFAYETTE STATE:LA	180	221	261	302	341
SMSA: LAKE CHARLES, LA					
PARISH:CALCASIEU STATE:LA	180	221	261	302	341
SMSA: NEW ORLEANS, LA					
PARISH:JEFFERSON STATE:LA	202	246*	290*	333	377
PARISH:ORLEANS STATE:LA	202	246*	290*	333	377
PARISH:ST BERNARD STATE:LA	202	246*	290*	333	377
PARISH:ST TAMMANY STATE:LA	202	246*	290*	333	377
NON SMSA					
PARISH:ACADIA STATE:LA	143	175	207	240	272
PARISH:ALLEN STATE:LA	180	221	261	302	341
PARISH:ASSUMPTION STATE:LA	160	196	230	268	302
PARISH:BEAUREGARD STATE:LA	180	221	261	302	341
PARISH:CAMERON STATE:LA	180	221	261	302	341
PARISH:E FELICIANA STATE:LA	143	175	207	240	272
PARISH:EVANGELINE STATE:LA	143	175	207	240	272
PARISH:IBERIA STATE:LA	143	175	207	240	272
PARISH:IBERVILLE STATE:LA	143	175	207	240	272
PARISH:JEFFERSON DA STATE:LA	180	221	261	302	341
PARISH:LAFOURCHE STATE:LA	160	196	230	268	302
PARISH:PLAQUEMINES STATE:LA	160	196	230	268	302
PARISH:POINTE COUPE STATE:LA	143	175	207	240	272

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW ORLEANS, LOUISIANA AREA OFFICE					
NON SMSA					
PARISH:ST CHARLES STATE:LA	160	196	230	268	302
PARISH:ST HELENA STATE:LA	143	175	207	240	272
PARISH:ST JAMES STATE:LA	160	196	230	268	302
PARISH:ST JOHN THE STATE:LA	160	196	230	268	302
PARISH:ST LANDRY STATE:LA	143	175	207	240	272
PARISH:ST MARTIN STATE:LA	143	175	207	240	272
PARISH:ST MARY STATE:LA	143	175	207	240	272
PARISH:TANGIPAHOA STATE:LA	160	196	230	268	302
PARISH:TERREBONNE STATE:LA	160	196	230	268	302
PARISH:VERMILION STATE:LA	143	175	207	240	272
PARISH:WASHINGTON STATE:LA	160	196	230	268	302
PARISH:W FELICIANA STATE:LA	143	175	207	240	272
NEW ORLEANS, LOUISIANA AREA OFFICE					
SMSA: ALEXANDRIA, LA					
PARISH:GRANT STATE:LA	151	186	221	255	289
PARISH:RAPIDES STATE:LA	151	186	221	255	289
SMSA: MONROE, LA					
PARISH:OUACHITA STATE:LA	151	186	221	255	289
SMSA: SHREVEPORT, LA					
PARISH:BOSSIER STATE:LA	171	207*	245*	283	320
PARISH:CADDO STATE:LA	171	207*	245*	283	320
PARISH:WEBSTER STATE:LA	171	207*	245*	283	320
NON SMSA					
PARISH:AVOYELLES STATE:LA	151	186	221	255	289
PARISH:BIENVILLE STATE:LA	141	173	205	237	268
PARISH:CALDWELL STATE:LA	151	186	221	255	289
PARISH:CATAHOULA STATE:LA	151	186	221	255	289
PARISH:CLAIBORNE STATE:LA	141	173	205	237	268

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW ORLEANS, LOUISIANA AREA OFFICE					
NON SMSA					
PARISH:CONCORDIA STATE:LA	143	175	207	240	272
PARISH:DE SOTO STATE:LA	141	173	205	237	268
PARISH:EAST CARROLL STATE:LA	151	186	221	255	289
PARISH:FRANKLIN STATE:LA	151	186	221	255	289
PARISH:JACKSON STATE:LA	151	186	221	255	289
PARISH:LA SALLE STATE:LA	151	186	221	255	289
PARISH:LINCOLN STATE:LA	151	186	221	255	289
PARISH:MADISON STATE:LA	151	186	221	255	289
PARISH:MOREHOUSE STATE:LA	151	186	221	255	289
PARISH:NATCHITOCHES STATE:LA	151	186	221	255	289
PARISH:RED RIVER STATE:LA	141	173	205	237	268
PARISH:RICHLAND STATE:LA	151	186	221	255	289
PARISH:SABINE STATE:LA	141	173	205	237	268
PARISH:TENSAS STATE:LA	151	186	221	255	289
PARISH:UNION STATE:LA	151	186	221	255	289
PARISH:VERNON STATE:LA	165	201*	237*	274	310
PARISH:WEST CARROLL STATE:LA	151	186	221	255	289
PARISH:WINN STATE:LA	151	186	221	255	289

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE					
SMSA: ENID, OK.					
COUNTY:GARFIELD STATE:OK	161	198	234	270	305
SMSA: LAWTON, OK					
COUNTY:COMANCHE STATE:OK	183	224	266	306	347
SMSA: OKLAHOMA CITY, OK					
COUNTY:CANADIAN STATE:OK	188	229	271	312	352
COUNTY:CLEVELAND STATE:OK	188	229	271	312	352
COUNTY:MCCLAIN STATE:OK	188	229	271	312	352
COUNTY:OKLAHOMA STATE:OK	188	229	271	312	352
COUNTY:POTTAWATOMIE STATE:OK	188	229	271	312	352
NON SMSA					
COUNTY:ALFALFA STATE:OK	154	188	223	257	291
COUNTY:BEAVER STATE:OK	161	198	234	270	305
COUNTY:BECKHAM STATE:OK	161	198	234	270	305
COUNTY:BLAINE STATE:OK	154	188	223	257	291
COUNTY:CADDO STATE:OK	183	224	266	306	347
COUNTY:CARTER STATE:OK	144	176	210	242	275
COUNTY:CIMARRON STATE:OK	161	198	234	270	305
COUNTY:COTTON STATE:OK	183	224	266	306	347
COUNTY:CUSTER STATE:OK	161	198	234	270	305
COUNTY:DEWEY STATE:OK	154	188	223	257	291
COUNTY:ELLIS STATE:OK	154	188	223	257	291
COUNTY:GARVIN STATE:OK	144	176	210	242	275
COUNTY:GRADY STATE:OK	144	176	210	242	275
COUNTY:GRANT STATE:OK	154	188	223	257	291
COUNTY:GREER STATE:OK	183	224	266	306	347
COUNTY:HARMON STATE:OK	183	224	266	306	347

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE					
NON SMSA					
COUNTY:HARPER STATE:OK	154	188	223	257	291
COUNTY:JACKSON STATE:OK	182	224	266	306	347
COUNTY:JEFFERSON STATE:OK	183	224	266	306	347
COUNTY:JOHNSTON STATE:OK	132	163	192	222	252
COUNTY:KAY STATE:OK	154	188	223	257	291
COUNTY:KINGFISHER STATE:OK	154	188	223	257	291
COUNTY:KIOWA STATE:OK	183	224	266	306	347
COUNTY:LINCOLN STATE:OK	154	188	223	257	291
COUNTY:LOGAN STATE:OK	154	188	223	257	291
COUNTY:LOVE STATE:OK	132	163	192	222	252
COUNTY:MAJOR STATE:OK	154	188	223	257	291
COUNTY:MARSHALL STATE:OK	161	198	234	270	305
COUNTY:MURRAY STATE:OK	132	163	192	222	252
COUNTY:NOBLE STATE:OK	154	188	223	257	291
COUNTY:PAYNE STATE:OK	167	204*	242*	278	315
COUNTY:PONTOTOC STATE:OK	144	176	210	242	275
COUNTY:ROGER MILLS STATE:OK	154	188	223	257	291
COUNTY:SEMINOLE STATE:OK	144	176	210	242	275
COUNTY:STEPHENS STATE:OK	183	224	266	306	347
COUNTY:TEXAS STATE:OK	161	198	234	270	305
COUNTY:TILLMAN STATE:OK	183	224	266	306	347
COUNTY:WASHITA STATE:OK	154	188	223	257	291
COUNTY:WOODS STATE:OK	154	188	223	257	291
COUNTY:WOODWARD STATE:OK	161	198	234	270	305

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSI J URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING AS..rANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE					
SMSA: FORT SMITH, AR-OK					
COUNTY:LE FLORE					
STATE:OK	154	188	223	257	291
COUNTY:SEQUOYAH					
STATE:OK	154	188	223	257	291
SMSA: TULSA, OK					
COUNTY:CREEK					
STATE:OK	197	240	285	328	371
COUNTY:MAYES					
STATE:OK	197	240	285	328	371
COUNTY:OSAGE					
STATE:OK	197	240	285	328	371
COUNTY:ROGERS					
STATE:OK	197	240	285	328	371
COUNTY:TULSA					
STATE:OK	197	240	285	328	371
COUNTY:WAGONER					
STATE:OK	197	240	285	328	371
NON SMSA					
COUNTY:ADAIR					
STATE:OK	147	180*	212*	245	277
COUNTY:ATOKA					
STATE:OK	132	163	192	222	252
COUNTY:BRYAN					
STATE:OK	147	180*	212*	245	277
COUNTY:CHEROKEE					
STATE:OK	147	180*	212*	245	277
COUNTY:CHOCTAW					
STATE:OK	132	163	192	222	252
COUNTY:COAL					
STATE:OK	132	163	192	222	252
COUNTY:CRAIG					
STATE:OK	144	176	210	242	275
COUNTY:DELAWARE					
STATE:OK	161	198	234	270	305
COUNTY:HASKELL					
STATE:OK	132	160*	190	219	249
COUNTY:HUGHES					
STATE:OK	132	163	192	222	252
COUNTY:LATIMER					
STATE:OK	132	160*	190	219	249
COUNTY:MCCURTAIN					
STATE:OK	132	160*	190	219	249
COUNTY:MCINTOSH					
STATE:OK	141	171	202*	233	264
COUNTY:MUSKOGEE					
STATE:OK	147	180*	212*	245	277
COUNTY:NOWATA					
STATE:OK	154	188	223	257	291

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE					
NON SMSA'					
COUNTY:OKFUSKEE STATE:OK	141	171	202*	233	264
COUNTY:OKMULGEE STATE:OK	141	171	202*	233	264
COUNTY:OTTAWA STATE:OK	144	176	210	242	275
COUNTY:PAWNEE STATE:OK	154	188	223	257	291
COUNTY:PITTSBURG STATE:OK	132	160*	190	219	249
COUNTY:PUSHMATAHA STATE:OK	132	160*	190	219	249
COUNTY:WASHINGTON STATE:OK	161	198	234	270	305
SAN ANTONIO, TEXAS AREA OFFICE					
SMSA: AUSTIN, TX					
COUNTY:HAYS STATE:TX	261	315	368	423	478
COUNTY:TRAVIS STATE:TX	261	315	368	423	478
COUNTY:WILLIAMSON STATE:TX	261	315	368	423	478
SMSA: BROWNSVILLE-HARLINGEN-SAN BENITO, TX					
COUNTY:CAMERON STATE:TX	197	240	285	328	371
SMSA: CORPUS CHRISTI, TX					
COUNTY:NUECES STATE:TX	192	235	278	321	363
COUNTY:SAN PATRICIO STATE:TX	192	235	278	321	363
SMSA: LAREDO, TX					
COUNTY:WEBB STATE:TX	202	248	294	339	383
SMSA: MC ALLEN-PHARR-EDINBURG, TX					
COUNTY:HIDALGO STATE:TX	197	240	285	328	371
SMSA: SAN ANTONIO, TX					
COUNTY:BEXAR STATE:TX	217	267	314	363	411
COUNTY:COMAL STATE:TX	217	267	314	363	411

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - RMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN ANTONIO, TEXAS AREA OFFICE					
SMSA: SAN ANTONIO, TX					
COUNTY:GUADALUPE STATE:TX	217	267	314	363	411
NON SMSA					
COUNTY:ARANSAS STATE:TX	202	248	294	339	383
COUNTY:ATASCOSA STATE:TX	162	199	236	272	308
COUNTY:BANDERA STATE:TX	185	226	269	308	349
COUNTY:BASTROP STATE:TX	173	212	251	290	327
COUNTY:BEE STATE:TX	202	248	294	339	383
COUNTY:BLANCO STATE:TX	173	212	251	290	327
COUNTY:BROOKS STATE:TX	202	248	294	339	383
COUNTY:BURNET STATE:TX	173	212	251	290	327
COUNTY:CALDWELL STATE:TX	173	212	251	290	327
COUNTY:CALHOUN STATE:TX	162	199	236	272	308
COUNTY:DE WITT STATE:TX	162	199	236	272	308
COUNTY:DIMMIT STATE:TX	202	248	294	339	383
COUNTY:DUVAL STATE:TX	202	248	294	339	383
COUNTY:EDWARDS STATE:TX	162	199	236	272	308
COUNTY:FAYETTE STATE:TX	172	210	248	287	325
COUNTY:FRIO STATE:TX	162	199	236	272	308
COUNTY:GILLESPIE STATE:TX	162	199	236	272	308
COUNTY:GOLIAD STATE:TX	162	199	236	272	308
COUNTY:GONZALES STATE:TX	162	199	236	272	308
COUNTY:JACKSON STATE:TX	162	199	236	272	308
COUNTY:JIM HOGG STATE:TX	202	248	294	339	383
COUNTY:JIM WELLS STATE:TX	202	248	294	339	383
COUNTY:KARNES STATE:TX	162	199	236	272	308

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN ANTONIO, TEXAS AREA OFFICE					
NON SMSA					
COUNTY:KENDALL STATE:TX	162	199	236	272	308
COUNTY:KENEDY STATE:TX	202	248	294	339	383
COUNTY:KERR STATE:TX	162	199	236	272	308
COUNTY:KINNEY STATE:TX	162	199	236	272	308
COUNTY:KLEBERG STATE:TX	202	248	294	339	383
COUNTY:LA SALLE STATE:TX	202	248	294	339	383
COUNTY:LAUACA STATE:TX	162	199	236	272	308
COUNTY:LEE STATE:TX	173	212	251	290	327
COUNTY:LIVE OAK STATE:TX	202	248	294	339	383
COUNTY:LLANO STATE:TX	173	212	251	290	327
COUNTY:MCMULLEN STATE:TX	202	248	294	339	383
COUNTY:MAVERICK STATE:TX	162	199	236	272	308
COUNTY:MEDINA STATE:TX	162	199	236	272	308
COUNTY:REAL STATE:TX	162	199	236	272	308
COUNTY:REFUGIO STATE:TX	202	248	294	339	383
COUNTY:STARR STATE:TX	202	248	294	339	383
COUNTY:UVALDE STATE:TX	162	199	236	272	308
COUNTY:VAL VERDE STATE:TX	162	199	236	272	308
COUNTY:VICTORIA STATE:TX	205	250	296	341	386
COUNTY:WILLACY STATE:TX	202	248	294	339	383
COUNTY:WILSON STATE:TX	162	199	236	272	308
COUNTY:ZAPATA STATE:TX	202	248	294	339	383
COUNTY:ZAVALA STATE:TX	162	199	236	272	308

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
SMSA: KANSAS CITY, MO-KS					
COUNTY:CASS STATE:MO	195	238	280	323	365
COUNTY:CLAY STATE:MO	195	238	280	323	365
COUNTY:JACKSON STATE:MO	195	238	280	323	365
COUNTY:PLATTE STATE:MO	195	238	280	323	365
COUNTY:RAY STATE:MO	195	238	280	323	365
COUNTY:JOHNSON STATE:KS	195	238	280	323	365
COUNTY:WYANDOTTE STATE:KS	195	238	280	323	365
SMSA: ST JOSEPH, MO					
COUNTY:ANDREW STATE:MO	146	9	212	245	279
COUNTY:BUCHANEN STATE:MO	146	179	212	245	279
SMSA: SPRINGFIELD, MO					
COUNTY:CHRISTIAN STATE:MO	159	188	227	264	300
COUNTY:GREENE STATE:MO	159	188	227	264	300
NON SMSA					
COUNTY:ATCHISON STATE:MO	146	179	212	245	279
COUNTY:BARRY STATE:MO	144	174	207	241	273
COUNTY:BARTON STATE:MO	126	154	183	213	240
COUNTY:BATES STATE:MO	146	179	212	245	279
COUNTY:BENTON STATE:MO	146	179	212	245	279
COUNTY:CALDWELL STATE:MO	156	190	227	262	299
COUNTY:CAMDEN STATE:MO	176	214	254	295	334
COUNTY:CARROLL STATE:MO	146	179	212	245	279
COUNTY:CEDAR STATE:MO	126	154	183	213	240
COUNTY:CHARITON STATE:MO	176	214	254	295	334
COUNTY:CLINTON STATE:MO	146	179	212	245	279
COUNTY:DADE STATE:MO	144	174	207	241	273

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:DALLAS STATE:MO	144	174	207	241	273
COUNTY:DAVIESS STATE:MO	156	190	227	262	299
COUNTY:DE KALB STATE:MO	146	179	212	245	279
COUNTY:GENTRY STATE:MO	146	179	212	245	279
COUNTY:GRUNDY STATE:MO	156	190	227	262	299
COUNTY:HARRISON STATE:MO	156	190	227	262	299
COUNTY:HENRY STATE:MO	146	179	212	245	279
COUNTY:HICKORY STATE:MO	144	174	207	241	273
COUNTY:HOLT STATE:MO	146	179	212	245	279
COUNTY:JASPER STATE:MO	141	162	197	224	248
COUNTY:JOHNSON STATE:MO	163	189	235	259	288
COUNTY:LACLEDE STATE:MO	156	189	227	261	297
COUNTY:LAFAYETTE STATE:MO	146	179	212	245	279
COUNTY:LAWRENCE STATE:MO	144	174	207	241	273
COUNTY:LINN STATE:MO	156	190	227	262	299
COUNTY:LIVINGSTON STATE:MO	156	190	227	262	299
COUNTY:MCDONALD STATE:MO	126	154	183	213	240
COUNTY:MERCER STATE:MO	156	190	227	262	299
COUNTY:MILLER STATE:MO	176	214	254	295	334
COUNTY:MORGAN STATE:MO	176	214	254	295	334
COUNTY:NEWTON STATE:MO	141	162	197	224	248
COUNTY:NODAWAY STATE:MO	163	189	235	259	288
COUNTY:PETTIS STATE:MO	146	179	212	245	279
COUNTY:POLK STATE:MO	144	174	207	241	273

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCSES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:PULASKI STATE:MO	156	189	227	261	297
COUNTY:PUTNAM STATE:MO	156	190	227	262	299
COUNTY:ST CLAIR STATE:MO	126	154	183	213	240
COUNTY:SALINE STATE:MO	146	179	212	245	279
COUNTY:STONE STATE:MO	144	174	207	241	273
COUNTY:SULLIVAN STATE:MO	156	190	227	262	299
COUNTY:TANEY STATE:MO	144	174	207	241	273
COUNTY:VERNON STATE:MO	126	154	183	213	240
COUNTY:WEBSTER STATE:MO	144	174	207	241	273
COUNTY:WORTH STATE:MO	146	179	212	245	279
SMSA: LAWRENCE, KS					
COUNTY:DOUGLAS STATE:KS	214	251	302	354	386
SMSA: TOPEKA, KS					
COUNTY:JEFFERSON STATE:KS	189	229	272	314	357
COUNTY:OSAGE STATE:KS	189	229	272	314	357
COUNTY:SHAWNEE STATE:KS	189	229	272	314	357
SMSA: WICHITA, KS					
COUNTY:BUTLER STATE:KS	199	234	274	324	358
COUNTY:SEDGWICK STATE:KS	199	234	274	324	358
NON SMSA					
COUNTY:ALLEN STATE:KS	126	154	183	213	240
COUNTY:ANDERSON STATE:KS	151	185	220	256	290
COUNTY:ATCHISON STATE:KS	151	185	220	256	290
COUNTY:BARBER STATE:KS	134	164	195	227	257
COUNTY:BARTON STATE:KS	145	175	210	243	276
COUNTY:BOURBON STATE:KS	126	154	183	213	240
COUNTY:BROWN STATE:KS	151	185	220	256	290

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:CHASE STATE:KS	134	164	195	227	257
COUNTY:CHAUTAUQUA STATE:KS	134	164	195	227	257
COUNTY:CHEROKEE STATE:KS	126	154	183	213	240
COUNTY:CHEYENNE STATE:KS	145	175	210	243	276
COUNTY:CLARK STATE:KS	134	164	195	227	257
COUNTY:CLAY STATE:KS	145	175	210	243	276
COUNTY:CLOUD STATE:KS	145	175	210	243	276
COUNTY:COFFEY STATE:KS	151	185	220	256	290
COUNTY:COMANCHE STATE:KS	134	164	195	227	257
COUNTY:COWLEY STATE:KS	134	164	195	227	257
COUNTY:CRAWFORD STATE:KS	126	154	183	213	240
COUNTY:DECATUR STATE:KS	145	175	210	243	276
COUNTY:DICKINSON STATE:KS	145	175	210	243	276
COUNTY:DONIPHAN STATE:KS	151	185	220	256	290
COUNTY:EDWARDS STATE:KS	134	164	195	227	257
COUNTY:ELK STATE:KS	134	164	195	227	257
COUNTY:ELLIS STATE:KS	145	175	210	243	276
COUNTY:ELLSWORTH STATE:KS	145	175	210	243	276
COUNTY:FINNEY STATE:KS	134	164	195	227	257
COUNTY:FORD STATE:KS	134	164	195	227	257
COUNTY:FRANKLIN STATE:KS	151	185	220	256	290
COUNTY:GEARY STATE:KS	151	185	220	256	290
COUNTY:GOVE STATE:KS	145	175	210	243	276
COUNTY:GRAHAM STATE:KS	145	175	210	243	276

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:GRANT STATE:KS	134	164	195	227	257
COUNTY:GRAY STATE:KS	134	164	195	227	257
COUNTY:GREELEY STATE:KS	145	175	210	243	276
COUNTY:GREENWOOD STATE:KS	134	164	195	227	257
COUNTY:HAMILTON STATE:KS	134	164	195	227	257
COUNTY:HARPER STATE:KS	134	164	195	227	257
COUNTY:HARVEY STATE:KS	147	177	208	252	266
COUNTY:HASKELL STATE:KS	134	164	195	227	257
COUNTY:HODGEMAN STATE:KS	134	164	195	227	257
COUNTY:JACKSON STATE:KS	151	185	220	256	290
COUNTY:JEWELL STATE:KS	145	175	210	243	276
COUNTY:KEARNY STATE:KS	134	164	195	227	257
COUNTY:KINGMAN STATE:KS	134	164	195	227	257
COUNTY:KIOWA STATE:KS	134	164	195	227	257
COUNTY:LABETTE STATE:KS	126	154	183	213	240
COUNTY:LANE STATE:KS	145	175	210	243	276
COUNTY:LEAVENWORTH STATE:KS	189	229	272	314	357
COUNTY:LINCOLN STATE:KS	145	175	210	243	276
COUNTY:LINN STATE:KS	151	185	220	256	290
COUNTY:LOGAN STATE:KS	145	175	210	243	276
COUNTY:LYON STATE:KS	151	185	220	256	290
COUNTY:MCPHERSON STATE:KS	145	175	210	243	276
COUNTY:MARION STATE:KS	134	164	195	227	257
COUNTY:MARSHALL STATE:KS	151	185	220	256	290

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:MEADE STATE:KS	134	164	195	227	257
COUNTY:MIAMI STATE:KS	151	185	220	256	290
COUNTY:MITCHELL STATE:KS	145	175	210	243	276
COUNTY:MONTGOMERY STATE:KS	126	154	183	213	240
COUNTY:MORRIS STATE:KS	145	175	210	243	276
COUNTY:MORTON STATE:KS	134	164	195	227	257
COUNTY:NEMAHA STATE:KS	151	185	220	256	290
COUNTY:NEOSHO STATE:KS	126	154	183	213	240
COUNTY:NESS STATE:KS	145	175	210	243	276
COUNTY:NORTON STATE:KS	145	175	210	243	276
COUNTY:OSBORNE STATE:KS	145	175	210	243	276
COUNTY:OTTAWA STATE:KS	145	175	210	243	276
COUNTY:PAWNEE STATE:KS	134	164	195	227	257
COUNTY:PHILLIPS STATE:KS	145	175	210	243	276
COUNTY:POTTAWATOMIE STATE:KS	151	185	220	256	290
COUNTY:PRATT STATE:KS	134	164	195	227	257
COUNTY:RAWLINS STATE:KS	145	175	210	243	276
COUNTY:RENO STATE:KS	134	164	195	227	257
COUNTY:REPUBLIC STATE:KS	145	175	210	243	276
COUNTY:RICE STATE:KS	145	175	210	243	276
COUNTY:RILEY STATE:KS	176	217	255	298	335
COUNTY:ROOKS STATE:KS	145	175	210	243	276
COUNTY:RUSH STATE:KS	145	175	210	243	276
COUNTY:RUSSELL STATE:KS	145	175	210	243	276

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION - 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:SALINE STATE:KS	145	175	210	243	276
COUNTY:SCOTT STATE:KS	145	175	210	243	276
COUNTY:SEWARD STATE:KS	134	164	195	227	257
COUNTY:SHERIDAN STATE:KS	146	175	210	243	276
COUNTY:SHERMAN STATE:KS	146	175	210	243	276
COUNTY:SMITH STATE:KS	145	175	210	243	276
COUNTY:STAFFORD STATE:KS	134	164	196	227	257
COUNTY:STANTON STATE:KS	134	164	195	227	257
COUNTY:STEVENS STATE:KS	134	164	195	227	257
COUNTY:SUMNER STATE:KS	134	164	195	227	257
COUNTY:THOMAS STATE:KS	145	175	210	243	276
COUNTY:TREGO STATE:KS	145	175	210	243	276
COUNTY:WABAUNSEE STATE:KS	151	185	220	256	290
COUNTY:WALLACE STATE:KS	145	175	210	243	276
COUNTY:WASHINGTON STATE:KS	151	185	220	256	290
COUNTY:WICHITA STATE:KS	145	175	210	243	276
COUNTY:WILSON STATE:KS	126	154	183	213	240
COUNTY:WOODSON STATE:KS	126	154	183	213	240

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
SMSA: CEDAR RAPIDS, IA					
COUNTY:LINN	210	255	300	345	390
STATE:IA					
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL					
COUNTY:SCOTT	214	262	310	359	406
STATE:IA					
SMSA: DES MOINES, IA					
COUNTY:POLK	208	254	299*	345	390
STATE:IA					
COUNTY:WARREN	208	254	299*	345	390
STATE:IA					
SMSA: DUBUQUE, IA					
COUNTY:DUBUQUE	179	235	309	369	405
STATE:IA					
SMSA: IOWA CITY, IA.					
COUNTY:JOHNSON	210	255	300	345	390
STATE:IA					
SMSA: OMAHA, NE-IA					
COUNTY:POTTAWATTAMI	206	250	297	343	389
STATE:IA					
SMSA: SIOUX CITY, IA-NE					
COUNTY:WOODBURY	187	242	301	352	391
STATE:IA					
SMSA: WATERLOO-CEDAR FALLS, IA					
COUNTY:BLACK HAWK	178	217	258	298	339
STATE:IA					
NON SMSA					
COUNTY:ADAIR	166	203	243	280	317
STATE:IA					
COUNTY:ADAMS	166	203	243	280	317
STATE:IA					
COUNTY:ALLAMAKEE	163	199	236	274	311
STATE:IA					
COUNTY:APPANOOSE	166	203	243	280	317
STATE:IA					
COUNTY:AUDUBON	161	196	233	269	307
STATE:IA					
COUNTY:BENTON	196	240	283*	326	369
STATE:IA					
COUNTY:BOONE	166	203	243	280	317
STATE:IA					
COUNTY:BREMER	178	217	258	298	339
STATE:IA					
COUNTY:BUCHANAN	178	217	258	298	339
STATE:IA					
COUNTY:BUENA VISTA	160	195	231	268	303
STATE:IA					
COUNTY:BUTLER	178	217	258	298	339
STATE:IA					
COUNTY:CALHOUN	160	195	231	268	303
STATE:IA					
COUNTY:CARROLL	161	196	233	269	307
STATE:IA					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY:CASS STATE:IA	160	195	231	268	303
COUNTY:CEDAR STATE:IA	196	240	283*	326	369
COUNTY:CERRO GORDO STATE:IA	178	217	258	298	339
COUNTY:CHEROKEE STATE:IA	161	196	233	269	307
COUNTY:CHICKASAW STATE:IA	178	217	258	298	339
COUNTY:CLARKE STATE:IA	166	203	243	280	317
COUNTY:CLAY STATE:IA	160	196	231	268	303
COUNTY:CLAYTON STATE:IA	163	199	236	274	311
COUNTY:CLINTON STATE:IA	180	220	262	303	343
COUNTY:CRAWFORD STATE:IA	161	196	233	269	307
COUNTY:DALLAS STATE:IA	166	203	243	280	317
COUNTY:DAVIS STATE:IA	166	203	243	280	317
COUNTY:DECATUR STATE:IA	166	203	243	280	317
COUNTY:DELAWARE STATE:IA	163	199	236	274	311
COUNTY:DES MOINES STATE:IA	164	200	237	276	313
COUNTY:DICKINSON STATE:IA	160	195	231	268	303
COUNTY:EMMET STATE:IA	160	195	231	268	303
COUNTY:FAYETTE STATE:IA	178	217	258	298	339
COUNTY:FLOYD STATE:IA	178	217	258	298	339
COUNTY:FRANKLIN STATE:IA	178	217	258	298	339
COUNTY:FREMONT STATE:IA	160	196	231	268	303
COUNTY:GREENE STATE:IA	161	196	233	269	307
COUNTY:GRUNDY STATE:IA	178	217	258	298	339
COUNTY:GUTHRIE STATE:IA	161	196	233	269	307

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY:HAMILTON STATE:IA	160	195	231	268	303
COUNTY:HANCOCK STATE:IA	178	217	258	298	339
COUNTY:HARDIN STATE:IA	178	217	258	298	339
COUNTY:HARRISON STATE:IA	160	195	231	268	303
COUNTY:HENRY STATE:IA	164	200	237	276	313
COUNTY:HOWARD STATE:IA	163	199	236	274	311
COUNTY:HUMBOLDT STATE:IA	160	195	231	268	303
COUNTY:IDA STATE:IA	161	196	233	269	307
COUNTY:IOWA STATE:IA	196	240	283*	326	369
COUNTY:JACKSON STATE:IA	163	199	236	274	311
COUNTY:JASPER STATE:IA	166	203	243	280	317
COUNTY:JEFFERSON STATE:IA	166	203	243	280	317
COUNTY:JONES STATE:IA	196	240	283*	326	369
COUNTY:KEOKUK STATE:IA	166	203	243	280	317
COUNTY:KOSSUTH STATE:IA	178	217	258	298	339
COUNTY:LEE STATE:IA	164	200	237	276	313
COUNTY:LOUISA STATE:IA	180	220	262	303	343
COUNTY:LUCAS STATE:IA	166	203	243	280	317
COUNTY:LYON STATE:IA	178	217	258	298	339
COUNTY:MADISON STATE:IA	166	203	243	280	317
COUNTY:MAHASKA STATE:IA	166	203	243	280	317
COUNTY:MARION STATE:IA	166	203	243	280	317
COUNTY:MARSHALL STATE:IA	166	203	243	280	317
COUNTY:MILLS STATE:IA	160	195	231	268	303

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY:MITCHELL STATE:IA	178	217	258	298	339
COUNTY:MONONA STATE:IA	161	196	233	269	307
COUNTY:MONROE STATE:IA	166	203	243	280	317
COUNTY:MONTGOMERY STATE:IA	160	195	231	268	303
COUNTY:MUSCATINE STATE:IA	180	220	262	303	343
COUNTY:O BRIEN STATE:IA	161	196	233	269	307
COUNTY:OSCEOLA STATE:IA	178	217	258	298	339
COUNTY:PAGE STATE:IA	160	195	231	268	303
COUNTY:PALO ALTO STATE:IA	160	195	231	268	303
COUNTY:PLYMOUTH STATE:IA	161	196	233	269	307
COUNTY:POCAHONTAS STATE:IA	160	195	231	268	303
COUNTY:POWESHIEK STATE:IA	166	203	243	280	317
COUNTY:RINGGOLD STATE:IA	166	203	243	280	317
COUNTY:SAC STATE:IA	161	196	233	269	307
COUNTY:SHELBY STATE:IA	160	195	231	268	303
COUNTY:SIOUX STATE:IA	161	196	233	269	307
COUNTY:STORY STATE:IA	181	211	256	289	317
COUNTY:TAMA STATE:IA	166	203	243	280	317
COUNTY:TAYLOR STATE:IA	166	203	243	280	317
COUNTY:UNION STATE:IA	166	203	243	280	317
COUNTY:VAN BUREN STATE:IA	166	203	243	280	317
COUNTY:WAPELLO STATE:IA	166	203	243	280	317
COUNTY:WASHINGTON STATE:IA	180	220	262	303	343
COUNTY:WAYNE STATE:IA	166	203	243	280	317

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY:WEBSTER STATE:IA	160	195	231	268	303
COUNTY:WINNEBAGO STATE:IA	178	217	258	298	339
COUNTY:WINNESHIEK STATE:IA	163	199	236	274	311
COUNTY:WORTH STATE:IA	178	217	258	298	339
COUNTY:WRIGHT STATE:IA	160	195	231	268	303
SMSA: LINCOLN, NE					
COUNTY:LANCASTER STATE:NE	213	259	308	355	403
SMSA: OMAHA, NE-IA					
COUNTY:DOUGLAS STATE:NE	206	250	297	343	389
COUNTY:SARPY STATE:NE	206	250	297	343	389
SMSA: SIOUX CITY, IA-NE					
COUNTY:DAKOTA STATE:NE	187	242	301	352	391
NON SMSA					
COUNTY:ADAMS STATE:NE	152	205	269	340	376
COUNTY:ANTELOPE STATE:NE	152	187	222	258	293
COUNTY:ARTHUR STATE:NE	152	187	222	258	293
COUNTY:BANNER STATE:NE	150	184	218	253	287
COUNTY:BLAINE STATE:NE	152	187	222	258	293
COUNTY:BOONE STATE:NE	152	187	222	258	293
COUNTY:BOX BUTTE STATE:NE	182	222	263	306	345
COUNTY:BOYD STATE:NE	152	187	222	258	293
COUNTY:BROWN STATE:NE	152	187	222	258	293
COUNTY:BUFFALO STATE:NE	152	187	222	258	293
COUNTY:BURT STATE:NE	160	195	231	268	303
COUNTY:BUTLER STATE:NE	160	195	231	268	303
COUNTY:CASS STATE:NE	160	195	231	268	303
COUNTY:CEDAR STATE:NE	161	196	233	269	307

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY:CHASE STATE:NE	175	213	253	293	331
COUNTY:CHERRY STATE:NE	152	187	222	258	293
COUNTY:CHEYENNE STATE:NE	150	184	218	253	287
COUNTY:CLAY STATE:NE	152	187	222	258	293
COUNTY:COLFAX STATE:NE	160	195	231	268	303
COUNTY:CUMING STATE:NE	161	196	233	269	307
COUNTY:CUSTER STATE:NE	152	187	222	258	293
COUNTY:DAWES STATE:NE	150	184	218	253	287
COUNTY:DAWSON STATE:NE	152	187	222	258	293
COUNTY:DEUEL STATE:NE	150	184	218	253	287
COUNTY:DIXON STATE:NE	161	196	233	269	307
COUNTY:DODGE STATE:NE	160	195	231	268	303
COUNTY:DUNDY STATE:NE	175	213	253	293	331
COUNTY:FILLMORE STATE:NE	160	195	231	268	303
COUNTY:FRANKLIN STATE:NE	152	187	222	258	293
COUNTY:FRONTIER STATE:NE	152	187	222	258	293
COUNTY:FURNAS STATE:NE	152	187	222	258	293
COUNTY:GAGE STATE:NE	187	228	270	312	353
COUNTY:GARDEN STATE:NE	150	184	218	253	287
COUNTY:GARFIELD STATE:NE	152	187	222	258	293
COUNTY:GOSPER STATE:NE	152	187	222	258	293
COUNTY:GRANT STATE:NE	152	187	222	258	293
COUNTY:GREELEY STATE:NE	152	187	222	258	293
COUNTY:HALL STATE:NE	152	187	222	269 11	297 4

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY:HAMILTON STATE:NE	152	187	222	258	293
COUNTY:HARLAN STATE:NE	152	187	222	258	293
COUNTY:HAYES STATE:NE	152	187	222	258	293
COUNTY:HITCHCOCK STATE:NE	152	187	222	258	293
COUNTY:HOLT STATE:NE	161	196	233	269	307
COUNTY:HOOKER STATE:NE	152	187	222	258	293
COUNTY:HOWARD STATE:NE	152	187	222	258	293
COUNTY:JEFFERSON STATE:NE	160	195	231	268	303
COUNTY:JOHNSON STATE:NE	160	195	231	268	303
COUNTY:KEARNEY STATE:NE	152	187	222	258	293
COUNTY:KEITH STATE:NE	152	187	222	258	293
COUNTY:KEYA PAHA STATE:NE	161	196	233	269	307
COUNTY:KIMBALL STATE:NE	150	184	218	253	287
COUNTY:KNOX STATE:NE	161	196	233	269	307
COUNTY:LINCOLN STATE:NE	152	187	222	258	293
COUNTY:LOGAN STATE:NE	152	187	222	258	293
COUNTY:LOUP STATE:NE	152	187	222	258	293
COUNTY:MCPHERSON STATE:NE	152	187	222	258	293
COUNTY:MADISON STATE:NE	161	196	233	269	307
COUNTY:MERRICK STATE:NE	152	187	222	258	293
COUNTY:MORRILL STATE:NE	150	184	218	253	287
COUNTY:NANCE STATE:NE	152	187	222	258	293
COUNTY:NEMAHA STATE:NE	160	195	231	268	303
COUNTY:NUCKOLLS STATE:NE	152	187	222	258	293

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY:OTOE STATE:NE	160	195	231	268	303
COUNTY:PAWNEE STATE:NE	160	195	231	268	303
COUNTY:PERKINS STATE:NE	175	213	253	293	331
COUNTY:PHELPS STATE:NE	152	187	222	258	293
COUNTY:PIERCE STATE:NE	161	196	233	269	307
COUNTY:PLATTE STATE:NE	160	195	231	268	303
COUNTY:POLK STATE:NE	160	195	231	268	303
COUNTY:RED WILLOW STATE:NE	152	187	222	258	293
COUNTY:RICHARDSON STATE:NE	160	195	231	268	303
COUNTY:ROCK STATE:NE	161	196	233	269	307
COUNTY:SALINE STATE:NE	160	195	231	268	303
COUNTY:SAUNDERS STATE:NE	160	195	231	268	303
COUNTY:SCOTTS BLUFF STATE:NE	183	223	263	303	343
COUNTY:SEWARD STATE:NE	160	195	231	268	303
COUNTY:SHERIDAN STATE:NE	150	184	218	253	287
COUNTY:SHERMAN STATE:NE	152	187	222	258	293
COUNTY:SIOUX STATE:NE	150	184	218	253	287
COUNTY:STANTON STATE:NE	161	196	233	269	307
COUNTY:THAYER STATE:NE	160	195	231	268	303
COUNTY:THOMAS STATE:NE	152	187	222	258	293
COUNTY:THURSTON STATE:NE	161	196	233	269	307
COUNTY:VALLEY STATE:NE	152	187	222	258	293
COUNTY:WASHINGTON STATE:NE	160	195	231	268	303
COUNTY:WAYNE STATE:NE	161	196	233	269	307

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
NON SMSA					
COUNTY:WEBSTER STATE:NE	152	187	222	258	293
COUNTY:WHEELER STATE:NE	152	187	222	258	293
COUNTY:YORK STATE:NE	160	195	231	268	303
ST. LOUIS, MISSOURI AREA OFFICE					
SMSA: COLUMBIA, MO					
COUNTY:BOONE STATE:MO	187	228	270	312	353
SMSA: ST LOUIS, MO-IL					
COUNTY:FRANKLIN STATE:MO	219	267	313	361	411
COUNTY:JEFFERSON STATE:MO	219	267	313	361	411
COUNTY:ST CHARLES STATE:MO	219	267	313	361	411
COUNTY:ST LOUIS STATE:MO	219	267	313	361	411
INDEP. CITY:ST. LOUIS STATE:MO	219	267	313	361	411
NON SMSA					
COUNTY:ADAIR STATE:MO	176	214	254	295	334
COUNTY:AUDRAIN STATE:MO	176	214	254	295	334
COUNTY:BOLLINGER STATE:MO	137	169	201	232	265
COUNTY:BUTLER STATE:MO	137	169	201	232	265
COUNTY:CALLAWAY STATE:MO	176	214	254	295	334

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:CAPE GIRARDE STATE:MO	164	200	237	275	312
COUNTY:CARTER STATE:MO	137	169	201	232	266
COUNTY:CLARK STATE:MO	164	200	237	276	313
COUNTY:COLE STATE:MO	176	214	254	295	334
COUNTY:COOPER STATE:MO	176	214	254	295	334
COUNTY:CRAWFORD STATE:MO	156	189	227	261	297
COUNTY:DENT STATE:MO	156	189	227	261	297
COUNTY:DOUGLAS STATE:MO	144	174	207	241	273
COUNTY:DUNKLIN STATE:MO	137	169	201	232	265
COUNTY:GASCONADE STATE:MO	156	189	227	261	297
COUNTY:HOWARD STATE:MO	176	214	254	295	334
COUNTY:HOWELL STATE:MO	144	174	207	241	273
COUNTY:IRON STATE:MO	156	189	227	261	297
COUNTY:KNOX STATE:MO	176	214	254	295	334
COUNTY:LEWIS STATE:MO	164	200	237	276	313
COUNTY:LINCOLN STATE:MO	156	189	227	261	297
COUNTY:MACON STATE:MO	176	214	254	295	334
COUNTY:MADISON STATE:MO	156	189	227	261	297
COUNTY:MARIES STATE:MO	156	189	227	261	297
COUNTY:MARION STATE:MO	164	200	237	276	313
COUNTY:MISSISSIPPI STATE:MO	137	169	201	232	265
COUNTY:MONITEAU STATE:MO	176	214	254	295	334
COUNTY:MONROE STATE:MO	176	214	254	295	334
COUNTY:MONTGOMERY STATE:MO	156	189	227	261	297

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:NEW MADRID STATE:MO	137	169	201	232	265
COUNTY:OREGON STATE:MO	144	174	207	241	273
COUNTY:OSAGE STATE:MO	176	214	254	295	334
COUNTY:OZARK STATE:MO	144	174	207	241	273
COUNTY:PEMISCOT STATE:MO	137	169	201	232	265
COUNTY:PERRY STATE:MO	156	189	227	261	297
COUNTY:PHELPS STATE:MO	156	189	227	261	297
COUNTY:PIKE STATE:MO	156	189	227	261	297
COUNTY:RALLS STATE:MO	164	200	237	276	313
COUNTY:RANDOLPH STATE:MO	176	214	254	295	334
COUNTY:REYNOLDS STATE:MO	156	189	227	261	297
COUNTY:RIPLEY STATE:MO	137	169	201	232	265
COUNTY:ST FRANCOIS STATE:MO	156	189	227	261	297
COUNTY:STE GENEVIEV STATE:MO	156	189	227	261	297
COUNTY:SCHUYLER STATE:MO	176	214	254	295	334
COUNTY:SCOTLAND STATE:MO	176	214	254	295	334
COUNTY:SCOTT STATE:MO	164	200	237	276	312
COUNTY:SHANNON STATE:MO	144	174	207	241	273
COUNTY:SHELBY STATE:MO	176	214	254	295	334
COUNTY:STODDARD STATE:MO	137	169	201	232	265
COUNTY:TEXAS STATE:MO	156	189	227	261	297
COUNTY:WARREN STATE:MO	156	189	227	261	297
COUNTY:WASHINGTON STATE:MO	156	189	227	261	297
COUNTY:WAYNE STATE:MO	137	169	201	232	265

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MISSOURI AREA OFFICE					
NON SMSA					
COUNTY:WRIGHT STATE:MO	144	174	207	241	273

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY:ALBANY STATE:WY	165	203	240	277	315
COUNTY:BIG HORN STATE:WY	173	212	250	289	328
COUNTY:CAMPBELL STATE:WY	165	203	240	277	315
COUNTY:CARBON STATE:WY	165	203	240	277	315
COUNTY:CONVERSE STATE:WY	165	203	240	277	315
COUNTY:CROOK STATE:WY	173	212	250	289	328
COUNTY:FREMONT STATE:WY	165	203	240	277	315
COUNTY:GOSHEN STATE:WY	165	203	240	277	315
COUNTY:HOT SPRINGS STATE:WY	173	212	250	289	328
COUNTY:JOHNSON STATE:WY	165	203	240	277	315
COUNTY:LARAMIE STATE:WY	230	272	321	370	420
COUNTY:LINCOLN STATE:WY	165	203	240	277	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY:NATRONA STATE:WY	242	295	349	402	455
COUNTY:NIOBRARA STATE:WY	165	203	240	277	315
COUNTY:PARK STATE:WY	173	212	250	289	328
COUNTY:PLATTE STATE:WY	165	203	240	277	315
COUNTY:SHERIDAN STATE:WY	165	203	240	277	315
COUNTY:SUBLETTE STATE:WY	165	203	240	277	315
COUNTY:SWEETWATER STATE:WY	165	203	240	277	315
COUNTY:TETON STATE:WY	226	276	327	376	426
COUNTY:UINTA STATE:WY	165	203	240	277	315
COUNTY:WASHAKIE STATE:WY	173	212	250	289	328
COUNTY:WESTON STATE:WY	173	212	250	289	328
SMSA: COLORADO SPRINGS, CO					
COUNTY:EL PASO STATE:CO	197	242	286	329	373
COUNTY:TELLER STATE:CO	197	242	286	329	373
SMSA: DENVER-BOULDER , CO					
COUNTY:ADAMS STATE:CO	254	308	365	422	477
COUNTY:ARAPAHOE STATE:CO	254	308	365	422	477
COUNTY:BOULDER STATE:CO	254	308	365	422	477
COUNTY:DENVER STATE:CO	254	308	365	422	477
COUNTY:DOUGLAS STATE:CO	254	308	365	422	477
COUNTY:GILPIN STATE:CO	254	308	365	422	477
COUNTY:JEFFERSON STATE:CO	254	308	365	422	477
SMSA: FORT COLLINS, CO					
COUNTY:LARIMER STATE:CO	209	255	301	348	394
SMSA: GREELEY, CO					
COUNTY:WELD STATE:CO	194	236	280	322	367
SMSA: PUEBLO, CO					
COUNTY:PUEBLO STATE:CO	204	248	293	339	384

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY:ALAMOSA STATE:CO	204	248	293	339	384
COUNTY:ARCHULETA STATE:CO	165	203	240	277	315
COUNTY:BACA STATE:CO	183	222*	261*	301	340*
COUNTY:BENT STATE:CO	183	222*	261*	301	340*
COUNTY:CHAFFEE STATE:CO	183	222*	261*	301*	340*
COUNTY:CHEYENNE STATE:CO	174	211	249*	286	324
COUNTY:CLEAR CREEK STATE:CO	194	236	280	322	367
COUNTY:CONEJOS STATE:CO	204	248	293	339	384
COUNTY:COSTILLA STATE:CO	204	248	293	339	384
COUNTY:CROWLEY STATE:CO	183	222*	261*	301	340*
COUNTY:CUSTER STATE:CO	183	222*	261*	301*	340*
COUNTY:DELTA STATE:CO	165	203	240	277	315
COUNTY:DELORES STATE:CO	165	203	240	277	315
COUNTY:EAGLE STATE:CO	165	203	240	277	315
COUNTY:ELBERT STATE:CO	174	211	249*	286	324
COUNTY:FREMONT STATE:CO	183	222*	261*	301*	340*
COUNTY:GARFIELD STATE:CO	165	203	240	277	315
COUNTY:GRAND STATE:CO	194	236	280	322	367
COUNTY:GUNNISON STATE:CO	165	203	240	277	315
COUNTY:HINSDALE STATE:CO	165	203	240	277	315
COUNTY:HUERFANO STATE:CO	183	222*	261*	301	340*
COUNTY:JACKSON STATE:CO	165	203	240	277	315
COUNTY:KIOWA STATE:CO	183	222*	261*	301	340*
COUNTY:KIT CARSON STATE:CO	174	211	249*	286	324

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY:LAKE STATE:CO	174	211	249*	286	324
COUNTY:LA PLATA STATE:CO	165	203	240	277	315
COUNTY:LAS ANIMAS STATE:CO	183	222*	261*	301	340*
COUNTY:LINCOLN STATE:CO	183	222*	261*	301*	340*
COUNTY:LOGAN STATE:CO	194	236	280	322	367
COUNTY:MESA STATE:CO	245	299	353	406	462
SMSA: BISMARCK, N.D.					
COUNTY:BURLEIGH STATE:ND	210	246	296	344	376
COUNTY:MORTON STATE:ND	210	246	296	344	376
NON SMSA					
COUNTY:MINERAL STATE:CO	204	248	293	339	384
COUNTY:MOFFAT STATE:CO	165	203	240	277	315
COUNTY:MONTEZUMA STATE:CO	165	203	240	277	315
COUNTY:MONTROSE STATE:CO	165	203	240	277	315
COUNTY:MORGAN STATE:CO	194	236	280	322	367
COUNTY:OTERO STATE:CO	183	222*	261*	301	340*
COUNTY:OURAY STATE:CO	165	203	240	277	315
COUNTY:PARK STATE:CO	174	211	249*	286	324
COUNTY:PHILLIPS STATE:CO	194	236	280	322	367
COUNTY:PITKIN STATE:CO	165	203	240	277	315
COUNTY:PROWERS STATE:CO	183	222*	261*	301	340*
COUNTY:RIO BLANCO STATE:CO	165	203	240	277	315
COUNTY:RIO GRANDE STATE:CO	204	248	293	339	384
COUNTY:ROUTT STATE:CO	165	203	240	277	315
COUNTY:SAGUACHE STATE:CO	204	248	293	339	384

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY: SAN JUAN STATE: CO	165	203	240	277	315
COUNTY: SAN MIGUEL STATE: CO	165	203	240	277	315
COUNTY: SEDGWICK STATE: CO	194	236	280	322	367
COUNTY: SUMMIT STATE: CO	194	236	280	322	367
COUNTY: WASHINGTON STATE: CO	194	236	280	322	367
COUNTY: YUMA STATE: CO	194	236	280	322	367
SMSA: FARGO-MOORHEAD, ND-MN					
COUNTY: CASS STATE: ND	205	235	308	356	381
SMSA: GRAND FORKS, N.D.-MN					
COUNTY: GRAND FORKS STATE: ND	205	246	296	344	376
NON SMSA					
COUNTY: ADAMS STATE: ND	164	195	249	281	307
COUNTY: BARNES STATE: ND	164	195	249	281	307
COUNTY: BENSON STATE: ND	164	195	249	281	307
COUNTY: BILLINGS STATE: ND	164	195	249	281	307
COUNTY: BOTTINEAU STATE: ND	164	195	249	281	307
COUNTY: BOWMAN STATE: ND	164	195	249	281	307
COUNTY: BURKE STATE: ND	164	195	249	281	307
COUNTY: CAVALIER STATE: ND	164	195	249	281	307
COUNTY: DICKEY STATE: ND	164	195	249	281	307
COUNTY: DIVIDE STATE: ND	164	195	249	281	307
COUNTY: DUNN STATE: ND	164	195	249	281	307
COUNTY: EDDY STATE: ND	164	195	249	281	307
COUNTY: EMMONS STATE: ND	164	195	249	281	307
COUNTY: FOSTER STATE: ND	164	195	249	281	307
COUNTY: GOLDEN VALLY STATE: ND	164	195	249	281	307

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY:GRANT STATE:ND	164	195	249	281	307
COUNTY:GRIGGS STATE:ND	164	195	249	281	307
COUNTY:HETTINGER STATE:ND	164	195	249	281	307
COUNTY:KIDDER STATE:ND	164	195	249	281	307
COUNTY:LA MOORE STATE:ND	164	195	249	281	307
COUNTY:LOGAN STATE:ND	164	195	249	281	307
COUNTY:MCHENRY STATE:ND	164	195	249	281	307
COUNTY:MCINTOSH STATE:ND	164	195	249	281	307
COUNTY:MCKENZIE STATE:ND	164	195	249	281	307
COUNTY:MCLEAN STATE:ND	181	205	267	293	324
COUNTY:MERCER STATE:ND	181	205	267	293	324
COUNTY:MOUNTRAIL STATE:ND	164	195	249	281	307
COUNTY:NELSON STATE:ND	164	195	249	281	307
COUNTY:OLIVER STATE:ND	181	205	267	293	324
COUNTY:PEMBINA STATE:ND	164	195	249	281	307
COUNTY:PIERCE STATE:ND	164	195	249	281	307
COUNTY:RAMSEY STATE:ND	164	195	249	281	307
COUNTY:RANSOM STATE:ND	164	195	249	281	307
COUNTY:RENVILLE STATE:ND	164	195	249	281	307
COUNTY:RICHLAND STATE:ND	164	195	249	281	307
COUNTY:ROLETTE STATE:ND	164	195	249	281	307
COUNTY:SARGENT STATE:ND	164	195	249	281	307
COUNTY:SHERIDAN STATE:ND	164	195	249	281	307
COUNTY:SIOUX STATE:ND	164	195	249	281	307

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY: SLOPE STATE: ND	164	195	249	281	307
COUNTY: STARK STATE: ND	181	205	267	293	324
COUNTY: STEELE STATE: ND	164	195	249	281	307
COUNTY: STUTSMAN STATE: ND	164	195	249	281	307
COUNTY: TOWNER STATE: ND	164	195	249	281	307
COUNTY: TRAILL STATE: ND	164	195	249	281	307
COUNTY: WALSH STATE: ND	164	195	249	281	307
COUNTY: WARD STATE: ND	176	205	267	339	376
COUNTY: WELLS STATE: ND	164	195	249	281	307
COUNTY: WILLIAMS STATE: ND	180	204	264	288	312
SMSA: BILLINGS, MT					
COUNTY: YELLOWSTONE STATE: MT	233	286	338	388	441
SMSA: GREAT FALLS, MT					
COUNTY: CASCADE STATE: MT	212	265	312	373	407
NON SMSA					
COUNTY: BEAVERHEAD STATE: MT	183	223	265	306	346
COUNTY: BIG HORN STATE: MT	173	212	250	289	328
COUNTY: BLAINE STATE: MT	173	212	250	289	328
COUNTY: BROADWATER STATE: MT	173	212	250	289	328
COUNTY: CARBON STATE: MT	173	212	250	289	328
COUNTY: CARTER STATE: MT	173	212	250	289	328
COUNTY: CHOUTEAU STATE: MT	173	212	250	289	328
COUNTY: CUSTER STATE: MT	173	212	250	289	328
COUNTY: DANIELS STATE: MT	184	225	267	307	349
COUNTY: DAWSON STATE: MT	173	212	250	289	328
COUNTY: DEER LODGE STATE: MT	183	223	265	306	346
COUNTY: FALLON STATE: MT	173	212	250	289	328

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY:FERGUS STATE:MT	173	212	250	289	328
COUNTY:FLATHEAD STATE:MT	201	245	290	335	379
COUNTY:GALLATIN STATE:MT	237	289	342	394	447
COUNTY:GARFIELD STATE:MT	173	212	250	289	328
COUNTY:GLACIER STATE:MT	173	212	250	289	328
COUNTY:GOLDEN VALLE STATE:MT	173	212	250	289	328
COUNTY:GRANITE STATE:MT	183	223	265	306	346
COUNTY:HILL STATE:MT	173	212	250	289	328
COUNTY:JEFFERSON STATE:MT	173	212	250	289	328
COUNTY:JUDITH BASIN STATE:MT	173	212	250	289	328
COUNTY:LAKE STATE:MT	183	223	265	306	346
COUNTY:LEWIS+ CLARK STATE:MT	245	299	352	406	459
COUNTY:LIBERTY STATE:MT	173	212	250	289	328
COUNTY:LINCOLN STATE:MT	183	223	265	306	346
COUNTY:MCCONE STATE:MT	173	212	250	289	328
COUNTY:MADISON STATE:MT	183	223	265	306	346
COUNTY:MEAGHER STATE:MT	173	212	250	289	328
COUNTY:MINERAL STATE:MT	183	223	265	306	346
COUNTY:MISSOULA STATE:MT	211	258	305	351	399
COUNTY:MUSSELSHELL STATE:MT	173	212	250	289	328
COUNTY:PARK STATE:MT	228	279	330	380	431
COUNTY:PETROLEUM STATE:MT	173	212	250	289	328
COUNTY:PHILLIPS STATE:MT	173	212	250	289	328
COUNTY:PONDERA STATE:MT	173	212	250	289	328

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY:POWDER RIVER STATE:MT	173	212	250	289	328
COUNTY:POWELL STATE:MT	183	223	265	306	346
COUNTY:PRAIRIE STATE:MT	173	212	250	289	328
COUNTY:RAVALLI STATE:MT	183	223	265	306	346
COUNTY:RICHLAND STATE:MT	205	249	297	341	387
COUNTY:ROOSEVELT STATE:MT	184	225	267	307	349
COUNTY:ROSEBUD STATE:MT	173	212	250	289	328
COUNTY:SANDERS STATE:MT	183	223	265	306	346
COUNTY:SHERIDAN STATE:MT	184	225	267	307	349
COUNTY:SILVER BOW STATE:MT	183	223	265	306	346
COUNTY:STILLWATER STATE:MT	173	212	250	289	328
COUNTY:SWEET GRASS STATE:MT	173	212	250	289	328
COUNTY:TETON STATE:MT	173	212	250	289	328
COUNTY:TOOLE STATE:MT	173	212	250	289	328
COUNTY:TREASURE STATE:MT	173	212	250	289	328
COUNTY:VALLEY STATE:MT	173	212	250	289	328
COUNTY:WHEATLAND STATE:MT	173	212	250	289	328
COUNTY:WIBAUX STATE:MT	184	225	267	307	349
COUNTY:YL-ST-NT-PK STATE:MT	173	212	250	289	328
SMSA: PROVO-OREM, UT					
COUNTY:UTAH STATE:UT	194	236	280	322	367
SMSA: SALT LAKE CITY-OGDEN, UT					
COUNTY:DAVIS STATE:UT	209	255	301	348	394
COUNTY:SALT LAKE STATE:UT	209	255	301	348	394
COUNTY:TOOELE STATE:UT	209	255	301	348	394

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
SMSA: SALT LAKE CITY-OGDEN, UT					
COUNTY:WEBER STATE:UT	209	255	301	348	394
NON SMSA					
COUNTY:BEAVER STATE:UT	233	284*	333*	384*	434*
COUNTY:BOX ELDER STATE:UT	165	203	240	277	315
COUNTY:CACHE STATE:UT	165	203	240	277	315
COUNTY:CARBON STATE:UT	226	276	327	376	426
COUNTY:DAGGETT STATE:UT	165	203	240	277	315
COUNTY:DUCHESNE STATE:UT	165	203	240	277	315
COUNTY:EMERY STATE:UT	209	255	301	348	394
COUNTY:GARFIELD STATE:UT	233	284*	333*	384*	434*
COUNTY:GRAND STATE:UT	148	181	213	245	277*
COUNTY:IRON STATE:UT	233	284*	333*	384*	434*
COUNTY:JUAB STATE:UT	148	181	213	245	277*
COUNTY:KANE STATE:UT	233	284*	333*	384*	434*
COUNTY:MILLARD STATE:UT	148	181	213	245	277*
COUNTY:MORGAN STATE:UT	165	203	240	277	315
COUNTY:PIUTE STATE:UT	148	181	213	245	277*
COUNTY:RICH STATE:UT	165	203	240	277	315
COUNTY:SAN JUAN STATE:UT	148	181	213	245	277*
COUNTY:SANPETE STATE:UT	148	181	213	245	277*
COUNTY:SEVIER STATE:UT	148	181	213	245	277*
COUNTY:SUMMIT STATE:UT	165	203	240	277	315
COUNTY:UINTAH STATE:UT	165	203	240	277	315
COUNTY:WASATCH STATE:UT	165	203	240	277	315
COUNTY:WASHINGTON STATE:UT	233	284*	333*	384*	434*

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY:WAYNE STATE:UT	148	181	213	245	277*
SMSA: RAPID CITY,S.D.					
COUNTY:MEADE STATE:SD	199	243	287	332	377
COUNTY:PENNINGTON STATE:SD	199	243	287	332	377
SMSA: SIOUX FALLS, SD					
COUNTY:MINNEHAHA STATE:SD	209	254	302	349	395
NON SMSA					
COUNTY:AURORA STATE:SD	178	217	258	298	339
COUNTY:BEADLE STATE:SD	178	217	258	298	339
COUNTY:BENNETT STATE:SD	158	190	228	264	299
COUNTY:BON HOMME STATE:SD	161	196	233	269	307
COUNTY:BROOKINGS STATE:SD	178	217	258	298	339
COUNTY:BROWN STATE:SD	165	201	238	274	311*
COUNTY:BRULE STATE:SD	158	190	228	264	299
COUNTY:BUFFALO STATE:SD	158	190	228	264	299
COUNTY:BUTTE STATE:SD	177	216	256	296	336
COUNTY:CAMPBELL STATE:SD	158	190	228	264	299
COUNTY:CHARLES MIX STATE:SD	161	196	233	269	307
COUNTY:CLARK STATE:SD	158	190	228	264	299
COUNTY:CLAY STATE:SD	187	228	270	312	355
COUNTY:CODINGTON STATE:SD	158	190	228	264	299
COUNTY:CORSON STATE:SD	158	190	228	264	299
COUNTY:CUSTER STATE:SD	190	230	274	316	358
COUNTY:DAVISON STATE:SD	178	217	258	298	339
COUNTY:DAY STATE:SD	158	190	228	264	299
COUNTY:DEUEL STATE:SD	158	190	228	264	299

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION B	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL AREA OFFICE					
NON SMSA					
COUNTY:DEWEY STATE:SD	158	190	228	264	299
COUNTY:DOUGLAS STATE:SD	161	196	233	269	307
COUNTY:EDMUNDS STATE:SD	158	190	228	264	299
COUNTY:FALL RIVER STATE:SD	190	230	274	316	358
COUNTY:FAULK STATE:SD	158	190	228	264	299
COUNTY:GRANT STATE:SD	186	228	270	312	353
COUNTY:GREGORY STATE:SD	158	190	228	264	299
COUNTY:HAAKON STATE:SD	158	190	228	264	299
COUNTY:HAMLIN STATE:SD	158	190	228	264	299
COUNTY:HAND STATE:SD	178	217	258	298	339
COUNTY:HANSON STATE:SD	178	217	258	298	339
COUNTY:HARDING STATE:SD	158	190	228	264	299
COUNTY:HUGHES STATE:SD	211	258	306	354	400
COUNTY:HUTCHINSON STATE:SD	161	196	233	269	307
COUNTY:HYDE STATE:SD	158	190	228	264	299
COUNTY:JACKSON STATE:SD	158	190	228	264	299
COUNTY:JERAULD STATE:SD	178	217	258	298	339
COUNTY:JONES STATE:SD	158	190	228	264	299
COUNTY:KINGSBURY STATE:SD	178	217	258	298	339
COUNTY:LAKE STATE:SD	178	217	258	298	339
COUNTY:LAWRENCE STATE:SD	164	200	237	275	312
COUNTY:LINCOLN STATE:SD	178	217	258	298	339
COUNTY:LYMAN STATE:SD	158	190	228	264	299
COUNTY:MCCOOK STATE:SD	178	217	258	298	339

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO REGIONAL:AREA OFFICE					
NON SMSA					
COUNTY:MCPHERSON STATE:SD	158	190	228	264	299
COUNTY:MARSHALL STATE:SD	158	190	228	264	299
COUNTY:MELLETTE STATE:SD	158	190	228	264	299
COUNTY:MINER STATE:SD	178	217	258	298	339
COUNTY:MOODY STATE:SD	178	217	258	298	339
COUNTY:PERKINS STATE:SD	158	190	228	264	299
COUNTY:POTTER STATE:SD	158	190	228	264	299
COUNTY:ROBERTS STATE:SD	158	190	228	264	299
COUNTY:SANBORN STATE:SD	178	217	258	298	339
COUNTY:SHANNON STATE:SD	158	190	228	264	299
COUNTY:SPINK STATE:SD	158	190	228	264	299
COUNTY:STANLEY STATE:SD	211	258	306	354	400
COUNTY:SULLY STATE:SD	158	190	228	264	299
COUNTY:TODD STATE:SD	158	190	228	264	299
COUNTY:TRIPP STATE:SD	158	190	228	264	299
COUNTY:TURNER STATE:SD	178	217	258	298	339
COUNTY:UNION STATE:SD	161	196	233	269	307
COUNTY:WALWORTH STATE:SD	174	211	250	291	328
COUNTY:WASHABAUGH STATE:SD	158	190	228	264	299
COUNTY:YANKTON STATE:SD	161	196	233	269	307
COUNTY:ZIEBACH STATE:SD	158	190	228	264	299

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HONOLULU, HAWAII AREA OFFICE					
SMSA: HONOLULU, HI					
COUNTY:HONOLULU					
STATE:HI	291	350*	417*	491*	547*
NON SMSA					
COUNTY:HAWAII					
STATE:HI	335	407*	478*	551*	623*
COUNTY:KAUAI					
STATE:HI	335	407*	478*	551*	623*
COUNTY:MAUI					
STATE:HI	335	407*	478*	551*	623*
COUNTY:GUAM					
STATE:	294	356	419*	482*	546*
LOS ANGELES, CALIFORNIA AREA OFFICE					
SMSA: BAKERSFIELD, CA					
COUNTY:KERN					
STATE:CA	218	275	311	414	485
SMSA: LOS ANGELES-LONG BEACH, CA					
COUNTY:LOS ANGELES					
STATE:CA	269	327	386	482	574
SMSA: OXNARD-SIMI VALLEY-VENTURA, CA					
COUNTY:VENTURA					
STATE:CA	252	309	372	459	520
SMSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA					
COUNTY:SANTA BARBAR					
STATE:CA	263	321	416	481	544
NON SMSA					
COUNTY:SAN LUIS OBI					
STATE:CA	246	298	376	432	489
SMSA: PHOENIX, AZ					
COUNTY:MARICOPA					
STATE:AZ	247	300	355	411	465
NON SMSA					
COUNTY:APACHE					
STATE:AZ	181	222	261	303	343
COUNTY:COCONINO					
STATE:AZ	189	224	314	382	434
COUNTY:GILA					
STATE:AZ	181	222	261	303	343
COUNTY:MOHAVE					
STATE:AZ	181	222	261	303	343

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOS ANGELES, CALIFORNIA AREA OFFICE					
NON SMSA					
COUNTY:NAUAJO STATE:AZ	181	222	261	303	348
COUNTY:PINAL STATE:AZ	181	222	261	303	348
COUNTY:YAVAPAI STATE:AZ	181	222	261	303	343
COUNTY:YUMA STATE:AZ	181	222	261	303	343
SMSA: TUCSON, AZ					
COUNTY:PIMA STATE:AZ	227	277	328	379	429
NON SMSA					
COUNTY:COCHISE STATE:AZ	181	222	261	303	343
COUNTY:GRAHAM STATE:AZ	181	222	261	303	343
COUNTY:GREENLEE STATE:AZ	181	222	261	303	343
COUNTY:SANTA CRUZ STATE:AZ	181	222	261	303	343
SMSA: SAN DIEGO, CA					
COUNTY:SAN DIEGO STATE:CA	267	327	386	448	507
NON SMSA					
COUNTY:IMPERIAL STATE:CA	210	255	331*	380	410
SMSA: ANAHEIM-SANTA ANA-GARDEN GROVE, CA					
COUNTY:ORANGE STATE:CA	287	345	406	556	632
SMSA: RIVERSIDE-SAN BERNARDINO-ONTARIO, CA					
COUNTY:RIVERSIDE STATE:CA	255	304	358	456	533
COUNTY:SAN BERNADIN STATE:CA	255	304	358	456	533
NON SMSA					
COUNTY:INYO STATE:CA	187	230	271	314	356
COUNTY:MONO STATE:CA	187	230	271	314	356

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE					
SMSA: FRESNO, CA					
COUNTY:FRESNO STATE:CA	211	258	307	402	441
SMSA: MODESTO, CA					
COUNTY:STANISLAUS STATE:CA	230	256	313	426	466
NON SMSA					
COUNTY:KINGS STATE:CA	187	230	271	314	356
COUNTY:MADERA STATE:CA	187	230	271	377	417
COUNTY:MARIPOSA STATE:CA	197	242	308	395	462
COUNTY:MERCED STATE:CA	201	226	318	408	477
COUNTY:TULARE STATE:CA	221	253	327	429	477
SMSA: RENO, NV					
COUNTY:WASHOE STATE:NV	279	335	408*	492*	531*
NON SMSA					
COUNTY:CHURCHILL STATE:NV	259	317	373	431	488
COUNTY:DOUGLAS STATE:NV	259	317	373	431	488
COUNTY:ELKO STATE:NV	259	317	373	431	488
NON SMSA					
COUNTY:ESMERALDA STATE:NV	236	287	351	414	460
COUNTY:EUREKA STATE:NV	236	287	351	414	460
COUNTY:HUMBOLDT STATE:NV	259	317	373	431	488
COUNTY:LANDER STATE:NV	259	317	373	431	488
COUNTY:LYON STATE:NV	259	317	373	431	488
COUNTY:MINERAL STATE:NV	259	317	373	431	488
COUNTY:NYE STATE:NV	236	287	351	414	460
COUNTY:ORMSLEY STATE:NV	259	317	373	431	488
COUNTY:PERSHING STATE:NV	259	317	373	431	488
COUNTY:STOREY STATE:NV	259	317	373	431	488
COUNTY:WHITE PINE STATE:NV	236	287	351	414	460
INDEP. CITY:CARSON CITY STATE:NV	259	317	373	431	488

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE					
SMSA: SACRAMENTO, CA					
COUNTY:PLACER STATE:CA	199	241	284*	326	369
COUNTY:SACRAMENTO STATE:CA	199	241	284*	326	369
COUNTY:YOLO STATE:CA	199	241	284*	326	369
SMSA: STOCKTON, CA					
COUNTY:SAN JOAQUIN STATE:CA	192	232	274	347*	386*
NON SMSA					
COUNTY:ALPINE STATE:CA	197	242	287	330	374
COUNTY:AMADOR STATE:CA	197	242	287	330	374
COUNTY:BUTTE STATE:CA	188	228	268	352*	387
COUNTY:CALAUERAS STATE:CA	197	242	287	330	374
COUNTY:COLUSA STATE:CA	209	255	301	349	395
COUNTY:EL DORADO STATE:CA	209	255	301	349	395
COUNTY:GLENN STATE:CA	209	255	301	349	395
NON SMSA					
COUNTY:LASSEN STATE:CA	184	225	267	307	349
COUNTY:MODOC STATE:CA	184	225	267	307	349
COUNTY:NEVADA STATE:CA	209	255	301	349	395
COUNTY:PLUMAS STATE:CA	201	235	291	358	442*
COUNTY:SHASTA STATE:CA	201	229	279*	347	419*
COUNTY:SIERRA STATE:CA	184	225	267	307	349
COUNTY:SISKIYOU STATE:CA	184	225	267	307	349
COUNTY:SUTTER STATE:CA	188	228	268	347	419*
COUNTY:TEHAMA STATE:CA	184	225	267	307	349
COUNTY:TRINITY STATE:CA	184	225	267	307	349
COUNTY:TUOLUMNE STATE:CA	197	242	287	330	374
COUNTY:YUBA STATE:CA	209	255	301	349	395

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE					
SMSA: SALINAS-SEASIDE-MONTEREY, CA					
COUNTY:MONTEREY STATE:CA	239	307	364	485	529
SMSA: SAN FRANCISCO-OAKLAND, CA					
COUNTY:ALAMEDA STATE:CA	270	330	388	540	590
COUNTY:CONTRA COSTA STATE:CA	270	330	388	540	590
COUNTY:MARIN STATE:CA	270	330	388	540	590
COUNTY:SAN FRANCISC STATE:CA	270	330	388	540	590
COUNTY:SAN MATEO STATE:CA	270	330	388	540	590
SMSA: SAN JOSE, CA					
COUNTY:SANTA CLARA STATE:CA	295	360	425	538	590
SMSA: SANTA CRUZ, CA					
COUNTY:SANTA CRUZ STATE:CA	227	275	351	489	565
SMSA: SANTA ROSA, CA					
COUNTY:SONOMA STATE:CA	236	275	369	476	540
SMSA: VALLEJO-FAIRFIELD-NAPA, CA					
COUNTY:NAPA STATE:CA	233	286	338	476	528
SMSA: VALLEJO-FAIRFIELD-NAPA, CA					
COUNTY:SOLANO STATE:CA	233	286	338	476	528
NON SMSA					
COUNTY:DEL NORTE STATE:CA	184	225	267	307	349
COUNTY:HUMBOLDT STATE:CA	230	275	327	426	472
COUNTY:LAKE STATE:CA	233	286	338	390	441
COUNTY:MENDOCINO STATE:CA	224	287	357	452	503
COUNTY:SAN BENITO STATE:CA	215	263	310	358	405
SMSA: LAS VEGAS, NV					
COUNTY:CLARK STATE:NV	239	289	341*	392	443
NON SMSA					
COUNTY:LINCOLN STATE:NV	236	287	351	414	460

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANCHORAGE, ALASKA AREA OFFICE					
SMSA: ANCHORAGE, AK					
DISTRICT:ANCHORAGE	332	404	475*	546*	618*
STATE:AK					
NON SMSA					
DISTRICT:ALEUTIAN I.	360	438	515	592	670*
STATE:AK					
DISTRICT:ANGOON	332	404*	515*	592*	670*
STATE:AK					
DISTRICT:BARROW	557	614	696	776	847*
STATE:AK	145	111	104	94	
DISTRICT:BETHEL	332	404	515	592	670*
STATE:AK					
DISTRICT:BRISTOL B.B.	332	404	515	592	670*
STATE:AK					
DISTRICT:BRISTOL BAY	332	404	515	592	670*
STATE:AK					
DISTRICT:CORDOVA-MCCA	332	404*	515*	592*	670*
STATE:AK					
DISTRICT:FAIRBANKS	332	404	515*	592*	670*
STATE:AK					
DISTRICT:HAINES	332	404*	515*	592*	670*
STATE:AK					
DISTRICT:JUNEAU	332	404*	515*	592*	670*
STATE:AK					
DISTRICT:KENAI-COOK	332	404*	515*	592*	670*
STATE:AK					
NON SMSA					
DISTRICT:KETCHIKAN	332	404*	515*	592*	670*
STATE:AK					
DISTRICT:KOBUK	332	404	515	592	670*
STATE:AK					
DISTRICT:KODIAK	360	438*	515*	592*	670*
STATE:AK					
DISTRICT:KUSKOKWIM	332	404	515	592	670*
STATE:AK					
DISTRICT:MATANUSKA-SU	332	404*	515*	592*	670*
STATE:AK					
DISTRICT:NOME	332	404	515	592	670*
STATE:AK					
DISTRICT:OUTER KETCHK	332	404*	515*	592*	670*
STATE:AK					
DISTRICT:PR. OF WALES	332	404*	515*	592*	670*
STATE:AK					
DISTRICT:SEWARD	332	404*	515*	592*	670*
STATE:AK					
DISTRICT:SITKA	332	404*	515*	592*	670*
STATE:AK					
DISTRICT:SKGWY-YKTT	332	404*	515*	592*	670*
STATE:AK					
DISTRICT:SE FAIRBANKS	332	404	515*	592*	670*
STATE:AK					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANCHORAGE, ALASKA AREA OFFICE					
NON SMSA					
DISTRICT:UPPER YUKON STATE:AK	332	404	515	592	670*
DISTRICT:VLDZ-CHTN-WH STATE:AK	360	438*	515*	592*	670*
DISTRICT:WADE HAMPTON STATE:AK	332	404	515	592	670*
DISTRICT:WRNGLL-PTRSB STATE:AK	332	404*	515*	592*	670*
DISTRICT:YKN-KOYKK STATE:AK	332	404	515	592	670*
PORTLAND, OREGON AREA OFFICE					
SMSA: BOISE CITY, ID					
COUNTY:ADA STATE:ID	202	229	287*	315*	347*
NON SMSA					
COUNTY:ADAMS STATE:ID	183	222	261*	301*	340*
COUNTY:BANNOCK STATE:ID	203	247*	291*	334*	378*
COUNTY:BEAR LAKE STATE:ID	165	203	240	277	315
COUNTY:BENEWAH STATE:ID	181	219	258*	297*	335*
COUNTY:BINGHAM STATE:ID	203	247*	291*	334*	378*
COUNTY:BLAINE STATE:ID	203	247*	291*	334*	378*
COUNTY:BOISE STATE:ID	183	222	261*	301*	340*
COUNTY:BONNER STATE:ID	181	219	258*	297*	335*
COUNTY:BONNEVILLE STATE:ID	203	247*	291*	334*	378*
COUNTY:BOUNDARY STATE:ID	181	219	258*	297*	335*
COUNTY:BUTTE STATE:ID	203	247*	291*	334*	378*

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE					
NON SMSA					
COUNTY:CAMAS STATE:ID	203	247*	291*	334*	378*
COUNTY:CANYON STATE:ID	183	222	261*	301*	340*
COUNTY:CARIBOU STATE:ID	203	247*	291*	334*	378*
COUNTY:CASSIA STATE:ID	203	247*	291*	334*	378*
COUNTY:CLARK STATE:ID	203	247*	291*	334*	378*
COUNTY:CLEARWATER STATE:ID	181	219	258*	297*	335*
COUNTY:CUSTER STATE:ID	203	247*	291*	334*	378*
COUNTY:ELMORE STATE:ID	183	222	261*	301*	340*
COUNTY:FRANKLIN STATE:ID	165	203	240	277	315
COUNTY:FREMONT STATE:ID	203	247*	291*	334*	378*
COUNTY:GEM STATE:ID	183	222	261*	301*	340*
COUNTY:GOODING STATE:ID	203	247*	291*	334*	378*
COUNTY:IDAHO STATE:ID	181	219	258*	297*	335*
COUNTY:JEFFERSON STATE:ID	203	247*	291*	334*	378*
COUNTY:JEROME STATE:ID	203	247*	291*	334*	378*
COUNTY:KOOTENAI STATE:ID	181	219	258*	297*	335*
COUNTY:LATAH STATE:ID	191	219	259*	271	305*
COUNTY:LEMHI STATE:ID	203	247*	291*	334*	378*
COUNTY:LEWIS STATE:ID	181	219	258*	297*	335*
COUNTY:LINCOLN STATE:ID	203	247*	291*	334*	378*
COUNTY:MADISON STATE:ID	203	247*	291*	334*	378*
COUNTY:MINIDOKA STATE:ID	203	247*	291*	334*	378*
COUNTY:NEZ PERCE STATE:ID	191	219	259*	271	305*
COUNTY:ONEIDA STATE:ID	165	203	240	277	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN. THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE					
NON SMSA					
COUNTY:OWYHEE STATE:ID	183	222	261*	301*	340*
COUNTY:PAYETTE STATE:ID	183	222	261*	301*	340*
COUNTY:POWER STATE:ID	203	247*	291*	334*	378*
COUNTY:SHOSHONE STATE:ID	181	219	258*	297*	335*
COUNTY:TETON STATE:ID	203	247*	291*	334*	378*
COUNTY:TWIN FALLS STATE:ID	203	247*	291*	334*	378*
COUNTY:VALLEY STATE:ID	183	222	261*	301*	340*
COUNTY:WASHINGTON STATE:ID	183	222	261*	301*	340*
SMSA: EUGENE-SPRINGFIELD, OR					
COUNTY:LANE STATE:OR	194	220	264*	335*	398*
SMSA: PORTLAND, OR-WA					
COUNTY:CLARK STATE:WA	210	260	295*	370*	405*
COUNTY:CLACKAMAS STATE:OR	210	260	295*	370*	405*
SMSA: PORTLAND, OR-WA					
COUNTY:MULTNOMAH STATE:OR	210	260	295*	370*	405*
COUNTY:WASHINGTON STATE:OR	210	260	295*	370*	405*
SMSA: SALEM, OR					
COUNTY:MARION STATE:OR	212	257*	303*	349*	394*
COUNTY:POLK STATE:OR	212	257*	303*	349*	394*
NON SMSA					
COUNTY:KLICKITAT STATE:WA	165	201	237*	272	308
COUNTY:SKAMANIA STATE:WA	165	201	237*	272	308
COUNTY:BAKER STATE:OR	154	186	220*	254*	286*
COUNTY:BENTON STATE:OR	212	257*	303*	349*	394*
COUNTY:CLATSOP STATE:OR	192	221	260*	299*	339*
COUNTY:COLUMBIA STATE:OR	192	221	260*	299*	339*
COUNTY:COOS STATE:OR	177	229	293*	329*	357*

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE					
NON SMSA					
COUNTY:CROOK STATE:OR	182	221	260*	299*	339*
COUNTY:CURRY STATE:OR	194	233	270*	361*	393*
COUNTY:DESCHUTES STATE:OR	185	225	285*	310*	340*
COUNTY:DOUGLAS STATE:OR	174	211	249*	286*	324*
COUNTY:GILLIAM STATE:OR	172	209	248	287	325
COUNTY:GRANT STATE:OR	172	209	248	287	325
COUNTY:HARNEY STATE:OR	183	222	261*	301*	340*
COUNTY:HOOD RIVER STATE:OR	165	201	237*	272	308
COUNTY:JACKSON STATE:OR	174	211	249*	286*	324*
COUNTY:JEFFERSON STATE:OR	185	225	285*	310*	340*
COUNTY:JOSEPHINE STATE:OR	192	218	259*	295*	335*
COUNTY:KLAMATH STATE:OR	174	211	249*	286	324*
COUNTY:LAKE STATE:OR	174	211	249*	286	324*
COUNTY:LINCOLN STATE:OR	212	257*	303*	349*	394*
COUNTY:LINN STATE:OR	212	257*	303*	349*	394*
COUNTY:MALHEUR STATE:OR	183	222*	261*	301*	340*
COUNTY:MORROW STATE:OR	172	209	248	287	325
COUNTY:SHERMAN STATE:OR	165	201	237*	272	308
COUNTY:TILLAMOOK STATE:OR	192	221	260*	299*	339*
COUNTY:UMATILLA STATE:OR	154	186	220*	254*	286*
COUNTY:UNION STATE:OR	154	186	220*	254*	286*
COUNTY:WALLOWA STATE:OR	154	186	220*	254*	286*
COUNTY:WASCO STATE:OR	165	201	237*	272	308
COUNTY:WHEELER STATE:OR	172	209	248	287	325

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE					
NON SMSA					
COUNTY:YAMHILL STATE:OR	179	223	279*	338*	410*
SEATTLE, WASHINGTON AREA OFFICE					
SMSA: SEATTLE-EVERETT, WA					
COUNTY:KING STATE:WA	274	334	394	493	539
COUNTY:SNOHOMISH STATE:WA	274	334	394	493	539
SMSA: TACOMA, WA					
COUNTY:PIERCE STATE:WA	216	253	313	405	446
SMSA: YAKIMA, WA					
COUNTY:YAKIMA STATE:WA	172	209	248	287	325
NON SMSA					
COUNTY:CHELAN STATE:WA	184	242*	306*	389*	441*
COUNTY:CLALLAM STATE:WA	188	228	268*	310	350
COUNTY:COWLITZ STATE:WA	209	277	313	431	466
COUNTY:DOUGLAS STATE:WA	184	242*	306*	389*	441*
COUNTY:GRAYS HARBOR STATE:WA	209	255	301	349	395
COUNTY:ISLAND STATE:WA	209	255	301	349	395
COUNTY:JEFFERSON STATE:WA	188	228	268*	310	350

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SEATTLE, WASHINGTON AREA OFFICE					
NON SMSA					
COUNTY:KITSAP STATE:WA	230	275	332	465	552
COUNTY:KITTITAS STATE:WA	172	209	248	287	325
COUNTY:LEWIS STATE:WA	188	228	268*	310	350
COUNTY:MASON STATE:WA	209	255	301	349	395
COUNTY:OKANOGAN STATE:WA	183	223	265	306	346
COUNTY:PACIFIC STATE:WA	209	255	301	349	395
COUNTY:SAN JUAN STATE:WA	209	255	301	349	395
COUNTY:SKAGIT STATE:WA	209	255	301	349	395
COUNTY:THURSTON STATE:WA	188	228	268*	310	350
COUNTY:WAHKIAKUM STATE:WA	165	201	237*	272	308
COUNTY:WHATCOM STATE:WA	217	248	301	433	486
SMSA: RICHLAND-KENNEWICK-PASCO, WA					
COUNTY:BENTON STATE:WA	225	276	338	433	489
SMSA: RICHLAND-KENNEWICK-PASCO, WA					
COUNTY:FRANKLIN STATE:WA	225	276	338	433	489
SMSA: SPOKANE, WA					
COUNTY:SPOKANE STATE:WA	227	264	329	402	466
NON SMSA					
COUNTY:ADAMS STATE:WA	183	223	265	306	346
COUNTY:ASOTIN STATE:WA	195	232	331	398	441
COUNTY:COLUMBIA STATE:WA	183	223	265	306	346
COUNTY:FERRY STATE:WA	158	217	269	320	371
COUNTY:GARFIELD STATE:WA	183	223	265	306	346
COUNTY:GRANT STATE:WA	183	223	265	306	346
COUNTY:LINCOLN STATE:WA	183	223	265	306	346
COUNTY:PEND OREILLE STATE:WA	158	217	269	320	371
COUNTY:STEVENS STATE:WA	180	249	308	364	423

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 115 PERCENT OF 4-BR FMR; 6-BR = 130 PERCENT OF 4-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 15 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS. FOR AHS AREAS WHERE THE FAIR MARKET RENTS ARE HELD HARMLESS, TWO NUMBERS WILL BE SHOWN, THE TOP NUMBER IS THE PROPOSED FMR AND THE BOTTOM NUMBER INDICATES THE DOLLAR DIFFERENCE BETWEEN THE PROPOSED FMR AND THE AHS BASED RENT. OTHER HOLD HARMLESS AREAS ARE IDENTIFIED BY AN ASTERISK NEXT TO EACH RENT.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SEATTLE, WASHINGTON AREA OFFICE					
NON SMSA					
COUNTY:WALLA WALLA STATE:WA	180	249	351	445	478
COUNTY:WHITMAN STATE:WA	199	249	320	464	540

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

BOSTON, MASSACHUSETTS AREA OFFICE	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: MAINE	85	98
SMSA: LEWISTON-AUBURN, ME	66	66
SMSA: PORTLAND, ME	105	120
NON METRO STATE: NEW HAMPSHIRE	78	85
SMSA: LAWRENCE-HAVERHILL, MA-NH	92	98
SMSA: LOWELL, MA NH	92	98
SMSA: MANCHESTER, NH	88	96
SMSA: NASHUA, NH	104	104
NON METRO STATE: VERMONT	80	92
NON METRO STATE: MASSACHUESETTS	104	104
SMSA: BOSTON, MA	97	104
SMSA: BROCKTON, MA	97	97
SMSA: FALL RIVER, MA-RI	66	66
SMSA: FITCHBURG-LEOMINSTER, MA	79	79
SMSA: LAWRENCE-HAVERHILL, MA-NH	92	98
SMSA: LOWELL, MA NH	92	98
SMSA: NEW BEDFORD, MA	90	90
SMSA: PITTSFIELD, MA	97	97
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA	89	89
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT	77	77
SMSA: WORCESTER, MA	68	68
NON METRO STATE: RHODE ISLAND	85	85
SMSA: FALL RIVER, MA-RI	66	66
SMSA: NEW LONDON-NORWICH, CT-RI	89	89

. PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
BOSTON, MASSACHUSETTS AREA OFFICE		
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA	89	89
HARTFORD, CONNECTICUT AREA OFFICE		
NON METRO STATE: CONNECTICUT	96	96
SMSA: BRIDGEPORT, CT	120	120
SMSA: BRISTOL, CT	96	96
SMSA: DANBURY, CT	92	92
SMSA: HARTFORD, CT	104	104
SMSA: MERIDEN, CT	89	89
SMSA: NEW BRITAIN, CT	104	104
SMSA: NEW HAVEN-WEST HAVEN, CT	94	94
SMSA: NEW LONDON-NORWICH, CT-RI	89	89
SMSA: NORWALK, CT	112	112
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT	77	77
SMSA: STAMFORD, CT	112	112
SMSA: WATERBURY, CT	96	96

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
BUFFALO, NEW YORK AREA OFFICE		
NON METRO STATE, NEW YORK	92	92
SMSA: ALBANY-SCHENECTADY-TROY, NY	104	104
SMSA: BINGHAMTON, NY-PA	70	70
SMSA: BUFFALO, NY	92	92
SMSA: ELMIRA, NY	74	74
SMSA: ROCHESTER, NY	104	104
SMSA: SYRACUSE, NY	85	85
SMSA: UTICA-ROME, NY	79	79
NEW YORK, NEW YORK AREA OFFICE		
NON METRO STATE: NEW YORK	92	92
SMSA: NASSAU-SUFFOLK, NY	124	158
SMSA: NEW YORK CITY, NY-NJ	128	128
SMSA: POUGHKEEPSIE, NY	118	118
NEWARK, NEW JERSEY AREA OFFICE		
NON METRO STATE: NEW JERSEY	80	80
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ	79	79
SMSA: ATLANTIC CITY, NJ	122	122
SMSA: JERSEY CITY, NJ	155	155
SMSA: LONG BRANCH-ASBURY PARK, NJ	146	147
SMSA: NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NJ	189	190
SMSA: NEW YORK CITY, NY-NJ	128	128
SMSA: NEWARK, NJ	150	155
SMSA: PATERSON-CLIFTON-PASSAIC, NJ	167	168
SMSA: PHILADELPHIA, PA-NJ	139	139
SMSA: TRENTON, NJ	124	124
SMSA: VINELAND-MILLVILLE-BRIDGETON, NJ	109	109
SMSA: WILMINGTON, DE-NJ-MD	92	92

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
BALTIMORE, MARYLAND AREA OFFICE		
NON METRO STATE: DELAWARE	57	57
NON METRO STATE: MARYLAND	99	99
SMSA: BALTIMORE, MD	140	140
SMSA: WILMINGTON, DE-NJ-MD	91	91
PHILADELPHIA, PENNSYLVANIA AREA OFFICE		
NON METRO STATE: PENNSYLVANIA	57	57
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ	79	79
SMSA: BINGHAMTON, NY-PA	70	70
SMSA: HARRISBURG, PA	81	81
SMSA: LANCASTER, PA	75	75
SMSA: NORTHEAST, PA	63	63
SMSA: PHILADELPHIA, PA-NJ	139	139
SMSA: READING, PA	75	75
SMSA: WILLIAMSPORT, PA	57	57
SMSA: YORK, PA	75	75
SMSA: WILMINGTON, DE-NJ-MD	91	91
PITTSBURGH, PENNSYLVANIA AREA OFFICE		
NON METRO STATE: PENNSYLVANIA	57	57
SMSA: ALTOONA, PA	72	72
SMSA: ERIE, PA	72	72
SMSA: JOHNSTOWN, PA	72	72
SMSA: PITTSBURGH, PA	69	69
NON METRO STATE: WEST VIRGINIA	69	69
SMSA: CHARLESTON, WV	75	75
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	69	69
SMSA: PARKERSBURG-MARIETTA, WV-OH	69	69
SMSA: STEUBENVILLE-WEIRTON, OH-WV	60	60
SMSA: WHEELING, WV-OH	63	63

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE O- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
RICHMOND, VIRGINIA AREA OFFICE		
NON METRO STATE: VIRGINIA	72	72
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	69	69
SMSA: LYNCHBURG, VA	63	63
SMSA: NEWPORT NEWS-HAMPTON, VA	84	84
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC	100	100
SMSA: PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA	76	76
SMSA: RICHMOND, VA	98	98
SMSA: ROANOKE, VA	69	69
WASHINGTON, D.C. AREA OFFICE		
SMSA: WASHINGTON, DC-MD-VA	127	127
ATLANTA, GEORGIA AREA OFFICE		
NON METRO STATE: GEORGIA	52	52
SMSA: ALBANY, GA	45	48
SMSA: ATLANTA, GA	73	78
SMSA: AUGUSTA, GA-SC	67	69
SMSA: CHATTANOOGA, TN-GA	45	63
SMSA: COLUMBUS, GA-AL	74	80
SMSA: MACON, GA	46	51
SMSA: SAVANNAH, GA	57	63

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
BIRMINGHAM, ALABAMA AREA OFFICE		
NON METRO STATE: ALABAMA	56	62
SMSA: ANNISTON, AL	58	63
SMSA: BIRMINGHAM, AL	80	88
SMSA: COLUMBUS, GA-AL	74	80
SMSA: FLORENCE, AL	63	69
SMSA: GADSDEN, AL	58	63
SMSA: HUNTSVILLE, AL	80	88
SMSA: MOBILE, AL	64	70
SMSA: MONTGOMERY, AL	64	69
SMSA: TUSCALOOSA, AL	76	84
COLUMBIA, SOUTH CAROLINA AREA AFFICE		
NON METRO STATE: SOUTH CAROLINA	52	52
SMSA: AUGUSTA, GA-SC	67	69
SMSA: CHARLESTON, SC	63	63
SMSA: COLUMBIA, SC	57	63
SMSA: GREENVILLE-SPARTANBURG, SC	57	57
GREENSBORO, NORTH CAROLINA AREA OFFICE		
NON METRO STATE: NORTH CAROLINA	46	57
SMSA: ASHEVILLE, NC	63	75
SMSA: BURLINGTON, NC	63	75
SMSA: CHARLOTTE-GASTONIA, NC	63	75
SMSA: FAYETTEVILLE, NC	63	75
SMSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC	63	75
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC	100	100
SMSA: RALEIGH-DURHAM, NC	63	75
SMSA: WILMINGTON, NC	63	75

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
JACKSON, MISSISSIPPI AREA OFFICE		
NON METRO STATE: MISSISSIPPI	64	76
SMSA: BILOXI-GULFPORT, MS	75	87
SMSA: JACKSON, MS	80	98
SMSA: MEMPHIS, TN-AR-MS	75	75
SMSA: PASCAGOULA-MOSS POINT, MS	63	75
JACKSONVILLE, FLORIDA AREA OFFICE		
NON METRO STATE: FLORIDA	69	69
SMSA: BRADENTON, FL	98	98
SMSA: DAYTONA BEACH, FL	87	87
SMSA: FORT LAUDERDALE-HOLLYWOOD, FL	145	145
SMSA: FORT MYERS-CAPE CORAL, FL	92	92
SMSA: GAINESVILLE, FL	69	69
SMSA: JACKSONVILLE, FL	63	75
SMSA: LAKELAND-WINTER HAVEN, FL	69	69
SMSA: MELBOURN-TITUSVILLE-COCOA, FL	80	80
SMSA: MIAMI, FL	115	115
SMSA: ORLANDO, FL	80	80
SMSA: PANAMA CITY, FL	69	69
SMSA: PENSACOLA, FL	69	69
SMSA: SARASOTA, FL	92	92
SMSA: TALLAHASSEE, FL	63	63
SMSA: TAMPA-ST PETERSBURG, FL	92	92
SMSA: WEST PALM BEACH-BOCA RATON, FL	115	115
LOUISVILLE, KENTUCKY AREA OFFICE		
NON METRO STATE: KENTUCKY	60	66
SMSA: CINCINNATI, OH-KY-IN	87	90
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	63	69
SMSA: EVANSVILLE, IN-KY	57	62
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	69	69
SMSA: LEXINGTON-FAYETTE , KY	76	86
SMSA: LOUISVILLE, KY-IN	65	72
SMSA: OWENSBORO, KY	70	81

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
KNOXVILLE, TENNESSEE AREA OFFICE		
NON METRO STATE: TENNESSEE	52	52
SMSA: CHATTANOOGA, TN-GA	45	63
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	63	69
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	69	69
SMSA: KNOXVILLE, TN	57	57
SMSA: MEMPHIS, TN-AR-MS	75	75
SMSA: NASHVILLE-DAVIDSON, TN	75	87
CHICAGO, ILLINOIS AREA OFFICE		
NON METRO STATE: ILLINOIS	82	87
SMSA: BLOOMINGTON-NORMAL, IL	90	90
SMSA: CHAMPAIGN-URBANA-RANTOUL, IL	74	74
SMSA: CHICAGO, IL	162	174
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	99	104
SMSA: DECATUR, IL	99	99
SMSA: KANKAKEE, ILLINOIS	72	72
SMSA: PEORIA, IL	133	145
SMSA: ROCKFORD, IL	131	140
SMSA: ST LOUIS, MO-IL	75	87
SMSA: SPRINGFIELD, IL	87	92
COLUMBUS, OHIO AREA OFFICE		
NON METRO STATE: OHIO	58	68
SMSA: AKRON, OH	87	87
SMSA: CANTON, OH	63	63
SMSA: CINCINNATI, OH-KY-IN	86	89
SMSA: CLEVELAND, OH	92	92
SMSA: COLUMBUS, OH	80	92
SMSA: DAYTON, OH	63	63
SMSA: HAMILTON-MIDDLETOWN, OH	70	72
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	69	69
SMSA: LIMA, OH	80	80
SMSA: LORAIN-ELYRIA, OH	99	99
SMSA: MANSFIELD, OH	75	75
SMSA: PARKERSBURG-MARIETTA, WV-OH	69	69
SMSA: SPRINGFIELD, OH	65	77
SMSA: STEUBENVILLE-WEIRTON, OH-WV	59	59
SMSA: TOLEDO, OH-MI	99	133
SMSA: WHEELING, WV-OH	62	62
SMSA: YOUNGSTOWN-WARREN, OH	75	75

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
DETROIT, MICHIGAN AREA OFFICE		
NON METRO STATE: MICHIGAN	87	97
SMSA: ANN ARBOR, MI	117	126
SMSA: BATTLE CREEK, MI	75	87
SMSA: BAY CITY, MI	88	91
SMSA: DETROIT, MI	114	123
SMSA: FLINT, MI	106	106
SMSA: GRAND RAPIDS, MI	80	86
SMSA: JACKSON, MI	87	87
SMSA: KALAMAZOO-PORTAGE , MI	91	94
SMSA: LANSING-EAST LANSING , MI	102	117
SMSA: MUSKEGON-NORTON SHORES-MUSKEGON HEIGHTS, MI	80	82
SMSA: SAGINAW, MI	92	92
SMSA: TOLEDO, OH-MI	99	133
INDIANAPOLIS, INDIANA AREA OFFICE		
NON METRO STATE: INDIANA	45	59
EXCEPTION COUNTY: BLACKFORD	52	59
EXCEPTION COUNTY: GRANT	52	59
EXCEPTION COUNTY: HENRY	52	59
EXCEPTION COUNTY: JAY	52	59
EXCEPTION COUNTY: RANDOLPH	52	59
EXCEPTION COUNTY: WAYNE	52	59
SMSA: ANDERSON, IN	51	51
SMSA: BLOOMINGTON, IN	48	48
SMSA: CINCINNATI, OH-KY-IN	86	89
SMSA: ELKHART, IN.	66	66
SMSA: EVANSVILLE, IN-KY	60	64
SMSA: FORT WAYNE, IN	57	74
SMSA: GARY-HAMMOND-EAST CHICAGO, IN	79	91
SMSA: INDIANAPOLIS, IN	70	80
SMSA: KOKOMO, IN	66	73
SMSA: LAFAYETTE-WEST LAFAYETTE, IN	61	88
SMSA: LOUISVILLE, KY-IN	64	71
SMSA: MUNCIE, IN	49	55
SMSA: SOUTH BEND, IN	73	77
SMSA: TERRE HAUTE, IN	48	59
MILWAUKEE, WISCONSIN AREA OFFICE		
NON METRO STATE: WISCONSIN	70	75
SMSA: APPLETON-OSHKOSH, WI	87	92
SMSA: DULUTH-SUPERIOR, MN-WI	66	72
SMSA: EAU CLAIRE, WI	82	88
SMSA: GREEN BAY, WI	85	90
SMSA: JANESVILLE-BELOIT,WI	85	90
SMSA: KENOSHA, WI	90	96
SMSA: LA CROSSE, WI	77	84
SMSA: MADISON, WI	127	132
SMSA: MILWAUKEE, WI	99	104
SMSA: MINNEAPOLIS-ST PAUL, MN-WI	104	104
SMSA: RACINE, WI	91	98

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE		
NON METRO STATE: MINNESOTA	64	64
SMSA: DULUTH-SUPERIOR, MN-WI	66	72
SMSA: FARGO-MOORHEAD, ND-MN	92	104
SMSA: GRAND FORKS, N.D.-MN	80	99
SMSA: MINNEAPOLIS-ST PAUL, MN-WI	104	104
SMSA: ROCHESTER, MN	89	89
SMSA: ST. CLOUD, MN	80	80
DALLAS, TEXAS AREA OFFICE		
NON METRO STATE: TEXAS	55	67
SMSA: ABILENE, TX	48	54
SMSA: AMARILLO, TX	85	90
SMSA: BEAUMONT-PORT ARTHUR-ORANGE, TX	80	92
SMSA: BRYAN-COLLEGE STATION, TX	78	87
SMSA: DALLAS-FORT WORTH , TX	69	87
SMSA: EL PASO, TX	89	101
SMSA: GALVESTON-TEXAS CITY, TX	92	104
SMSA: HOUSTON, TX	98	114
SMSA: KILLEEN-TEMPLE, TX	80	87
SMSA: LONGVIEW-MARSHALL, TX	75	84
SMSA: LUBBOCK, TX	84	87
SMSA: MIDLAND, TX	87	92
SMSA: ODESSA, TX	87	92
SMSA: SAN ANGELO, TX	75	80
SMSA: SHERMAN-DENISON, TX	69	80
SMSA: TEXARKANA, TX-AR	87	98
SMSA: TYLER, TX	69	73
SMSA: WACO, TX	72	80
SMSA: WICHITA FALLS, TX	52	57
NON METRO STATE: NEW MEXICO	72	81
SMSA: ALBUQUERQUE, NM	80	92
LITTLE ROCK, ARKANSAS AREA OFFICE		
NON METRO STATE: ARKANSAS	33	37
SMSA: FAYETTEVILLE-SPRINGDALE, AR	53	55
SMSA: FORT SMITH, AR-OK	30	33
SMSA: LITTLE ROCK-NORTH LITTLE ROCK, AR	44	46
SMSA: MEMPHIS, TN-AR-MS	75	75
SMSA: PINE BLUFF, AR	25	27
SMSA: TEXARKANA, TX-AR	87	98

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NEW ORLEANS, LOUISIANA AREA OFFICE		
NON METRO STATE: LOUISIANA	64	76
SMSA: ALEXANDRIA, LA	63	76
SMSA: BATON ROUGE, LA	75	87
SMSA: LAFAYETTE, LA	69	80
SMSA: LAKE CHARLES, LA	74	85
SMSA: MONROE, LA	63	75
SMSA: NEW ORLEANS, LA	78	90
SMSA: SHREVEPORT, LA	69	80
OKLAHOMA CITY, OKLAHOMA AREA OFFICE		
NON METRO STATE: OKLAHOMA	61	67
SMSA: FORT SMITH, AR-OK	30	33
SMSA: LAWTON, OK	62	69
SMSA: OKLAHOMA CITY, OK	64	72
SMSA: TULSA, OK	69	75
SAN ANTONIO, TEXAS AREA OFFICE		
NON METRO STATE: TEXAS	55	67
SMSA: AUSTIN, TX	78	92
SMSA: BROWNSVILLE-HARLINGEN-SAN BENITO, TX	63	75
SMSA: CORPUS CHRISTI, TX	67	87
SMSA: LAREDO, TX	57	69
SMSA: MC ALLEN-PHARR-EDINBURG, TX	74	87
SMSA: SAN ANTONIO, TX	63	75
KANSAS CITY, MISSOURI AREA OFFICE		
NON METRO STATE KANSAS	63	70
SMSA: KANSAS CITY, MO-KS	76	92
SMSA LAWRENCE, KS	64	71
SMSA TOPEKA, KS	63	70
SMSA: WICHITA, KS	71	76

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
OMAHA, NEBRASKA AREA OFFICE		
NON METRO STATE: IOWA	70	75
SMSA: CEDAR RAPIDS, IA	80	92
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	99	104
SMSA: DES MOINES, IA	85	90
SMSA: DUBUQUE, IA	80	92
SMSA: OMAHA, NE-IA	75	87
SMSA: SIOUX CITY, IA-NE	77	77
SMSA: WATERLOO-CEDAR FALLS, IA	80	92
NON METRO STATE: NEBRASKA	65	78
SMSA: LINCOLN, NE	86	90
SMSA: OMAHA, NE-IA	75	87
SMSA: SIOUX CITY, IA-NE	77	77
ST. LOUIS, MISSOURI AREA OFFICE		
NON METRO STATE: MISSOURI	50	56
SMSA: COLUMBIA, MO	70	75
SMSA: KANSAS CITY, MO-KS	76	92
SMSA: ST JOSEPH, MO	71	77
SMSA: ST LOUIS, MO-IL	75	87
SMSA: SPRINGFIELD, MO	52	57
DENVER, COLORADO REGIONAL AREA OFFICE		
NON METRO STATE: NORTH DAKOTA	79	90
SMSA: BISMARCK, N.D.	111	124
SMSA: FARGO-MOORHEAD, ND-MN	98	110
SMSA: GRAND FORKS, N.D.-MN	85	105
NON METRO STATE: SOUTH DAKOTA	67	79
SMSA: RAPID CITY, S.D.	94	106
SMSA: SIOUX FALLS, SD	94	106

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
DENVER, COLORADO REGIONAL AREA OFFICE		
NON METRO STATE: MONTANA	N/A	N/A
EXCEPTION COUNTY: BEAVERHEAD	94	106
EXCEPTION COUNTY: BIG HORN	94	106
EXCEPTION COUNTY: BLAINE	68	80
EXCEPTION COUNTY: BROADWATER	94	106
EXCEPTION COUNTY: CARBON	94	106
EXCEPTION COUNTY: CARTER	68	80
EXCEPTION COUNTY: CHOUTEAU	68	80
EXCEPTION COUNTY: CUSTER	94	106
EXCEPTION COUNTY: DANIELS	68	80
EXCEPTION COUNTY: DAWSON	94	106
EXCEPTION COUNTY: DEER LODGE	94	106
EXCEPTION COUNTY: FALLON	68	80
EXCEPTION COUNTY: FERGUS	68	80
EXCEPTION COUNTY: FLATHEAD	94	106
EXCEPTION COUNTY: GALLATIN	94	106
EXCEPTION COUNTY: GARFIELD	68	80
EXCEPTION COUNTY: GLACIER	68	80
EXCEPTION COUNTY: GOLDEN VALLE	68	80
EXCEPTION COUNTY: GRANITE	94	106
EXCEPTION COUNTY: HILL	68	80
EXCEPTION COUNTY: JEFFERSON	94	106
EXCEPTION COUNTY: JUDITH BASIN	68	80
EXCEPTION COUNTY: LAKE	94	106
EXCEPTION COUNTY: LEWIS+ CLARK	94	106
EXCEPTION COUNTY: LIBERTY	68	80
EXCEPTION COUNTY: LINCOLN	94	106
EXCEPTION COUNTY: MCCONE	68	80
EXCEPTION COUNTY: MADISON	94	106
EXCEPTION COUNTY: MEAGHER	94	106
EXCEPTION COUNTY: MINERAL	94	106
EXCEPTION COUNTY: MISSOULA	94	106
EXCEPTION COUNTY: MUSSELSHELL	94	106
EXCEPTION COUNTY: PARK	94	106
EXCEPTION COUNTY: PETROLEUM	68	80
EXCEPTION COUNTY: PHILLIPS	68	80
EXCEPTION COUNTY: PONDERA	68	80
EXCEPTION COUNTY: POWDER RIVER	94	106
EXCEPTION COUNTY: POWELL	94	106
EXCEPTION COUNTY: PRAIRIE	68	80
EXCEPTION COUNTY: RAVALLI	94	106
EXCEPTION COUNTY: RICHLAND	68	80
EXCEPTION COUNTY: ROOSEVELT	68	80
EXCEPTION COUNTY: ROSEBUD	94	106
EXCEPTION COUNTY: SANDERS	94	106
EXCEPTION COUNTY: SHERIDAN	68	80
EXCEPTION COUNTY: SILVER BOW	94	106
EXCEPTION COUNTY: STILLWATER	68	80
EXCEPTION COUNTY: SWEET GRASS	68	80
EXCEPTION COUNTY: TETON	68	80
EXCEPTION COUNTY: TOOLE	68	80
EXCEPTION COUNTY: TREASURE	94	106
EXCEPTION COUNTY: VALLEY	68	80
EXCEPTION COUNTY: WHEATLAND	68	80
EXCEPTION COUNTY: WIBAUX	68	80
EXCEPTION COUNTY: YL-ST-NT-PK	94	106
SMSA: BILLINGS, MT	118	131
SMSA: GREAT FALLS, MT	99	111

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

DENVER, COLORADO REGIONAL AREA OFFICE	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: WYOMING	N/A	N/A
EXCEPTION COUNTY: ALBANY	94	112
EXCEPTION COUNTY: BIG HORN	94	112
EXCEPTION COUNTY: CAMPBELL	157	169
EXCEPTION COUNTY: CARBON	157	169
EXCEPTION COUNTY: CONVERSE	157	169
EXCEPTION COUNTY: CROOK	94	112
EXCEPTION COUNTY: FREMONT	157	169
EXCEPTION COUNTY: GOSHEN	94	112
EXCEPTION COUNTY: HOT SPRINGS	94	112
EXCEPTION COUNTY: JOHNSON	94	112
EXCEPTION COUNTY: LARAMIE	94	112
EXCEPTION COUNTY: LINCOLN	94	112
EXCEPTION COUNTY: NATRONA	157	169
EXCEPTION COUNTY: NIOBRARA	94	112
EXCEPTION COUNTY: PARK	94	112
EXCEPTION COUNTY: PLATTE	94	112
EXCEPTION COUNTY: SHERIDAN	157	169
EXCEPTION COUNTY: SUBLETTE	94	112
EXCEPTION COUNTY: SWEETWATER	157	169
EXCEPTION COUNTY: TETON	94	112
EXCEPTION COUNTY: UINTA	94	112
EXCEPTION COUNTY: WASHAKIE	94	112
EXCEPTION COUNTY: WESTON	94	112
NON METRO STATE: COLORADO		
EXCEPTION COUNTY: ALAMOSA	80	94
EXCEPTION COUNTY: ARCHULETA	94	106
EXCEPTION COUNTY: BACA	80	94
EXCEPTION COUNTY: BENT	80	94
EXCEPTION COUNTY: CHAFFEE	94	106
EXCEPTION COUNTY: CHEYENNE	80	94
EXCEPTION COUNTY: CLEAR CREEK	94	106
EXCEPTION COUNTY: CONEJOS	80	94
EXCEPTION COUNTY: COSTILLA	80	94
EXCEPTION COUNTY: CROWLEY	80	94
EXCEPTION COUNTY: CUSTER	94	106
EXCEPTION COUNTY: DELTA	94	106
EXCEPTION COUNTY: DELORES	94	106
EXCEPTION COUNTY: EAGLE	150	169
EXCEPTION COUNTY: ELBERT	80	94
EXCEPTION COUNTY: FREMONT	94	106
EXCEPTION COUNTY: GARFIELD	150	169
EXCEPTION COUNTY: GRAND	94	106
EXCEPTION COUNTY: GUNNISON	94	106
EXCEPTION COUNTY: HINSDALE	94	106
EXCEPTION COUNTY: HUERFANO	80	94
EXCEPTION COUNTY: JACKSON	94	106
EXCEPTION COUNTY: KIOWA	80	94
EXCEPTION COUNTY: KIT CARSON	80	94
EXCEPTION COUNTY: LAKE	94	106
EXCEPTION COUNTY: LA PLATA	94	106
EXCEPTION COUNTY: LAS ANIMAS	80	94
EXCEPTION COUNTY: LINCOLN	80	94
EXCEPTION COUNTY: LOGAN	80	94
EXCEPTION COUNTY: MESA	94	106
EXCEPTION COUNTY: MINERAL	80	94
EXCEPTION COUNTY: MOFFAT	150	169
EXCEPTION COUNTY: MONTEZUMA	94	106
EXCEPTION COUNTY: MONTROSE	94	106
EXCEPTION COUNTY: MORGAN	80	94

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
DENVER, COLORADO REGIONAL AREA OFFICE		
NON METRO STATE: COLORADO	N/A	N/A
EXCEPTION COUNTY: OTERO	80	94
EXCEPTION COUNTY: OURAY	94	106
EXCEPTION COUNTY: PARK	94	106
EXCEPTION COUNTY: PHILLIPS	80	94
EXCEPTION COUNTY: PITKIN	150	169
EXCEPTION COUNTY: PROWERS	80	94
EXCEPTION COUNTY: RIO BLANCO	150	169
EXCEPTION COUNTY: RIO GRANDE	80	94
EXCEPTION COUNTY: ROUTT	150	169
EXCEPTION COUNTY: SAGUACHE	80	94
EXCEPTION COUNTY: SAN JUAN	94	106
EXCEPTION COUNTY: SAN MIGUEL	94	106
EXCEPTION COUNTY: SEDGWICK	80	94
EXCEPTION COUNTY: SUMMIT	150	169
EXCEPTION COUNTY: WASHINGTON	80	94
EXCEPTION COUNTY: YUMA	80	94
SMSA: COLORADO SPRINGS, CO	99	111
SMSA DENVER-BOULDER , CO	137	157
SMSA FORT COLLINS, CO	94	106
SMSA GREELEY, CO	94	106
SMSA PUEBLO, CO	94	106
NON METRO STATE: UTAH		
EXCEPTION COUNTY: BEAVER	68	80
EXCEPTION COUNTY: BOX ELDER	68	80
EXCEPTION COUNTY: CACHE	68	80
EXCEPTION COUNTY: CARBON	94	106
EXCEPTION COUNTY: DAGGETT	68	80
EXCEPTION COUNTY: DUCHESNE	68	80
EXCEPTION COUNTY: EMERY	94	106
EXCEPTION COUNTY: GARFIELD	68	80
EXCEPTION COUNTY: GRAND	94	106
EXCEPTION COUNTY: IRON	68	80
EXCEPTION COUNTY: JUAB	68	80
EXCEPTION COUNTY: KANE	68	80
EXCEPTION COUNTY: MILLARD	68	80
EXCEPTION COUNTY: MORGAN	68	80
EXCEPTION COUNTY: PIUTE	68	80
EXCEPTION COUNTY: RICH	68	80
EXCEPTION COUNTY: SAN JUAN	68	80
EXCEPTION COUNTY: SANPETE	68	80
EXCEPTION COUNTY: SEVIER	68	80
EXCEPTION COUNTY: SUMMIT	68	80
EXCEPTION COUNTY: UINTAH	94	106
EXCEPTION COUNTY: WASATCH	68	80
EXCEPTION COUNTY: WASHINGTON	68	80
EXCEPTION COUNTY: WAYNE	68	80
SMSA: PROVO-OREM, UT	94	106
SMSA SALT LAKE CITY-OGDEN, UT	106	118

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
HONOLULU, HAWAII AREA OFFICE		
SMSA: HONOLULU, HI	N/A	N/A
LOS ANGELES, CALIFORNIA AREA OFFICE		
NON METRO STATE: ARIZONA	68	87
SMSA: PHOENIX, AZ	94	111
SMSA: TUCSON, AZ	68	94
NON METRO STATE: CALIFORNIA	106	138
EXCEPTION COUNTY: SAN LUIS OBI	120	150
SMSA: ANAHEIM-SANTA ANA-GARDEN GROVE, CA	205	205
SMSA: BAKERSFIELD, CA	99	149
SMSA: LOS ANGELES-LONG BEACH, CA	118	194
SMSA: OXNARD-SIMI VALLEY-VENTURA, CA	131	225
SMSA: RIVERSIDE-SAN BERNARDINO-ONTARIO, CA	99	157
SMSA: SAN DIEGO, CA	149	188
SMSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA	124	188
SAN FRANCISCO, CALIFORNIA AREA OFFICE		
NON METRO STATE: NEVADA	75	87
SMSA LAS VEGAS, NV	157	174
SMSA: RENO, NV	143	169
NON METRO STATE: CALIFORNIA	106	138
SMSA: FRESNO, CA	149	169
SMSA: MODESTO, CA	157	169
SMSA: SACRAMENTO, CA	121	145
SMSA: SALINAS-SEASIDE-MONTEREY, CA	149	188
SMSA: SAN FRANCISCO-OAKLAND, CA	157	225
SMSA: SAN JOSE, CA	157	232
SMSA: SANTA CRUZ, CA	149	188
SMSA: SANTA ROSA, CA	149	181
SMSA: STOCKTON, CA	157	169
SMSA VALLEJO-FAIRFIELD-NAPA, CA	143	162

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE D- FAIR MARKET RENTS FOR MOBILE HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
ANCHORAGE, ALASKA AREA OFFICE		
NON METRO STATE: ALASKA	163	163
SMSA: ANCHORAGE, AK	160	160
PORTLAND, OREGON AREA OFFICE		
NON METRO STATE: IDAHO	80	80
SMSA: BOISE CITY, ID	86	98
NON METRO STATE: OREGON	100	106
SMSA: EUGENE-SPRINGFIELD, OR	118	120
SMSA: PORTLAND, OR-WA	137	151
SMSA: SALEM, OR	118	120
SEATTLE, WASHINGTON AREA OFFICE		
NON METRO STATE: WASHINGTON	87	100
SMSA: RICHLAND-KENNEWICK-PASCO, WA	118	118
SMSA: SEATTLE-EVERETT, WA	111	157
SMSA: SPOKANE, WA	94	106
SMSA: TACOMA, WA	99	118
SMSA: YAKIMA, WA	94	99

PREPARED BY HUD - EMAD (CO), MARCH 29, 1981

[FR Doc. 80-34085 Filed 11-3-80; 8:45 am]
BILLING CODE 4210-01-C

federal register

Tuesday
November 4, 1980

Part III

Environmental Protection Agency

Guidelines for Development and Implementation of State Solid Waste Management Plans

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 256

[FRL 1619-4]

Guidelines for Development and Implementation of State Solid Waste Management Plans

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency is proposing modifications to its guidelines for the development and implementation of State solid waste management plans. The proposed modifications would expand public participation opportunities in the planning process and would provide for expedited approval of certain portions of the State plans. These modifications are being proposed as part of a settlement agreement reached with industrial groups which have challenged the guidelines in Federal Court.

DATES: EPA will accept public comments on the proposed modifications until December 4, 1980.

ADDRESSES: Comments should be addressed to John Skinner, Director, State Programs and Resource Recovery Division, Office of Solid Waste [WH 563], U.S. Environmental Protection Agency, Washington, D.C. 20460. Communications should identify the regulatory docket number "Section 4002."

The public docket for this proposed rulemaking is located in Room 2711, U.S. Invironmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Susan Absher, Office of Solid Waste (WH 563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202) 755-9145.

SUPPLEMENTARY INFORMATION: On July 31, 1979, EPA published the Guidelines for Development and Implementation of State Solid Waste Management Plans (44 FR 45066) under Section 4002(b) of the Resource Conservation and Recovery Act of 1976, as amended (RCRA or Act), 42 U.S.C. 6942(b). These guidelines contain requirements and recommendations for State planning programs that will be approved and funded under Sections 4007 and 4008 of RCRA. The State plans are to address a range of solid waste management activities, including resource recovery, resource conservation and solid waste disposal.

Among other things, the State plan must provide for the closing or upgrading of existing open dumps. On September 13, 1979, EPA issued Criteria for Classification of Solid Waste Disposal Facilities and Practices (44 FR 53438) under Section 4004(a) of RCRA which, among other things, provide a general definition of "open dump" for purposes of RCRA. As part of the planning process, the States will use these criteria to determine which facilities within their borders are "open dumps." EPA will publish the results of these State determinations in an open dump inventory as required by Section 4005(b) of the Act. The States will use this list in setting planning priorities.

The Chemical Manufacturers Association and certain of its member companies, the American Paper Institute and the National Forest Products Association, the U.S. Chamber of Commerce and the American Mining Congress and certain of its member companies have all sought judicial review of EPA's Section 4002 guidelines. Their concerns focus upon the preparation of an meaning to be given the inventory of open dumps required by Section 4005(b) of the Act.

All of the industy petitioners have argued that EPA has not met alleged legal obligations to ensure that States give owners and operators of such facilities notice and an opportunity for comment before their facilities are classified as open dumps under the State planning program. The petitioners assert that such an opportunity is required by the Constitution, which protects individuals from deprivation of property without due process of law, and Section 7004 of RCRA, which provides for public participation in RCRA programs. In addition, they have expressed concern about the timing of the inventory publication in relation to the issuance of compliance schedules which protect entities from suits for open dumping under Section 4005(c). They have indicated that a time "window" exists because the listing of a facility on the open dump inventory could take place prior to approval of a State plan for the State in which the facility is located. Since they believe that such a listing could subject a facility's owner or operator to a substantial risk of citizen suit for open dumping, they have argued that the opportunity to receive a State-issued compliance schedule as contemplated by Section 4005(c) should be available at the time the inventory is published.

The issues raised by petitioners were, for the most part, carefully considered in the rulemaking proceeding that led to the adoption of the Section 4002 guidelines. The notice and comment issue was given special scrutiny in response to a petition by the National Solid Waste Management Association (NSWMA). The Agency published NSWMA's petition in the **Federal Register** and received comments on the issues involved (44 FR 28344, May 15, 1979). The NSWMA's petition and the comments submitted on the petition were extensively discussed in the preamble to EPA's final regulations containing the Section 4002 guidelines. (See 44 FR 45066, 45071-75).

I. EPA's Position

Subtitle D of RCRA creates two principal mechanisms for addressing the problems of solid waste management. First, Sections 4002-4008 esablish a State planning program which is to address a wide range of management activities. While EPA establishes general guidelines and provides financial assistance for the program, the States are responsible for developing and implementing the solid waste plans under State law. The inventory of open dumps is an adjunct to this State planning program.

Second, Section 4005 prohibits, as a matter of Federal law, any practice which constitutes the open dumping of solid or hazardous waste. Under Section 1008(a)(3) EPA issues criteria to define open dumping. Section 7002 provides an opportunity for citizen suits to enforce requirements of RCRA. These provisions, read together, provide a cause of action in Federal court for citizens who seek to enjoin acts of open dumping, wherever they may occur.

Section 4005(c) does, however, provide a mechanism for insulating from citizen suits those parties who are taking steps to coply with the open dumping prohibition. Under an approved pln the State may issue to "any entity" a compliance schedule leading to compliance with the open dumping prohibition. To obtain this compliance schedule, a party must demonstrate that he has "considered other public or private alternatives for solid waste management" and "is unable to utilize such alternatives" as a means for compliance. Parties who have received such compliance schedules and are meeting the terms of their schedules are not in violation of the open dumping prohibition.

The inventory, which is part of the State planning program, does not implement the open dumping prohibition. For the reasons set forth in the preamble to the final Section 4002 guidelines, EPA views the inventory as a

purely "informational tool." Its publication by the Federal government does not represent a determination that disposal of waste in a facility listed in the iventory costitutes "open dumping." See 44 FR 45071–72. EPA has stressed, *id.*, that a finding by a State that a particular waste disposal facility is an "open dump" does not constitute a determination that a particular individual or firm has engaged in "open dumping." The ultimate issue of whether particular parties have engaged in "open dumping" is, EPA believes, subject to *de novo* review by courts in each case.

The trade associations challenging the Section 4002 regulations have raised the issue whether a determination by a court that a given party was disposing of waste in a facility that had been included on the "open dump" inventory would suffice to suport a finding of "open dumping." No such presumption exists under the Act. Open dumping may occur at locations not properly characterized as solid waste management facilities for purposes of the inventory. For example, the spilling of solid waste along a highway may be open dumping, yet the highway is not properly characterized as a solid waste management facility to be evaluated for purposes of the open dump inventory. Likewise the placement of waste into a facility classified as an open dump does not necessarily entail open dumping. For example, a facility may be classified as an open dump because it contains putrescible wastes that present a bird hazard to aircraft. At the same time, a party who places non-putrescible waste into that facility may not be open dumping because such a practice may not violate the criteria.

A determination for purposes of the open dump inventory need not precede an open dumping suit. However, before the results of the inventory may be used to support a legal determination that open dumping has occurred, the court woud have to determine that the classification was a correct application of the criteria and that the defendant was responsible for actions violating the criteria. The court would be obliged to review the sufficiency of the State's classification of a facility and not simly defer to the State's decision. EPA intends to make these points clear at the time of publication of any open dump inventory.

Since the inventory is only an informational tool and does not reflect a determination that Federal law has been violated, EPA does not believe that the Constitution requires a formal notice and opportunity for comment for owner and operators of facilities listed in the inventory. EPA also believes that the goals of Section 7004 may be achieved through full public participation in the development of the State plan, the annual State work program, the State regulatory development and facility permits as currently requred under the guidelines.

In response to industry concern that there may be a time gap betwen the publication of the inventory and the development of compliance schedules by the State, EPA is willing to take steps to reduce that possibility as long as the requirements of Section 4005(c) are met. EPA does not believe, however, that a delay in the publication of the inventory is the proper means for addressing that problem. The date for publication of the inventory is not linked to the availability of such compliance schedules under the statute. Moreover, it is inconsistent with EPA's obligation to publish the inventory to delay publication until the States adopt procedures for issuing compliance schedules.

II. The Proposed Modifications

This proposal would make two basic changes to the guidelines. First, the public participation requirements would be expanded to assure that the owner or operator of a facility classified as an open dump would have an opportunity to participate in the State planning process. Second, EPA would expedite the approval process for that portion of the State plan that would provide for schedules leading to compliance with the open dumping prohibition.

In expanding the public participation requirements to specifically include the owner or operator of a facility classified as an open dump, EPA is not suggesting that those parties will necessarily be legally liable for any violations occurring at the facility or that owners or operators have a legal right to receive notice and to comment on the inventory. Instead EPA is merely recognizing that the present owner or operator of a facility will probably be able to provide valuable information about the facility (e.g. the type of waste in the facility) and that the cooperation of the owner or operator will be essential to any effort to close or upgrade a facility. EPA, therefore, proposes to include such owners or operators on the mailing list of parties affected by or interested in the State plan, which the State must mainitain under ¶ 256.60(a)(1) of the existing guidelines. Under ¶ 256.60(b) of the existing guidelines, the State must send key pieces of information concerning the plan to all on the mailing list.

The proposed modifications would assure that some minimum public participation precedes the State's submission of any classifications of facilities as open dumps to the Federal government. EPA believes that most States are already planning to extend some opportunity for participation in the inventory process to the regulated community. EPA encourages this effort and does not intend to prescribe rigid procedures for how public participation should be structured. The proposed modifications, therefore, present one mechanism for allowing adequate public participation but allow each State to use any other set of State administrative procedures that provide equivalent public participation. A State may satisfy this requirement with procedures (e.g. public hearings, public meetings) that are more extensive than those provided in the proposed regulation.

The proposed minimum procedure for public participation would require written notice of the availability of inventory results to all parties identified on the mailing list required by ¶ 256.60(a)(1). It is theoretically possible that a party on that list who is an owner or operator of a facility classified as an open dump may not otherwise be aware of the State planning program or of the fact that his facility has been evaluated for purposes of the inventory. Therefore, the notice given to either the owner or operator of a facility classified as an open dump must indicate that his facility has been so classified.

The form of the notice would be a matter of State discretion. EPA expects that the notice would indicate that the information supporting the classifications is generally available and allow any interested parties to make specific inquiries about particular facilities. EPA does not anticipate, however, that the State would actually be distributing a list of facilities tentatively determined to be "open dumps" in this initial notice.

In addition, EPA does not anticipate that the State would wait until all facilities are evaluated to provide a single round of notices. The State may, at its discretion, time the notice so as to coordinate with its plan for submitting names of facilities to the Federal government. The only requirement is that the notice be sent out at least thirty days before a list of facilities is submitted to the Federal government. This provides an opportunity for the owner or operator of a potentially affected facility, and any other interested party, to go to one of the depositories of public information on the plan or to the responsible State office

and determine the basis for the preliminary State list of open dumps. These parties could then provide comment to State authorities, through written submissions or otherwise, on the classifications.

The petitioners challenging the guidelines have expressed concern that the 30-day time frame may not suffice to allow all parties a reasonable opportunity to comment on the State's classifications. In this regard, it is useful to describe the procedures that EPA intends to follow in preparation of the open dump inventory. States will submit their classifications to the United States Bureau of Census approximately 90 days before the date for publication of the inventory in the **Federal Register**. The Census Bureau will code the information and return a printout to each State after approximately 60 days. The State will then review this data for completeness and accuracy during the approximately 30 days remaining before the publication date. Thus, all parties will be able to discuss with the State the validity of the calssification during this entire period of time. EPA believes that this 90–120 day period should provide an ample opportunity for an interested party to demonstrate that the facility should or should not be classified as an "open dump."

In proposing this basic public participation provision, EPA does not intend to invoke State administrative procedures that would require formal, quasi-judicial procedures under State law. Some State officials have expressed concern that any notice requirement in the guidelines might require them to use formal notice and comment procedures under State law. Certainly EPA does not intend that result. The inventory is a planning tool, and EPA believes that any public participation associated with it (including notice to interested parties) need not include the formal procedures used for other forms of agency action. The Agency would like to have public comment on this issue and would be particularly interested in the comments from appropriate State offices (i.e. attorney general offcie, agency legal departments) about this concern.

The Agency is proposing to eliminate § 256.64(c) of the guidelines. This recommendation suggested that the State inform all affected parties when a facility is classified as an open dump. Since the proposed modifications include requirements concerning this issue, the recommendation is unneccessary.

In response to the petitioners' concern about the so-called "window" problem, EPA is willing to take reasonable steps to attempt to limit the time between publication of an inventory of facilities classified as "open dumps" and the approval of State plans that will enable facility owners or operators to obtain State-issued compliance schedules leading to compliance with the open dumping prohibition. This responds to the petitioners' concern in that limiting this time period, or "window," will minimize the chances of a facility's owner or operator being subject to a citizen suit for "open dumping" before there is available the statutorily recognized defense of a State compliance schedule.

EPA will attempt to accomplish this objective by expedited approvals of portions of State plans that provide for the issuance of compliance schedules as contemplated by Section 4005(c). States are encouraged to seek such expedited partial approvals as a method of ensuring full and orderly implementation of Subtitle D program, including the establishment of appropriate compliance schedules.

A number of States may already have the general statutory or common law authority to issue the kind of compliance schedules anticipated under Section 4005(c). In these States it may be possible and it is desirable to make such compliance schedules available at the time a facility is classified as an open dump. For a State to seek and receive expedited partial approval of a State plan, it need not have in place detailed regulations and administrative systems for the issuance and enforcement of compliance deadlines. Failure of a State, however, to establish such regulations within a reasonable period of time could be a basis for later withdrawal of Federal approval for all or a portion of a State plan. See 44 FR 45066, 45070 (July 31, 1979). EPA may require an opinion of a State's attorney general regarding the State's general statutory or common law authority to issue compliance schedules leading to compliance with the Criteria before issuing partial plan approvals.

The proposed modifications would require the Administrator to approve the portion of the plan relating to compliance schedules procedures if he made three findings. First, the State compliance schedule procedures must satisfy the requirements of § 256.26, the portion of the guidelines that set forth statutorily-required components of such schedules. Second, the State must have general authority (statutory or common law) to issue and enforce compliance schedules. Third, the State must be developing the other portions of the plan in conformity with the guidelines.

EPA recommends that States, to the maximum degree possible, integrate the inventory and compliance planning processes. EPA urges States, at the time they classify a facility as an "open dump," to make a decision regarding an appropriate timetable or schedule to bring responsible parties into compliance with the open dumping prohibition. In doing so the State should take into account public and private alternatives for solid waste management available to the owner or operator of such a facility. Even States that do not, at the time of conduct of the inventory, have the requisite legal authority to establish and enforce such compliance schedules, are encouraged to make planning judgments regarding appropriate schedules on a facility-by-facility basis when preparing the inventory. These planning judgments could readily be converted to enforceable conditions when the requisite legal authority is put in place and the State's plan receives approval.

In proposing these modifications, EPA is not changing its position that the proper role of the Federal government with respect to the inventory should be limited to publication of information developed by State authorities pursuant to Federal guidelines and criteria. Likewise EPA maintains its position that neither RCRA, the Administrative Procedure Act nor the Constitution requires that a formal notice and opportunity for comment accompany the preparation of a planning tool such as the inventory. EPA has decided, however, that it is in the best interests of the Subtitle D program to consider making certain modifications to the guidelines which will accommodate the concerns of the industry petitioners who have challenged the regulations, without compromising the basic structure of the program.

These modifications are being proposed as part of a settlement agreement with those petitioners. While EPA anticipates that the finalization of these proposed modifications will provide a basis for settlement of the litigation affecting these guidelines, EPA will consider carefully all public comments on this proposal before making its final decision.

EPA is considering these proposed modifications in order to make the Subtitle D program more effective in its stated purposes. Certainly, in removing the prospect of protracted litigation over the guidelines, these modifications would conserve Agency resources and eliminate uncertainty about the program for the States. In addition these changes should reassure the regulated community that the States and EPA intend to implement the program in a

responsible manner, which will foster public support for the program. Such a goal is consistent with Section 4001 of the Act which states that Subtitle D guidelines should be designed to foster "cooperation among Fedeal, State and local governments and private industry," and it will assist States in obtaining data regarding such facilities.

At the same time EPA recognizes that the goals of the Subtitle D program would not be advanced by procedures which place an undue administrative burden on the States. Complicated procedural requirements may impede the State planning process and delay development and publication of the inventory. In order to alleviate that concern, the proposed modifications have been integrated with the components of the public participation program that are already part of the guidelines. The modifications employ, for example, the depositories of information and the mailing list required under § 256.60(a) of the existing guidelines.

EPA has provided for 30 days of comment on this proposed rule, a period of time which is necessary under these circumstances. The States have been and will be conducting the inventory in the next few months. They will be sending the names of facilities to EPA this fall. It is, therefore, important to quickly resolve the issues surrounding this proposal in order to clarify State responsibility in the conduct of the inventory. Since the proposed changes are few, and procedural in nature, EPA does not expect that commenters will need substantial time to develop and present technical data. The 30-day time period should be adequate.

Dated: September 24, 1980.

Douglas M. Costle,

Administrator.

Accordingly it is proposed to amend Title 40 CFR, Part 256 by revising 40 CFR, Part 256 as follows:

1. In § 256.03, add the following paragraph:

§ 256.03 State plan submission, adoption, and revision

* * * * *

(f) States which are developing a complete State plan may submit the portion of the plan designed to satisfy the requirements of § 256.26 prior to submission of the complete plan.

2. In § 256.04, add the following paragraph:

§ 256.04 State plan approval, financial assistance.

* * * * *

(f) If a State submits to EPA the portion of the plan by which entities may, pursuant to § 256.26, obtain timetables or schedules of compliance for complying with the open dumping prohibition, the Administrator shall approve such portion of the plan if he determines that:

(1) The portion submitted satisfies the requirements of § 256.26;

(2) The State has the general legal authority to issue and enforce compliance schedules; and

(3) The remainder of the plan is being developed in conformity with these guidelines.

3. Revise § 256.60(a)(1) as follows:

§ 256.60 Requirements for public participation in State and substate plans.

(a) * * *

(1) Maintain a current list of agencies, organizations, and individuals affected by or interested in the plan, which shall include any parties that request to be on the list, the owner or operator of each facility classified as an open dump and any other parties which the State determines to be affected by or interested in the plan;

* * * * *

4. In § 256.24, add the following paragraph:

§ 256.24 Recommendations for closing or upgrading open dumps.

* * * * *

(d) At the time of classification of existing solid waste disposal facilities pursuant to § 256.23, the State should consider developing appropriate timetables or schedules by which any responsible party can be brought into compliance with the open dumping prohibition pursuant to §§ 256.26 and 27.

§ 256.64 [Amended]

5. Delete § 256.64(c).

6. Add the following section:

§ 256.65 Requirements for public participation in the open dump inventory.

(a) The State shall provide an opportunity for public participation prior to submission of any classifications of facilities as open dumps to the Federal government. The State shall accomplish this be providing notice as specified in paragraph (b) of this section or by using other State administrative procedures which provide equivalent public participation.

(b) The State may satisfy the requirement of paragraph (a) of this section by providing written notice of the availability of the results of its classifications to all parties on the list required under § 256.60(a)(1) at least 30 days before initial submission of these classifications to the Federal government. For those parties on the list required under § 256.60(a)(1) who are owners or operators of facilities classified as open dumps, such notice shall indicate that the facility has been so classified.

[FR Doc. 80-34286 Filed 11-3-80; 8:45 am]

BILLING CODE 6560-01-M

federal register

Tuesday
November 4, 1980

Part IV

Department of Energy

Patent Licensing Regulations

DEPARTMENT OF ENERGY

10 CFR Part 781

Patent Licensing Regulations

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is revising its regulations concerning licensing of patents or patent applications owned by DOE. These regulations set forth the procedures, terms, and conditions in accordance with which licenses may be granted in DOE-owned patents or patent applications. The regulations supersede the patent licensing regulations issued in 1973 by the Atomic Energy Commission and subsequently adopted by DOE.

EFFECTIVE DATE: December 4, 1980.

FOR FURTHER INFORMATION CONTACT: Robert J. Marchick, Office of the Assistant General Counsel for Patents, U.S. Department of Energy, Washington, D.C. 20545, (301) 353–4970.

SUPPLEMENTARY INFORMATION:

I. Background
II. Summary of Comments
III. Response to Comments
IV. Procedural Matters

I. Background

On July 11, 1980, DOE issued a notice of proposed rulemaking to give notice of and obtain public comment on proposed revised patent licensing regulations (45 FR 48911, July 22, 1980). The proposed regulations are substantially the same as the patent licensing regulations currently used by DOE with these significant revisions: (1) the formal adoption of the statutory terms and conditions mandated by the Federal Nonnuclear Energy Research and Development Act (42 U.S.C. 5908(g)), including procedures for third-party termination of exclusive or partially exclusive licenses; (2) clarification of procedures for appeal of patent licensing decisions; (3) elimination of the presumption against the charging of royalties for nonexclusive licenses under DOE-owned U.S. patents; and (4) addition of the ability to grant a limited number of licenses under a particular invention in appropriate circumstances. All written comments have been considered in preparation of this rule.

II. Summary of Comments

As of August 22, 1980, the announced closing date for submitting public comments on the proposed regulations, we had received three written comments.

One of the commentors fully supported the regulations, stating that the proposed revised regulations will contribute to fulfilling the national objective of advancing to commercial availability proven energy technologies as rapidly as possible.

Two of the commentors expressed objections to certain provisions of the proposed regulations. One objected to the adoption of regulations that "encourage the collection of revenues for nonexclusive patent licenses." The other questioned the advisability of licensing Government-owned technology for royalties, and requested that DOE hold hearings prior to promulgation of these regulations. In addition, this commentor made a number of suggestions which, in his opinion, would clarify certain specific provisions of the regulations, and also raised a number of questions with respect to Government Patent Policy that are not germane to these regulations.

III. Response to Comments

With respect to the request that DOE hold hearings prior to promulgation of these regulations, the Department has taken, and continues to take, the position that these regulations present no substantial issue of fact or law and are unlikely to have a substantial impact on the economy or large numbers of individuals or businesses. Thus, public hearings are not necessary, although, of course, consideration is being given to written comments on the regulations.

The principal issue raised by the two commentors who objected to the proposed regulations was whether the presumption against charging royalties for a nonexclusive license should be reversed.

The concept of charging royalties for use of Government-owned inventions is not new. DOE and other Federal agencies currently are operating under regulations that permit the charging of royalties for exclusive patent licenses. DOE's current regulations also permit the charging of royalties for nonexculsive licenses under Department-owned foreign patents. Indeed, DOE's current regulations do not preclude charging of royalties for nonexclusive licenses under domestic patents, but state instead that *normally* such licenses shall be royalty-free. Thus, current regulations used by DOE and other Federal agencies contemplate charging royalties in certain circumstances. These revised regulations do not mandate charging such royalties, but rather clarify existing policy by providing criteria in the regulations for determining circumstances in which it would be appropriate to charge royalties.

The policy of charging royalties for use of Government-owned patents is consistent with overall recoupment policies being implemented by DOE and other Federal agencies. In 1973, the White House Council on International Economic Policy initiated a study of Government policies on research and development (R&D) recoupment and issued, in 1974, a Decision Memorandum recommending that "* * * recoupment be sought on Government-owned and financed technologies and products when these are proposed for sale to non-U.S. Government buyers." Thus, in light of the manner in which R&D recoupment policies are being administered by a number of Federal agencies and the current Department of Energy regulations which contemplate charging royalties for use of Government-owned patents in appropriate circumstances, the royalty provisions in these regulations do not constitute a change in Government policy. Accordingly, these regulations present no significant issues of fact or law, and, therefore, public hearings are not necessary prior to issuance of these regulations.

One commentor made a suggestion with respect to the effective date of a license termination. In response to that suggestion, the proposed regulations have been modified, at Sec. 781.64(c), to provide that a license termination is not effective, if timely appealed, until a final administrative decision is rendered with respect to the appeal. In addition, minor editorial changes were made; for example, the numbering system of the regulations was revised.

IV. Procedural Matters

Since this document is unlikely to have any significant effect on the environment, DOE has determined that the regulations do not require the preparation of an Environmental Impact Statement pursuant to the requirements of the National Environmental Policy Act of 1969.

DOE has determined that these regulations are nonsignificant regulations, in that the regulations present no substantial issue of fact or law, and are unlikely to have a substantial impact on the economy or large numbers of individuals or businesses. Accordingly, public hearings were not held.

The data gathering requirements in this final rule must be submitted to the Office of Management and Budget for clearance under the provisions of the Federal Reports Act of 1942 (44 U.S.C. 3501). The sections dealing with data

collection may require revision or addition as a result of OMB review.

(Department of Energy Organization Act, Section 301, 42 U.S.C. 7301; Federal Nonnuclear Energy Research and Development Act of 1974, Section 9(g), 42 U.S.C. 5908(g); Atomic Energy Act of 1954, as amended, Sections 156 and 161g, 42 U.S.C. 2186 and 2201g; Presidential Statement of Government Patent Policy, 36 FR 16887, August 26, 1971)

In consideration of the foregoing, Part 781 of Title 10 of the Code of Federal Regulations, is revised as set forth below.

Issued in Washington, D.C., October 29, 1980.

Eric J. Fygi,

Acting General Counsel, U.S. Department of Energy.

1. Part 781 is revised to read as follows:

PART 781—DOE PATENT LICENSING REGULATIONS

General Provisions

Sec.
781.1 Scope.
781.2 Policy.
781.3 Definitions.
781.4 Communications.

Types of Licenses and Conditions for Licensing

781.51 Nonexclusive Licenses.
781.52 Exclusive and Partially Exclusive Licenses.
781.53 Additional Licenses.

Procedures

781.61 Publication of DOE Inventions Available for License.
781.62 Contents of a License Application.
781.63 Published Notices.
781.64 Termination.
781.65 Appeals.
781.66 Third-Party Termination Proceedings.

Special Provisions

781.71 Litigation.
781.81 Transfer of Custody.

Authority: Department of Energy Organization Act, § 301, Pub. L. 95–91, 42 U.S.C. 7301; Federal Nonnuclear Energy Research and Development Act of 1974, § 9(g), Pub. L. 93–577, 42 U.S.C. 5908(g); Atomic Energy Act of 1954, as amended, §§ 156, 161g, Pub. L. 83–703, 42 U.S.C. 2186, 2201g; Presidential Statement of Government Patent Policy, 36 FR 16887, August 26, 1971.

General Provisions

§ 781.1 Scope.

The regulations of this part establish the procedures, terms, and conditions upon which licenses may be granted in inventions covered by patents or patent applications, both domestic and foreign, vested in the United States of America, as represented by or in the custody of the Department of Energy.

§ 781.2 Policy.

(a) The inventions covered by the patents and patent applications, both foreign and domestic, vested in the Government of the United States of America, as represented by or in the custody of the Department, normally will best serve the public interest when they are developed to the point of practical or commercial application and made available to the public in the shortest possible time. This may be accomplished by the granting of express nonexclusive, exclusive, or partially exclusive licenses for the practice of these inventions. However, it is recognized that there may be inventions as to which the Department deems dedication to the public by publication the preferable method of accomplishing these objectives.

(b) Although DOE encourages the nonexclusive licensing of its inventions to promote competition and to achieve their widest possible utilization, the commercial development of certain inventions may require a substantial capital investment that private manufacturers may be unwilling to risk under a nonexclusive license. Thus, DOE may grant exclusive or partially exclusive licenses where the granting of such exclusive or partially exclusive licenses is consistent with § 781.52.

(c) Decisions as to grants or denials of any license application will, in the discretion of the Secretary, be based on the Department's view of what is in the best interests of the United States and the general public under the provisions of these regulations. Decisions of the Department under these regulations may be made on the Secretary's behalf by the General Counsel or the General Counsel's delegate, except where otherwise delegated to the Invention Licensing Appeal Board. When the Department determines that it is appropriate to grant a license, the license will be negotiated on terms and conditions most favorable to the interests of the United States and the general public.

(d) No license shall be granted or implied under a DOE invention except as provided for in these regulations, in patent rights articles under Department procurement regulations (41 CFR Part 9–9), in agreements between DOE and other Government bodies, or in any existing or future treaty or agreement between the United States and any foreign government or intergovernmental organization.

(e) No grant of a license under this part shall be construed to confer upon any licensee any immunity from the antitrust laws or from liability for patent misuse, and the acquisition and use of rights pursuant to this part shall not be immunized from the operation of state or federal law by reason of the source of the grant.

§ 781.3 Definitions.

(a) "Board" means the Invention Licensing Appeal Board.

(b) "Department of Energy", "Department", or "DOE" mean the Department of Energy, established by the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101).

(c) "DOE invention" means an invention covered by a U.S. or foreign patent or patent application that is vested in the Government of the United States, as represented by or in the custody of the Department or any of its predecessors, and which is designated by the Department as appropriate for the grant of an express nonexclusive, exclusive, or partially exclusive license.

(d) "Exclusive license" means a license in which the licensee has the exclusive right under the patent for a part or the full term of the patent, subject only to the retention by the U.S. Government of a license and rights in the invention, as specified herein.

(e) "Partially exclusive license" means (1) an exclusive license where the exclusive right granted is limited to making or using or selling the invention, or is limited to specified fields of use or use in specified geographic locations; or (2) a license where the number of licenses under the particular invention is limited.

(f) "Person" means any individual, partnership, corporation, association, or institution, or other entity.

(g) "Predecessor" means the Energy Research and Development Administration, the Atomic Energy Commission, and any of the Government entities or parts thereof whose functions were transferred to the Department of Energy pursuant to Title III of the Department of Energy Organization Act.

(h) "Responsible applicant" means an applicant who, in the discretion of the Department, has the intention, plans, and ability expeditiously to bring the invention to the point of practical or commercial application.

(i) "Secretary" means the Secretary of Energy or the delegate of the Secretary of Energy.

(j) "To the point of practical or commercial application" means to manufacture in the case of composition or product, to practice in the case of a process, or to operate in the case of a machine, under such conditions as to establish that the invention is being

worked and that its benefits are reasonably accessible to the public.

(k) "United States and the general public" means the United States Government, United States citizens, and United States organizations.

(l) "United States Organization" means any partnership, corporation, association, or institution where 75 percent or more of the voting interest is owned by United States citizens.

§ 781.4 Communications.

All communications concerning the regulations in this part, including applications for licenses, should be addressed or delivered to the General Counsel, Attention: Assistant General Counsel for Patents, U.S. Department of Energy, Washington, D.C. 20545.

Types of Licenses and Conditions for Licensing

§ 781.51 Nonexclusive licenses.

(a) *Availability of licenses.* Except as provided in § 781.52, DOE inventions will be made available for the grant of nonexclusive, revocable licenses to responsible applicants. However, when in the best interests of the United States and the general public, licenses may be restricted to manufacture in the United States. Factors which the Department will consider in so restricting a license include, but are not limited to, the following: (1) the nature of the invention; (2) the effect of the license upon the policies of the United States Government; (3) the effect of the license upon domestic and international commerce and competition; (4) the effect of the license upon the balance of payments of the United States; and (5) the effect of the license upon the overall posture of the United States in world markets.

(b) *Terms of grant.* Nonexclusive licenses shall contain such terms and conditions as the Department may determine appropriate for the protection of the interests of the United States and the general public, including but not limited to the following:

(1) The duration of the license will be negotiated and may be extended upon application therefor, provided the licensee complies with all the terms of the license and shows that substantial utilization has been, or within a reasonable time will be, achieved.

(2) The license shall require the licensee to bring the invention to the point of practical or commercial application in the geographic area of the license, within a period of time specified in the license or such period as may be extended by the Department, upon request in writing to the General Counsel, for good cause shown. The license shall further require the licensee to continue to make the benefits of the invention reasonable accessible in the geographic area of the license.

(3) The license may be granted for all or less than all fields of use of the invention and in any one or all of the countries, or any lesser geographic area thereof, in which the invention is covered by a patent or a patent application.

(4) Reasonable royalties may be charged for nonexclusive licenses on DOE inventions. Factors to be considered in determining whether to charge royalties, or the amount thereof, include but are not limited to, the following: (i) the nature of the invention; (ii) applicant's status as a small business, minority business, or business in an economically depressed, low-income or labor surplus area; (iii) the extent of U.S. Government contribution to the development of the invention; (iv) the degree of development of the invention; (v) the extent of effort necessary for the licensee to bring the invention to the point of practical or commercial application; (vi) the extent of effort necessary to create or penetrate the market for the invention; (vii) whether the licensee is a U.S. citizen or U.S. organization; and (viii) whether the invention is to be licensed in the U.S. or in a foreign country.

(5) In the jurisdiction of the license, the license may extend to the licensee's subsidiaries and to affiliates within the corporate structure of which licensee is a part, if any. However, the license shall not be assignable or include the right to grant sublicenses without the approval of the Department in writing.

(6) The licensee shall be required to submit written reports annually, and when specifically requested by the Department, on its efforts to bring the invention to a point of practical or commercial application and the extent to which the licensee continues to make the benefits of the invention reasonably accessible to the public. The reports shall contain information within the licensee's knowledge, or which the licensee may acquire under normal business practices, pertaining to the commercial use being made of the invention.

(7) The Department may restrict the license to the fields of use or geographic areas in which the licensee has brought the invention to the point of practical or commercial application and continues to make the benefits of the invention reasonably accessible to the public.

§ 781.52 Exclusive and partially exclusive licenses.

(a) *Availability of licenses.* The Department may grant exclusive or partially exclusive licenses in any invention only if:

(1) The invention has been published as available for licensing pursuant to § 781.61 for a period of at least six (6) months;

(2) It does not appear that the desired practical or commercial application has been or will be achieved on a nonexclusive basis, and that exclusive or partially exclusive licensing is a reasonable and necessary incentive to call forth the risk capital and expenses necessary to bring the invention to the point of practical or commercial application;

(3) A sixty (60) day notice of a proposed exclusive or partially exclusive licensee has been provided, pursuant to § 781.63(a), advising of an opportunity for a hearing; and

(4) After termination of the sixty (60) day notice period, the Secretary has determined that:

(i) the interests of the United States and the general public will best be served by the proposed license, in view of the license applicant's intention, plans, and ability to bring the invention to the point of practical or commercial application;

(ii) the desired practical or commercial application has not been achieved, or is not likely expeditiously to be achieved, under any nonexclusive license which has been granted, or which may be granted, on the invention;

(iii) exclusive or partially exclusive licensing is a reasonable and necessary incentive to call forth the risk capital and expenses necessary to bring the invention to the point of practical or commercial application; and

(iv) the proposed terms and scope of exclusivity are not substantially greater than necessary to provide the incentive for bringing the invention to the point of practical or commercial application and to permit the licensee to recoup its costs and a reasonable profit thereon;

(5) Any determination pursuant to paragraph (a)(4) of this section regarding the practical or commercial application of an invention may be limited to the making, using or selling of an invention, a specific field of use, or a geographic location, provided that the grant of such license will not tend substantially to lessen competition or result in undue concentration in any section of the United States in any line of commerce to which the technology to be licensed relates.

(b) *Limited number of partially exclusive licenses.* In appropriate

circumstances, and only after compliance with the requirements of subsection § 781.52(a), the Department may offer a limited number of partially exclusive licenses under a particular invention, when limitation of the number of licenses is found to be in the public interest and consistent with the purpose of these regulations. Factors to be considered in a determination to offer a limited number of licenses under a particular invention include, but are not limited to, the following: (1) the nature of the invention; (2) the projected market size; (3) the need for limitation of licenses to attract risk capital; and (4) the need for limitation of licenses to achieve expeditious commercialization of the invention. When such a determination is made, a Notice of Intent to limit the number of licenses shall be published in the **Federal Register**, identifying the invention and advising that the Department will entertain no further applications for license under the subject invention unless, within 60 days of the publication of the notice, the General Counsel receives, in writing, responses in accordance with § 781.63.

(c) *Selection of exclusive licensee or partially exclusive licensee among multiple applicants.* When a determination is made by the Department that grant of an exclusive license or partially exclusive license under a particular invention is a reasonable and necessary incentive, in accordance with paragraphs (a) and (b) of this section, to call forth the risk capital and expenses required to bring the invention to the point of practical or commercial application, and there is more than one applicant in a particular jurisdiction seeking an exclusive license, and no applicant will accept either a nonexclusive or a partially exclusive license, the Department shall make a written determination selecting an exclusive licensee. Similarly, when a determination is made to grant a limited number of partially exclusive licenses under a particular invention and there are more applicants for such licenses than acceptable, the Department shall make a written determination selecting a limited number of partially exclusive licenses. Factors to be considered in making these determinations include, but are not limited to, the following: (1) the relative intentions, plans, and abilities of the applicants to further the technical and market development of the invention and to bring the invention to the point of practical or commercial application; (2) the projected impact on competition in the U.S.; (3) projected market size; (4) the benefit to the U.S. Government, U.S. organizations, and the U.S. public; (5) assistance to small business and minority business enterprises and economically depressed, low-income, and labor-surplus areas; and (6) whether the applicant is a U.S. citizen or U.S. organization.

(d) *Terms of grant.* Exclusive or partially exclusive licenses shall contain such terms and conditions as the Secretary may determine to be appropriate for the protection of the interests of the United States and the general public, including but not limited to the following:

(1) The duration of the license will be negotiated, and the terms and scope of exclusivity shall not be substantially greater than necessary to provide the incentive for bringing the invention to the point of practical or commercial application and to permit the licensee to recoup its costs and a reasonable profit thereon. Extensions are permissible only through reapplication for an exclusive or partially exclusive license under procedures established in these regulations. The license shall be subject to any compulsory license provision required by law in a particular jurisdiction.

(2) The license shall require the licensee to bring the invention to the point of practical or commercial application in the geographic area of the license, within a period of time specified in the license or such period as may be extended by the Department, upon request in writing to the General Counsel, for good cause shown. The license shall further require the licensee to continue to make the benefits of the invention reasonably accessible in the geographic area of the license. In specifying the period for bringing the invention to the point of practical or commercial application, the license shall specify the minimum sum to be expended by the licensee and/or other specific actions to be taken by it within the time periods indicated in the license.

(3) The license may be granted for all or less than all fields of use of the invention and in any one or all of the countries, or any lesser geographic area thereof, in which the invention is covered by a patent or a patent application.

(4) Reasonable royalties shall be charged by the Department unless the Department determines that charging of royalties would not be in the best interests of the United States and the general public.

(5) In the jurisdiction of the license, the license may extend to the licensee's subsidiaries and to affiliates within the corporate structure of which the licensee is a part, if any. However, the license shall not be assignable or include the right to grant sublicenses without the approval of the Department in writing.

(6) The licensee shall be required to submit written reports annually, and when specifically requested by the Department, on its efforts to bring the invention to the point of practical or commercial application and the extent to which the licensee continues to make the benefits of the invention reasonably accessible to the public. The reports shall contain information within the licensee's knowledge, or which the licensee may acquire under normal business practices, pertaining to the commercial use being made of the invention.

(7) The license shall reserve at least an irrevocable, nonexclusive, paid-up license to make, use and sell the invention throughout the world by or on behalf of the United States (including any Government agency), the states, and domestic municipal governments, unless the Secretary determines that it would not be in the public interest to reserve such a license for the states and domestic municipal governments.

(8) The license shall reserve in the United States the right to sublicense the licensed invention to any foreign government pursuant to any existing or future treaty or agreement, if the Secretary determines it would be in the national interest to acquire this right.

(9) The license shall reserve in the Secretary the right to require the granting of a nonexclusive or partially exclusive sublicense to a responsible applicant or applicants, upon terms reasonable under the circumstances, (i) to the extent that the invention is required for public use by governmental regulations, (ii) as may be necessary to fulfill health, safety, or energy needs, or (iii) for such other purposes as may be stipulated in the license.

(10) The license shall reserve in the Secretary the right to terminate such license, in whole or in part, subject to the notice and appeal provisions of §§ 781.64 and 781.65, unless the licensee demonstrates to the satisfaction of the Secretary that he has taken effective steps, or within a reasonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

(11) The license shall reserve in the Secretary the right, commencing three years after the grant of the license, to terminate the license, in whole or in part, subject to the provisions of § 781.66 and following a publicly-noticed hearing, initiated pursuant to a petition by an interested person justifying such hearing—

(i) if the Secretary determines, upon review of such material as he deems relevant and after the licensee or other interested person has had the opportunity to provide such relevant and material information as the Secretary may require, that such license has tended substantially to lessen competition or to result in undue concentration in any section of the United States in any line of commerce to which the technology relates; or

(ii) if the licensee fails to demonstrate to the satisfaction of the Secretary at such hearing that he has taken effective steps, or within a reasonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

§ 781.53 Additional licenses.

Subject to any outstanding licenses, nothing in this part shall preclude the Department from granting additional nonexclusive, or exclusive, or partially exclusive licenses for inventions covered by this part when the Department determines that to do so would provide for an equitable exchange of patent rights. The following circumstances are examples in which such licenses may be granted:

(a) in consideration of the settlement of interferences;

(b) in consideration of a release of any claims;

(c) in exchange for or as a part of the consideration for a license under adversely held patents; or

(d) in consideration for the settlement or resolution of any proceeding under the Department of Energy Organization Act or other law.

Procedures

§ 781.61 Publication of DOE Inventions Available For License.

(a) The Department will publish periodically in the **Federal Register** a list of the DOE inventions available for licensing under this part. In addition, a list of those DOE inventions that are protected in the United States will be published in the U.S. Patent and Trademark Office Official Gazette and in the National Technical Information Service (NTIS) publication "Government Inventions for Licensing."

(b) Interested persons may obtain copies of such lists by contacting the General Counsel, Attention: Assistant General Counsel for Patents, U.S. Department of Energy, Washington, D.C. 20545. Copies of U.S. patents may be obtained from the U.S. Patent and Trademark Office, Washington, D.C. 20231. Copies of U.S. patent applications, specifications, or microfiche reproductions thereof may be secured at reasonable cost from the National Technical Information Service (NTIS), Springfield, Virginia 22151.

§ 781.62 Contents of a license application.

An application for a license under a DOE invention must be accompanied by a processing fee of $25 for each patent or patent application under which a license is desired, which shall be credited towards royalty if royalties are charged, and must include the following information:

(a) Identification of the invention for which the license is desired, including the title of the invention and the patent application serial number or the patent number of the invention;

(b) Name and address of the person applying for a license and whether the applicant is a U.S. citizen or U.S. organization;

(c) Name and address of a representative of the applicant to whom correspondence should be sent and any notices served;

(d) Nature and type of the applicant's business;

(e) Applicant's status, if any, as a small business firm, minority business firm, or business firm located in a labor-surplus area, low-income area, or economically depressed area.

(f) Identification of the source of the applicant's information concerning the availability of a license on the invention;

(g) A statement of the field or fields of use in which the applicant intends to practice the invention;

(h) A statement of the geographic area or areas in which the applicant proposes to practice the invention, including a statement of any foreign countries in which the applicant proposes to practice the invention;

(i) A description of the applicant's technical and financial capability and plan for bringing the invention to a point of practical or commercial application, and the applicant's offer to implement that plan, if the license is granted.

(j) The amount of royalty fees or other consideration, if any, that the applicant would be willing to pay the Government for the license;

(k) Applicant's knowledge of the extent to which the invention is being practiced by private industry and the Government; and

(l) In the case of an exclusive or partially exclusive license application, any facts which the applicant believes will show that it is in the public interest for the Department to grant such a license rather than a nonexclusive license and that such exclusive or partially exclusive license should be granted to the applicant.

§ 781.63 Published notices.

(a) A notice of a proposed exclusive license or partially exclusive licenses shall be published in the **Federal Register**, and a copy of the notice shall be sent to the Attorney General. The notice shall include:

(1) Identification of the invention;

(2) Identification of the proposed exclusive licensee or partially exclusive licensees;

(3) Duration and scope of the proposed license;

(4) A statement that the license will be granted unless:

(i) an application for a nonexclusive license, submitted by a responsible applicant pursuant to § 781.62, is received by the Department within sixty (60) days from the publication of the notice in the **Federal Register**, and the Department determines that the applicant has established that it has already achieved, or is likely expeditiously to achieve, practical or commercial application under a nonexclusive license; or

(ii) the Department determines, based upon evidence and argument submitted in writing by a third party, that it would not be in the interest of the United States and the general public to grant the exclusive or partially exclusive licenses; and

(5) A statement advising that applicants or third parties participating in response to the **Federal Register** notice shall have the right to appeal any adverse decision, including the right to request an oral hearing, in accordance with § 781.65.

(b) In situations where the Department intends to limit the number of partially exclusive licenses under a particular invention pursuant to § 781.52(b), the notice in paragraph (a) of this section will be modified to reflect that intent and to invite applicants to apply for such partially exclusive licenses by a date specified in the notice.

(c) If an exclusive or partially exclusive license has been granted or, in whole or in part, terminated pursuant to this regulation, notice thereof shall be published in the **Federal Register**. Such notice shall include:

(1) Identification of the invention;

(2) Identification of the licensee; and

(3) If a license grant, the duration and scope of the license; or

(4) If a termination in whole or in part, the effective date of the termination and whether it is in whole or in part.

§ 781.64 Termination.

(a) The Department may terminate, in whole or in part, a license: (1) for failure, within the time specified in the license,

to take steps necessary to accomplish substantial utilization of the invention; (2) for failure of the licensee, upon bringing the invention to the point of practical or commercial application, to continue to make the benefits of the invention reasonably accessible to the public; (3) if an exclusive or partially exclusive license, for failure of the licensee to expend the minimum sum or to take any other action specified in the license agreement; (4) for failure of the licensee to make any payments or periodic reports required by the license; (5) for a false statement or omission of a material fact in the license application submitted pursuant to § 781.62 or in any required report; (6) for failure to grant a nonexclusive or partially exclusive license when required by the Secretary in accordance with this regulation; or (7) for breach of any other term or condition on which the license was issued.

(b) Before terminating, in whole or in part, any license granted pursuant to this part, the Department shall mail to the licensee and any sublicensee of record, at the last address filed with the Department, a written notice of the Department's intention to terminate, in whole or in part, the license, with reasons therefor, and the licensee and any sublicensee shall be allowed thirty (30) days from the date of the mailing of such notice, or within such further period as may be granted by the Department for good cause shown in writing, to remedy any breach of any term or condition referred to in the notice or to show cause why the license should not be terminated in whole or in part.

(c) Termination shall be effective upon final written notice thereof to the licensee, after consideration of the response, if any, to the notice of intent to terminate, unless an appeal is taken in accordance with § 781.65, in which case the effective date of the termination is stayed, pending a final administrative decision on the appeal.

§ 781.65 Appeals.

(a) The following parties have the right to appeal under this part:

(1) A person whose application for a license has been denied;

(2) A licensee or sublicensee whose license has been terminated, in whole or in part, pursuant to § 781.64; and

(3) A third party who has participated under § 781.63 of this regulation.

(b) Appeal under subsection (a) of this section shall be initiated by filing a Notice of Appeal with the Secretary, ATTN: Invention Licensing Appeal Board, with a copy to the General Counsel ATTN: Assistant General Counsel for Patents, within thirty (30) days from the date of receipt of a written notice by the Department. The Notice of Appeal shall specify the portion of the decision from which the appeal is taken. A statement of fact and argument in the form of a brief in support of the appeal shall be submitted with the notice of appeal or within thirty (30) days thereafter. Upon receipt of a Notice of Appeal, the General Counsel shall have thirty (30) days to transmit a copy of the administrative record of the decision to the Board with a copy to appellant. The General Counsel shall respond to appellant within 30 days from receipt of appellant's brief.

(c) The appellant shall have the burden of proving by a preponderance of evidence, based upon the administrative record as supplemented by evidence and argument submitted by the parties to the appeal, that the decision appealed from should be reversed or modified.

(d) The Board shall offer to the applicant, or to any other party who has participated under § 781.63, an opportunity to join as a party to the appeal.

(e) A hearing may be requested by any party to the appeal within a time period set by the Board.

(f) Except as set forth in this part, all Board proceedings shall be conducted pursuant to the Rules of Practice of the Department of Energy Board of Contract Appeals, 10 CFR 1023, modified as the Board may determine to be necessary or appropriate.

(g) The decision of the Board shall constitute the final action of the Department on the matter.

§ 781.66 Third-party termination proceedings.

(a) Any interested person may petition the Secretary to terminate, in whole or in part, an exclusive or partially exclusive license three years after such license was granted.

The petition shall be sent to the Secretary, ATTN: Invention Licensing Appeal Board, and shall be verified and accompanied by any supporting documents or affidavits that the petitioner believes demonstrates that either—

(1) the license has tended substantially to lessen competition or to result in undue concentration; or

(2) the licensee has not taken effective steps, or within a reasonable time thereafter is not expected to take such steps, necessary to accomplish substantial utilization of the invention.

(b) Upon receipt of such a petition, the Board shall forward a copy of the petition and supporting documents to the General Counsel, ATTN: Assistant General Counsel for Patents. The General Counsel shall then forward a copy of the petition and supporting documents to the licensee, who shall have thirty (30) days from receipt of the petition to submit a response thereto together with any supporting documents and affidavits. The General Counsel shall then make a preliminary review of the petition, response, and any supporting documents or affidavits to determine whether a hearing on the matter is justified. If the General Counsel finds that a hearing on the matter has been justified, he shall so advise the Board in writing.

(c) If the General Counsel finds that a hearing has not been justified by petitioner, he shall so find in writing. The General Counsel shall promptly notify the Board and the petitioner of the finding. The petitioner may appeal this finding by filing a Notice of Appeal with the Board within thirty (30) days of the date of the mailing of the finding by the General Counsel. The Board shall review the finding concerning petitioner's justification for a hearing, and shall uphold the finding of the General Counsel unless petitioner can demonstrate that the finding was arbitrary, capricious, or an abuse of discretion. If the Board reverses the finding as to the justification for a hearing, the petition shall be heard by the Board in accordance with the procedures outlined in subsection (d) below.

(d) When it has been determined, in accordance with subsection (b) of this section, that a hearing is justified, the Board shall so notify the petitioner and the licensee, and the Board shall publish a Notice in the **Federal Register** advising the public that a hearing is to be scheduled. The Notice shall describe the subject matter of the hearing and shall advise of the right of any interested person to file a petition with the Board, within thirty (30) days of the Notice, showing cause why he should be added as a party to the hearing. The Board shall, in its discretion, determine who should be added as a party.

(e) Any party shall have the right to request a full evidentiary hearing on the matter. In lieu thereof, if the parties agree, the matter may be decided at an "informal" hearing in which no party has the right to call and cross-examine witnesses, but in which the parties have the right to present oral argument to the Board to supplement briefs, affidavits, and other documentary evidence that may have been submitted. Any hearing and related procedures shall be conducted pursuant to the Rules of Practice of the Department of Energy

Board of Contract Appeals, Title 10 CFR Part 1023, modified as the Board may determine to be necessary or appropriate.

(f) If petitioner alleges that the exclusive or partially exclusive license has tended substantially to lessen competition or to result in undue concentration in any section of the country in any line of commerce to which the technology relates, the petitioner shall have the burden to prove the allegation by a preponderance of evidence.

(g) If petitioner alleges that licensee has failed to accomplish substantial utilization of the invention and has presented sufficent proof, in accordance with subsection (b) of this section, to justify a hearing on the matter, the licensee shall have the burden to prove, by a preponderance of evidence, that he has taken effective steps, or within a reasonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

(h) The Board shall make findings of fact and render a conclusion of law with respect to the challenged license. The conclusion of the Board shall constitute the final action of the Department on the matter.

Special Provisions

§ 781.71 Litigation.

(a) An exclusive or partially exclusive licensee may be granted the right to sue at his own expense any party who infringes the rights set forth in his license and covered by the licensed patent. Upon a determination that the Government is a necessary party, the licensee may join the Government of the United States, upon consent of the Attorney General, as a party complainant in such suit. The licensee shall pay costs and any final judgment or decree that may be rendered against the Government in such suit. The Government shall have the absolute right to intervene in any such suit at its own expense.

(b) The licensee shall be obligated to furnish promptly to the Government, upon request, copies of all pleadings and other papers filed in any such suit and of evidence adduced in proceedings relating to the licensed patent, including but not limited to, negotiations, agreements settling claims by a licensee based on a licensed patent, and all other books, documents, papers and records pertaining to such suit. If, as a result of any such litigation, the patent shall be declared invalid, the licensee shall have the right to surrender his license and be relieved from any further obligation thereunder.

§ 781.81 Transfer of custody.

The Department may enter into an agreement to transfer custody of any patent to another Government agency for purposes of administration, including the granting of licenses pursuant to this Part.

[FR Doc. 80-34390 Filed 11-3-80; 8:45 am]

BILLING CODE 6450-01-M

federal register

Tuesday
November 4, 1980

Part V

Department of Housing and Urban Development

Office of the Secretary

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From HUD

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 146

[Docket No. R-80-876]

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From HUD

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: The Department of Housing and Urban Development (HUD) proposes a regulation to carry out its responsibilities under the Age Discrimination Act of 1975 in accordance with the general, governmentwide regulation published in the **Federal Register** on June 12, 1979 by the Department of Health, Education and Welfare (HEW).

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on persons on the basis of age. The Act applies to persons of all ages. This proposed regulation concerns programs and activities which receive Federal financial assistance from HUD.

DATES: Comments are invited from the public and other Federal agencies. They must be received on or before January 5, 1981 in the office of the Rules Docket Clerk.

ADDRESS: Send written comments to: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Each comment should include the commenter's name and address, and must refer to the docket number indicated in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Mrs. Myra Kennedy, U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 451 7th Street, S.W., Room 5230, Washington, D.C. 20410, (202) 755-5904. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

The Age Discrimination Act of 1975 (ADA) requires HEW to develop a governmentwide regulation to guide the development of specific regulations by each Federal agency that administers programs of financial assistance. HEW published a final governmentwide regulation on June 21, 1979 [45 CFR Part 90, published at 44 FR 33768]. The Act and the governmentwide regulation require HUD to: (1) publish a proposed "agency-specific" regulation (that is, a regulation covering HUD programs and activities consistent with the governmentwide regulation) no later than 90 days after publication of the governmentwide regulation; and (2) to prepare a final agency-specific regulation for publication no later than 120 days after publication of the proposed specific regulation. This is HUD's proposed specific regulation.

The effect of this porposed regulation on program provisions and definitions which use age distinctions has not yet been determined and the Department specifically seeks public comment in this area. Prior to the issuance of a final age discrimination regulation, all HUD program regulations will be examined for applicability of the age discrimination regulation. The final regulation will include a listing of all age related provisions and definitions in HUD program regulations and a statement regarding whether or not they have been determined to be exempt from the Age Discrimination Act and this regulation.

Summary of the Governmentwide Regulation (45 CFR Part 90)

The governmentwide regulation specifies definitions and the standards for determining what is age discrimination and what HUD (and other Federal agencies) must include in their specific regulations. HUD may not change the definitions, standards, and basic procedures in the governmentwide regulation. HUD therefore asks reviewers not to comment on those definitions, standards, and basic procedures in this proposed rule, but to direct comments to the new material which is italicized in the summary of the subparts. HUD will not respond to comments on requirements in the final, governmentwide regulation. For the information of commenters, portions of subparts A, B and D of the governmentwide regulation are included in Appendix A of this proposed rule.

Proposed HUD Regulation (24 CFR Part 146)

HUD's proposed regulation is divided into four subparts: Subpart A—General; Subpart B—Standards for Determining Age Distinctions; Subpart C—Duties of HUD Recipients; and Subpart D—Investigations, Conciliation, and Enforcement Procedures. There are also five appendices. A summary of each of the subparts and appendices follow:

Subpart A—General

Subpart A explains the purpose of HUD's age discrimination regulation, which is to set out HUD's policies and procedures under the Act and the governmentwide regulation. The regulation applies to any program or activity receiving Federal financial assistance from HUD.

Subpart B—Standards for Determining Age Distinctions

The standards HUD will use for determining which acts constitute age discrimination are set out in great detail in the governmentwide regulation. However, a short summary of those standards follows:

(1) The Age Discrimination Act of 1975, as amended, contains a prohibition against age discrimination. However, this prohibition is limited by age distinctions which are "established under authority of any law", which are not covered by the Act and hence do not fall within the prohibition against age discrimination;

(2) The use of an age distinction is permitted if it is necessary to the normal operation of a program or activity, or if it is necessary to achieve any statutory objective of a program or activity;

(3) The use of a reasonable factor other than age is an exception to the prohibition against age discrimination if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective;

(4) The Department proposes to use the following four part test, established in the HEW governmentwide regulation, to determine whether age distinctions which are not incorporated in statute are allowable.

A HUD recipient is permitted to use age discriminations in a program or activity if the age distinction is necessary for the normal operation of the program and if:

(1) Age is used as a measure of approximation of one or more other characteristics;

(2) the other characteristics must be measured or approximated in order for the normal operation of the program to continue, or to achieve any statutory objective of the program.

(3) The other characteristics can be reasonably measured or approximated by the use of age; and

(4) The other characteristics are impractical to measure directly on an individual basis.

The public is requested to examine this four-part test carefully and to consider the following questions:

Is the four part test understandable? Can a recipient apply the test to programs or activities to determine whether age distinctions are allowable? If not, why? Are there age distinctions which are justifiable but which might not pass the four part test? If so, identify them.

(5) The Act and its implementing regulation do not cover employment practices for any HUD-assisted program or activity. The Age Discrimination Employment Act, administered by the Equal Employment Opportunity Commission, protects persons between the ages of 40 and 70 from most types of employment discrimination based on age.

The governmentwide regulation places on the HUD recipient the burden of proving that an action qualifies for an exception.

Subpart C—Duties of HUD Recipients

HUD recipients have primary responsibility to ensure that their programs and activities are in compliance with the Act, the governmentwide regulation and this proposed regulation.

Where a HUD recipient passes on financial assistance to subrecipients, the recipient must notify subrecipients of their obligations under the proposed HUD regulation.

Subpart D—Investigation, Conciliation, and Enforcement

Subpart D of the proposed regulation establishes the procedures HUD will use in its investigation, conciliation, and enforcement activities. These procedures are closely tied to requirements in the governmentwide regulation, primarily in Subpart D. Italicized language indicates additions in this regulation not contained in the governmentwide regulation.

HUD may conduct compliance and pre-award application review of recipients, even in the absence of a complaint against the recipient. *The review may be as comprehensive as necessary to determine whether a violation has occurred.*

Complaints of age discrimination may be filed with HUD *by an individual or a class or by a third party.* A complainant must file a complaint within 180 days from the date the complainant first knew of the alleged act of discrimination although HUD may extend this time for good cause. *A complaint must identify the parties involved, describe generally the practice complained of, and be signed by the complainant.* HUD will distribute information regarding the obligations of recipients and complainants under the complaint procedure. *HUD will permit a complainant to add information to a complaint when necessary to meet the requirements of a sufficient complaint. HUD will return to the complainant any complaint that does not fall within the jurisdiction of the Act and its regulation.*

HUD will refer all complaints that fall within the coverage of the Act to mediation. On June 12, 1979, the Secretary of the Department of Health, Education, and Welfare designated the Federal Mediation and Conciliation Service (FMCS) to manage the mediation process established in the governmentwide regulation.

Complaints and recipients are required to participate in the effort to reach a mutually satisfactory mediated settlement of the complaint, although they need not meet with the mediator at the same time. Mediation may last no more than 60 days from the date HUD first receives the complaint. The mediator will have the authority to terminate the mediation at any time before the end of the 60-day period, if the process appears to have broken down. The terms of a settlement that are satisfactory to both parties will be put in writing and sent to HUD. HUD will take no further action on a complaint that has been successfully mediated.

HUD will investigate complaints that are unresolved after mediation or alleged violation of a mediation agreement. In the investigation of complaints, HUD will establish facts through such methods as discussions with the complainant and recipient and the review of documents in the possession of either party. HUD may also seek the assistance of any State agency. Where possible, HUD will settle the complaint on terms that are mutually agreeable to the parties.

A recipient may not intimidate or retaliate against any person who attempts to exercise a right protected by the Act or who participates in any aspect of the proceedings used to resolve allegations of age discrimination.

The procedures for securing compliance with the Act and this regulation are taken from the governmentwide regulation, including fund termination after an opportunity for a hearing on the record or referral to the Department of Justice or the use of any Federal, State or local government agency requirements which have the effect of correcting a violation.

This regulation includes a provision for the limited deferral of processing applicatons for new financial assistance from HUD when termination proceedings are initiated.

HUD proposes to use procedural provisions contained in the regulations for Title VI of the Civil Rights Act of 1964 to enforce this proposed HUD regultion. These provisions are at 24 CFR Parts 1 and 2 (See Appendix E).

Where the Secretary finds that a recipient has discriminated on the basis of age, he or she may require the recipient to take necessary remedial action to overcome the effects of discrimination.

When HUD withholds funds from a recipient, the Secretary may disburse those funds to an alternate recipient. The alternate recipient must demonstrate the ability to comply with this regulation and to achieve the goals of the Federal status which authorizes the financial assistance.

Complainants may file a civil action when administrative remedies are exhausted. Administrative remedies are exhausted if either 180 days have elapsed since the complainant filed the complaint and HUD has issued no finding, or if HUD issues a finding in favor of the recipient. The proposed regulation repeats the requirements of the Act concerning the private right of action.

Appendices

There are five appendices to these proposed rules. Appendix A repeats some definitions and standards from the governmentwide regulation for the convenience of commenters. (This Appendix will appear with the final regulation in the **Federal Register**, but HUD does not intend to codify it).

Appendix B summarizes, for the information of recipients and other readers, the activities HUD will take administratively to implement the Act, the governmentwide regulation and this regulation. The activities are required by the governmentwide regulation. (This Appendix will appear with the final regulation in the **Federal Register**, but HUD does not intend to codity it).

Appendix C lists the programs for Federal financial assistance of the Department of Housing and Urban Development to which this part applies. (This Appendix will appear and be codified with the final regulation in the **Federal Register**).

Appendix D cites the application of standards for determining age discrimination and contains a discussion of certain important points about the standards. (This appendix will appear and be codified with the final regulation in **Federal Register**).

Appendix E cites the procedural provisions contained in the regulation of

Title VI of the Civil Rights Act of 1964 to be used to enforce this proposed HUD regulation. (This Appendix will appear in the final regulation in the **Federal Register**, but HUD does not intend to codify it).

The Requirement for Recipient Self-Evaluation

The Office of Management and Budget (OMB) because of a perceived projected paperwork burden, refused to approve the self-evaluation pursuant to its Authority under the Federal Reports Act. Since the issue remains unresolved, it is believed to be more beneficial to publish HUD's regulation without the self-evaluation provision. When the final regulation is issued it will contain whatever will be required on this aspect.

Alternate Approaches to Regulation

HUD considered and rejected alternative approaches for its regulation in which HUD would have proposed additional requirements. *HUD invites comments on the following questions:*

• *Should the regulation address practices of specific HUD recipients, such as Housing Authorities, CDBG recipients or planning agencies?* HUD has no reason to believe (in the absence of experience enforcing the Act) that recipients' practices with respect to age differ to the extent that separate provisions are necessary.

• *Should the regulation clarify the standards for determining what is age discrimination set out in the governmentwide regulation?* Hud has not expanded in the standards in this proposed regulation, *and has not provided examples of how the standards may be applied to HUD recipients. Therefore, HUD is soliciting examples of age distinctions which should be addressed in the final regulation.*

• *Should the regulation set out more detailed requirements about what technical assistance HUD provides its recipients?* HUD believes it should set out details of these administrative actions in handbooks or other issuances rather than regulations.

• *Should the regulation include more detailed provisions for disbursing funds to alternate recipients when there has been a fund termination under this proposed regulation?* HUD considered specifying in more detal what requirements it would waive in choosing an alternative recipient (for example, non-substantive procedural requirements), but determined that a case-by-case determination would be necessary. HUD is unlikely to use the procedures for some time because of the requirements for seeking voluntary compliance and the detailed due process rights to recipients.

• *Should HUD use hearing procedures other than those used for other discrimination matters?* This regulation proposes to use the same procedures set out in 24 CFR Parts 1 and 2 (See Appendix E). These are the procedures for hearings, decisions, and post-termination proceedings used in conjunction with Title VI of the Civil Rights Act of 1964. Are these procedures fully adequate for this regulation?

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk from 8:45 a.m. to 5:15 p.m. at the U.S. Department of Housing and Urban Development, 451 7th Street, S.W., Room 5218, Washington, D.C. 20410. In addition, the Chairmen and Ranking Minority Members of the Committee on Banking, Housing, and Urban Affairs of the Senate House of Representatives have waived the prepublication review of this rule provided for in Section 7 (o)(2) of the Department of Housing and Urban Development Act. This rule is listed as FH&EO–1–79 in the Department's Semiannual agenda regulation issued pursuant to Executive Order 12044.

The Department of Housing and Urban Development proposes to add Part 146 to Title 24 of the Code of Federal Regulations as set forth below:

PART 146—NONDISCRIMINATION ON THE BASIS OF AGE IN HUD PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—General

Sec.

146.1 What is the purpose of the Age Discrimination Act of 1975?
146.2 What is the purpose of HUD's age discrimination regulation?
146.3 To what programs does this regulation apply?
146.4 Definitions.

Subpart B—Standards for Determining Age Discrimination

146.11 Standards.

Subpart C—Duties of HUD Recipients

146.21 General responsibilities.
146.22 Notice to subrecipients.
146.23 Self-evaluation.
146.24 Information requirements.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

Sec.

146.31 Compliance reviews.
146.32 Complaints.
146.33 Mediation.
146.34 Investigation.
146.35 Compliance procedures.
146.36 Prohibition against intimidation or retaliation.
146.37 Hearings, decisions, post-termination proceedings.
146.38 Exhaustion of administrative remedies.
146.39 Remedial and affirmative action by recipients.
146.40 Alternate funds disbursal procedure.

Authority: Age Discrimination Act of 1975, amended, 42 U.S.C. 6101 *et seq.;* 45 CFR 90.

Subpart A—General

§ 146.1 What is the purpose of the Age Discrimination Act of 1975?

The Age Discrimination Act of 1975, as amended, is designed to prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act however permits federally-assisted programs and activities and recipients of Federal funds to continue to use certain age distinctions and factors other than age which meet the requirements of the Act and this regulation.

§ 146.2 What is the purpose of HUD's age discrimination regulation?

The purpose of this regulation is to set out HUD's policies and procedures under the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101, *et seq.*, in conjunction with the governmentwide age descrimination regulation at 45 CFR 90.

§ 146.3 To what programs does this regulation apply?

This regulation applies to each HUD recipient receiving Federal financial assistance from any program listed at Appendix C, and to each program or activity operated by such recipient.

§ 146.4 Definitions.

As used in this regulation, the term:

"Act" means the Age Discrimination Act of 1975, as amended, (Title III of Public Law 94–135).

"Action" means any act, activity, policy rule, standard, or method of administration; or the use of any policy, rule, standard, or method of administration.

"Age" means how old a person is, or the number of elapsed years from the date of a person's birth.

"Age distinction" means any action using age or an age-related term.

"Age-related term" means a word or words which necessarily imply a particular age or range of ages (for

example, "children," "adult," "older persons," but not "student").

"Agency" means a Federal department or agency that is empowered to extend financial assistance.

"Federal financial assistance" means any grant, entitlement, loan, cooperative agreement, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the agency provides or otherwise makes available assistance in the form of:

(a) Funds;

(b) Services of Federal personnel; or

(c) Real and personal property or any interest in or use of property, including:

(1) Transfers or leases of property for less than fair market value or for reduced consideration; and

(2) Proceeds from a subsequent transfer or lease of property if the Federal share of its fair market value is not returned to the Federal Government.

"HUD" means the United States Department of Housing and Urban Development.

"Recipient" means any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended, directly or through another recipient. Recipient includes any successor, assignee, or transferee, but excludes the ultimate beneficiary of the assistance.

"Secretary" means the Secretary of HUD or designee.

"Subrecipient" means any of the entities in the definition of "recipient" to which a recipient extends or passes on Federal financial assistance. A subrecipient is generally regarded as a recipient of Federal financial assistance and has all the duties of a recipient in this regulation.

"United States" means the fifty states, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, the Trust Territory of the Pacific Islands, the Northern Marianas, and the territories and possessions of the United States.

Subpart B—Standards for Determining Age Discrimination

Standards

The standards HUD uses to determine whether an age distinction or a factor other than age that may have a disproportionate effect on persons of different ages is prohibited are set out under § 146.11 (a), (b), (c), (d), and (e) of this regulation.

§ 146.11 Rules against age discrimination.

(a) The rules stated in this section are limited by the exceptions contained in (b) and (c) of this section.

(1) *General rule.* No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

(2) *Specific rules.* A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect, on the basis of age of:

(i) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financial assistance; or

(ii) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

(3) The specific forms of age discrimination listed in paragraph (b) of this section do not necessarily constitute a complete list.

(b) *Exceptions to the rules against age discrimination. Normal operation or statutory objective of any program or activity.* A recipient is permitted to take an action, otherwise prohibited by section 11(a), if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

(1) Age is used as a measure or approximation of one or more other characteristics;

(2) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity;

(3) The other characteristic(s) can be reasonably measured or approximated by the use of age; and

(4) The other characteristic(s) are impractical to measure directly on an individual basis.

(c) *Exceptions to the rules against age discrimination. Reasonable factors other than age.* A recipient is permitted to take an action otherwise prohibited by section 11(a) which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or the achievement of a statutory objective.

(d) *Burden of Proof.* The burden of proving that an age distinction or other action falls within the exceptions outlined in section 11(b) and 11(c) is on the recipient of Federal financial assistance.

(e) *Remedial and affirmative action by recipients.* Where a recipient is found to have discriminated on the basis of age, the recipient shall take any remedial action which the agency may require to overcome the effects of discrimination. If another recipient exercises control over the recipient that has discriminated, both recipients may be required to take remedial action.

Subpart C—Duties of HUD Recipients

§ 146.21 General responsibilities.

Each recipient has primary responsibility to ensure that its programs and activities are in compliance with the Act, the governmentwide regulation and this regulation.

§ 146.22 Notice to subrecipients.

Where a recipient passes on Federal financial assistance from HUD to subrecipients, the recipient shall provide the subrecipient with written notice of its obligations under this regulation.

§ 146.23 Self evaluation.

[The Office of Management and Budget (OMB) because of a perceived projected paperwork burden, refused to approve the self-evaluation pursuant to its authority under the Federal Reports Act. Since the issue remains unresolved, it is believed to be more beneficial to publish HUD's regulation without the self-evaluation provision. When the final regulation is issued it will contain whatever will be required on this aspect.]

§ 146.24 Information requirements.

Each recipient shall:

(a) Make available to HUD upon request information necessary to determine whether the recipient is complying with this regulation.

(b) Permit reasonable access by HUD to the books, records, accounts, and other recipient facilities and sources of information to the extent necessary to determine whether the recipient is in compliance with this regulation.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

§ 146.31 Compliance reviews.

(a) HUD may conduct pre-award application reviews to determine whether programs or activities proposed by the applicant for HUD assistance are consistent with the age distinctions set forth at 146.11(b) of this part.

(b) If a pre-award application review indicates that the proposed programs or activities are not consistent with the age distinctions set forth at 146.11(b) of this part, the appliction will be returned to the applicant for additional information or clarification or for correction consistent with this regulation.

(c) HUD may conduct compliance reviews of recipients that will enable it to investigate and correct violations of this regulation. HUD may conduct these reviews even in the absence of a complaint against a recipient. The review may be as comprehensive as necessary to determine whether a violation of this regulation has occurred.

(d) If a compliance review indicates a violation of this regulation, HUD will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, HUD will arrange for enforcement as described in § 146.35.

§ 146.32 Complaint

(a) Any person, individually or as a member of a class, or on behalf of others, may file a complaint with HUD alleging discrimination prohibited by this regulation based on an action occurring on or after July 1, 1979. A complainant shall file a complaint within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However, for good cause shown, HUD may extend this time limit.

(b) HUD will attempt to facilitate the filing of complaints whenever possible, including taking the following measures:

(1) Accepting as a sufficient complaint any written statement which identifies the parties involved, describes generally the action or practice complained of, and is signed by the complainant.

(2) Freely permitting a complainant to add information to the complaint to meet the requirements of a sufficient complaint.

(3) Widely disseminating information regarding the obligations of recipients under the Act and this regulation.

(4) Notifying the complainant and the recipient of their rights under the complaint process, including the right to have a representative at all stages of the complaint process.

(5) Notifying the complainant and the recipient (or their representatives) of their right to contact HUD for information and assistance regarding the complaint resolution process.

(c) HUD will return to the complainant any complaint outside the jurisdiction of this regulation, and will state the reason(s) why it is outside the jurisdiction of this regulation.

§ 146.33 Mediation.

(a) *Referral of complaints for mediation.* HUD will refer to a mediation agency designated by the Secretary of the former Department of Health, Education and Welfare, all complaints that:

(1) Fall within the jurisdiction of this regulation; and

(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or make an informal judgment that an agreement is not possible. There must be at least one meeting with the mediator before HUD will accept a judgment that an agreement is not possible. However, the recipient and the complainant need not meet the mediator at the same time.

(c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to HUD. HUD shall take no further action on the complaint unless the complainant or the recipient fails to comply with the agreement.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the mediation agency.

(e) HUD will use the mediation process for a maximum of 60 days after receiving a complaint. Mediation ends if:

(1) 60 days elapse from the time HUD receives the complaint; or

(2) Prior to the end of the 60 day period, an agreement is reached; or

(3) Prior to the end of that 60 day period, the mediator determines that an agreement cannot be reached.

(f) The mediator shall return unresolved complaints to HUD for investigation.

§ 146.34 Investigation.

(a) *Following mediation.* (1) HUD will investigate complaints that are unresolved after mediation or are reopened because of an alleged violation of a mediation agreement.

(2) In the investigation of complaints under this Part, HUD will establish facts through such methods as discussion with the complainant and recipient and the review of documents in the possession of either party. HUD may also seek the assistance of any applicable State agency. Where possible, HUD will conciliate the complaint on terms that are mutually agreeable to the parties.

(3) HUD will put any agreement in writing and have it signed by the parties and an authorized official at HUD.

(4) The conciliation agreement shall not affect the operation of any other enforcement effort of HUD, including compliance reviews and investigation of other complaints which may involve the recipient.

(5) The conciliation agreement reached pursuant to § 146.34 (a)(2) is not a finding of discrimination against a recipient.

(b) *Following Conciliation.* If HUD cannot resolve the complaint through conciliation it will make a formal determination of apparent noncompliance. HUD will inform the recipient and complainant in writing that the matter cannot be resolved through conciliation. If HUD cannot conciliate the matter it will begin enforcement as described in § 146.35.

§ 146.35 Compliance procedures.

(a) HUD may enforce the Act and this regulation through:

(1) Termination of a recipient's Federal financial assistance from HUD under the program or activity involved where the recipient has violated the Act and this regulation. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an Administrative Law Judge. Therefore, cases which are settled in mediation, or prior to a hearing, will not involve termination of a recipient's Federal financial assistance from HUD.

(2) Any other means authorized by law including but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations of the recipient created by the Act or this regulation.

(ii) Use of any requirement of or referral to any Federal, State or local government agency that will have the effect of correcting a violation of the Act or this regulation.

(b) HUD will limit any termination under § 146.35 to the particular recipient and particular program or activity HUD finds in violation of this regulation. HUD will not base any part of a termination on a finding with respect to any program or activity of the recipient which does not receive Federal financial assistance from HUD.

(c) HUD will take no action under paragraph (a) of this section until:

(1) The Secretary has advised the recipient of its failure to comply with the Act and this regulation and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have elapsed after the Secretary has submitted a written report of the circumstances and grounds of the action to the committees of the Congress having legislative jurisdiction over the Federal program or activity involved. A report shall be filed whenever any action is taken under paragraph (a) of this section.

(d) The Secretary also may defer processing applications for new Federal financial assistance from HUD to a recipient when a hearing under § 146.35 is initiated.

(1) New financial assistance from HUD includes all assistance for which HUD requires an application or approval, including renewal or continuation of existing activities, or authorization of new activities, during the deferral period. New financial assistance from HUD does not include increases in funding as a result of changed computation of formula awards or assistance approved prior to the beginning of a hearing under § 146.35

(2) HUD will not impose a deferral until the recipient has received a notice of an opportunity for a hearing under § 146.35. HUD will not continue a deferral for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and the Secretary. HUD will not continue a deferral for more than 30 days after the close of the hearing, unless it results in an initial finding of noncompliance against the recipient.

§ 146.36 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by this regulation; or

(b) Cooperates in any mediation, investigation, hearing, or other part of HUD's investigation, conciliation, and enforcement process.

§ 146.37 Hearings, decisions, post-termination proceedings.

Certain HUD procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to HUD enforcement of this regulation. They are 24 CFR 1.9 through 1.12 and 24 CFR 2.1 through 2.13 (See Appendix E).

§ 146.38 Exhaustion of administrative remedies

(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act. Administrative remedies are exhausted if:

(1) 180 days have elapsed since the complainant filed the complaint and HUD has made no finding with regard to the complaint; or

(2) HUD issues any finding in favor of the recipient.

(b) If HUD fails to make a finding within 180 days or issues a finding in favor of the recipient, HUD will:

(1) Promptly advise the complainant of this fact; and

(2) Advise the complainant of his or her right to bring a civil action for injunctive relief, and

(3) Inform the complainant:

(i) That the complainant may bring a civil action only in a United States district court for the district in which the recipient is located or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant shall give 30 days notice by registered mail to the Secretary, the Attorney General of the United States, and the recipient;

(iv) That the notice must state: the alleged violation of the Act; the relief requested, the court in which the complainant is bringing the action; and, whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

§ 146.39 Remedial and affirmative action by recipients.

(a) Where the Secretary finds that a recipient has discriminated on the basis of age, the recipient shall take any remedial action that the Secretary may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated, the Secretary may require both recipients to take remidial action.

(b) Even in the absence of a finding of discrimination, a recipient may take affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age.

§ 146.40 Alternate funds disbursal procedure.

(a) When HUD withholds funds from a recipient under this regulation, the Secretary may disburse the withheld funds directly to an alternate recipient: any public or non-profit private organization or agency, or State or political subdivision of the State.

(b) The Secretary will require any alternate recipient to demonstrate:

(1) The ability to comply with this regulation; and

(2) The ability to achieve the goals of the Federal statute authorizing the program or activity.

Appendix A

The following sections from the governmentwide regulations are repeated for the convenience of commenters.

Coverage and Definitions

Section 90.3 *What programs and activities does the Age Discrimination Act of 1975 cover?*

(a) The Age Discrimination Act of 1975 applies to any program or activity receiving Federal financial assistance, including programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972. [31 U.S.C. 1221 *et seq.*]

(b) The Age Discrimination Act of 1975 does not apply to:

(1) An age distinction contained in that part of a Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body which:

(i) Provides any benefits or assistance to persons based on age; or

(ii) Establishes criteria for participation in age-related terms; or

(iii) Describes intended beneficiaries or target groups in age-related terms.

(2) Any employment practice of any employer, employment agency, labor organization, or any labor-management joint apprenticeship training program, except for any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act of 1974 (CETA), (29 U.S.C. 801 *et seq.*).

Section 90.4 *How are the terms in these regulations defined?*

As used in these regulations, the term:

"Act" means the Age Discrimination

Act of 1975, as amended, (Public Law 95–478).

"Action" means any act, activity, policy, rule, standard, or method of administration; or the use of any policy, rule, standard, or method of administration.

"Age" means how old a person is, or the number of elapsed years from the date of a person's birth.

"Age distinction" means any action using age or an age-related term.

"Age-related term" means a word or words which necessarily imply a particular age or range of ages (for example, "children," "adult," "older persons," but not "student").

"Agency" means a Federal department or agency that is empowered to extend financial assistance.

"Federal financial assistance" means any grant, entitlement, loan, cooperative agreement, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the agency provides or otherwide makes available assistance in the form of:

(a) Funds;

(b) Services of Federal personnel; or

(c) Real and personal property or any interest in or use of property, including:

(1) Transfers or leases of property for less than fair market value or for reduced consideration; and

(2) Proceeds from a subsequent transfer or lease of property if the Federal share of its fair market value is not returned to the Federal Government.

"Recipient" means any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended, directly or through another recipient. Recipient includes any successor, assignee, or transferee, but excludes the ultimate beneficiary of the assistance.

"Secretary" means the Secretary of the Department of Housing and Urban Development.

"United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, the Trust Territory of the Pacific Islands, the Northern Marianas, and the territories and possessions of the United States.

Standards for Determining Age Discrimination

Section 90.12 *Rules against age discrimination.*

The rules stated in this section are limited by the exceptions contained in sections 90.14, and 90.15 of these regulations.

(a) *General rule:*

No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

(b) *Specific rules:*

A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect, on the basis of age, of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financial assistance; or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

(c) The specific forms of age discrimination listed in paragraph (b) of this section do not necessarily constitute a complete list.

Section 90.13 *Definitions of "normal operation" and "statutory objective".*

For purposes of sections 90.14 and 90.15, the terms "normal operation" and "statutory objective" shall have the following meaning:

(a) "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

(b) "Statutory objective" means any purpose of a program or activity expressly stated in any Federal statute, State statute, or local statute or ordinance adopted by an elected, general purpose legislative body.

Section 90.14 *Exceptions to the rules against age discrimination. Normal operation or statutory objective of any program or activity.*

A recipient is permitted to take an action, otherwise prohibited by section 90.12, if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

(a) Age is used as a measure or approximation of one or more other characteristics;

(b) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity;

(c) The other characteristic(s) can be reasonably measured or approximated by the use of age; and

(d) The other characteristic(s) are impractical to measure directly on an individual basis.

Section 90.15 *Exceptions to the rules against age discrimination. Reasonable factors other than age.*

A recipient is permitted to take an action otherwise prohibited by Section 90.12 which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

Remedial and Affirmative Action

Burden of Proof

Section 90.16 *Burden of Proof.*

The burden of proving that an age distinction or other action falls within the exceptions outlined in Sections 90.14 and 90.15 is on the recipient of Federal financial assistant.

Section 90.49 *Remedial and affirmative action by recipients.*

(a) Where a recipient is found to have discriminated on the basis of age, the recipient shall take any remedial action which the agency may require to overcome the effects of the discrimination. If another recipient exercises control over the receipient that has discriminated, both recipients may be required to take remedial action.

Appendix B—HUD Activities

For the information of recipients and other reviewers, the folowing is a summary of activities that the governmentwide regulation requires of HUD. The citation in brackets is to the section of the governmentwide regulation which HUD is summarizing.

(1) Review age distinctions HUD imposes on its recipients to determine whether they are permissible under the Act. HUD will publish the results of that review for public comment 12 months after HUD publishes its final regulation (Section 90.32).

(2) Cooperate with other Federal agencies which provide Federal financial assistance to the same recipient or class of recipients for all compliance and enforcement purposes (Section 90.33).

(3) Submit annual reports to HEW describing HUD's efforts to carry out the Act (Section 90.34).

(4) Attempt to ensure that HUD recipients comply voluntarily with the Act (Section 90.42).

(5) Provide notice of objectives under the Act, and technical assistance to HUD recipients and make available educational materials (Section 90.43).

(6) Review the effectiveness of this regulation 30 months after it becomes effective (Section 90.62).

Appendix C—Federal Financial Assistance of the Department of Housing and Urban Development to Which This Part 146 Applies

1. Advance acquisition of Land. Section 704, Housing and Urban Development Act of 1965, 42 U.S.C. 3104.

2. Advice and Assistance with respect to Housing for Low and Moderate Income Families. Section 106, Housing and Urban Development Act of 1968, as amended by Section 903(a) Housing and Urban Development Act of 1970, 12 U.S.C. 1701x.

3. Alaska Housing Assistance. Section 1004, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3371.

4. College Housing Program. Title IV, Housing Act of 1950, 12 U.S.C. 1749.

5. Community Deposition Program. Atomic Energy Community Act of 1955, Sections 11–13, 21, 31–36, 41–43, 51–57, 61–66, 101–103, 111–119, 42 U.S.C. 2301; E.O. 11105, 28 F.R. 3909.

6. Comprehensive Planning Assistance and Comprehensive Planning Research and Demonstration Programs. Section 701, Housing Act of 1954, 40 U.S.C. 461.

7. Counselling Services to Mortgagors and Prospective Mortgagors. Section 237(e), National Housing Act, 12 U.S.C. 1715z–2.

8. Federal-State Training, and City Planning and Urban Studies Fellowship Programs, Title VIII, Housing Act of 1964, 30 U.S.C. 801–807.

9. Grants for Housing Management Training. Section 803, Housing Act of 1964, 83 Stat. 393 (1969), 84 Stat. 1809 (1970), 20 U.S.C. 803.

10. Home Ownership for Lower Income Families. Section 235, National Housing Act 12 U.S.C. 1715z.

11. Housing for Elderly or Handicapped. Section 202, Housing Act of 1959, 12 U.S.C. 1701q.

12. Loan and Grant Assistance for Planning Housing Projects in Appalachia. Section 207, Appalachian Regional Development Act of 1965, as amended, 81 Stat. 257, 40 U.S.C. App. 207.

13. Low-Income Housing Demonstration Grant Program. Section 207, Housing Act of 1961, 42 U.S.C. 1436.

14. Low-Rent Public Housing Program (including housing in private accommodations). United States Housing Act of 1937, 42 U.S.C. 1401.

15. Model Cities Program. Title I, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3301.

16. Neighborhood Facilities Grants. Section 703 Housing and Urban Development Act of 1965, 42 U.S.C. 3103.

17. New Communities. Title IV, Housing and Urban Development Act of 1968, 42 U.S.C. 3901.

18. Loans and Grants for New Community Development Programs. Sections 701 to 729, Housing and Urban Development Act of 1970, 42 U.S.C. 4511.

19. New Technologies in the Development of Housing for Lower Income Families. Section 108, Housing and Urban Development Act of 1968, 12 U.S.C. 1701z.

20. Open-Space Land Programs. Title VII, Housing Act of 1961, 42 U.S.C. 1500. Note.

21. Public Facilities Liquidating Programs. See, generally, Title II of Independent Offices Appropriation Act of 1955, Public Law 83–428, 12 U.S.C. 1701g–5.

22. Public Facility Loan Program. Title II, Housing Amendments of 1955, 42 U.S.C. 1491–1497 except 1942(a)(2) Assistance for Mass Transportation Facilities and Equipment (transferred to Secretary of Transportation by Reorganization Plan No. 2 of 1968, 33 F.R. 6965).

23. Public Works Acceleration Act Program. Public Works Acceleration Act, 42 U.S.C. 2641.

24. Public Works Planning Advances. Section 702, Housing Act of 1954, 40 U.S.C. 462.

25. Rehabilitation Loan Program. Section 312, Housing Act of 1964, 42 U.S.C. 1452b.

26. Rent Supplement Program. Section 101, Housing and Urban Development Act of 1965, 12 U.S.C. 1701s.

27. Rental and Cooperative Housing for Lower Income Families. Section 236, National Housing Act, 12 U.S.C. 1715z–1.

28. Research and Technology. Title V, Housing and Urban Development Act of 1970, U.S.C. 1701z–1–170 z–4.

29. Sale of Surplus Federal Land for Housing. Section 414, Housing and Urban Development Act of 1969, 40 U.S.C. 484b.

30. Special Assistance Functions. Section 305, National Housing Act, 12 U.S.C. 1720, including purchase of below market interest rate mortgages insured by FHA under Section 221(d)(3). National Housing Act, 12 U.S.C. 1715/(d)(3).

31. Technical Assistance to Contractors or Subcontractors. Section 911(b), Housing and Urban Development Act of 1970, 15 U.S.C. 694(a). Note.

32. Urban Information and Technical Assistance Services. Title IX, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3351 3356.

33. Urban Mass Transportation Programs (Research, Development and Demonstration Projects; Grants for Technical Studies; Grants for Research and Training). Sections 6(a), 9 and 11 of the "Urban Mass Transportation Act of 1964, as amended"; Reorganization Plan No. 2 of 1968, 33 F.R. 6965; 49 U.S.C. 1605(a), 1607(a), 1609(c).

34. Urban Renewal Demonstration Grant Program. Section 314, Housing Act of 1954, 42 U.S.C. 1452a.

35. Urban Renewal Program (Urban Renewal Projects and Neighborhood Development Programs, Code Enforcement Programs, Demolition Programs, Rehabilitation Grants, Interim Assistance Grants, and Community Renewal Programs). Title I, Housing Act of 1949, 42 U.S.C. 1450.

36. Urban Research and Technology. Title III, Housing Act of 1948, 12 U.S.C. 1701a, 1701f; Section 602, Housing Act of 1956, 12 U.S.C. 1701d–3; and Sections 1010 and 1011, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3372 and 3373.

37. Water and Sewer Facilities Grants. Section 702, Housing and Urban Development Act of 1965, 42 U.S.C. 3102.

38. Neighborhood Self-Help Development Act of 1978, 42 U.S.C. 81–23.

39. Community Development Block Grant Program. Title I of the Housing and Community Development Act of 1964, as amended; 42 U.S.C. 5301.

Appendix D—Application of Standards For Determining Age Discrimination

Subpart B of the proposed regulation cites the standards for determining what is age discrimination from the governmentwide regulation (which is set out in Appendix A). The application of these standards is critical to effective enforcement of the Age Discrimination Act. Set out below is the text of each standard, and a discussion of certain important points about the standards.

A. *Rules Against Age Discrimination*

Text of the governmentwide regulations:

General rule:

No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

Specific rules:

A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect, on the basis of age, of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financial assistance, or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

Discussion:

The prohibition against age discrimination does not include an absolute prohibition against separate or different treatment on the basis of age.

As a general rule, separate or different treatment which denies or limits services from, or participation in, a program receiving Federal financial assistance would be prohibited by this regulation. On the other hand, this regulation does not automatically invalidate the provision of services through separate or different treatment on the basis of age. Separate or different

treatment necessary to normal operation or to the achievement of a statutory objective would qualify for an exception under this regulation. 44 F.R. 33772.

B. *Age Distinctions "Established Under Authority of Any Law"*

Text of the governmentwide regulation:

The Age Discrimination Act of 1975 does not apply to:

(1) The age distinction contained in that part of a Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body which:

(i) Provides any benefits or assistance to persons based on age;

(ii) Establishes criteria for participation in age-related terms; or

(iii) Describes intended beneficiaries or target groups in age-related terms.

Discussion:

The Age Discrimination Act covers all programs and activities that receive assistance from HUD. However, it does not apply to age distinctions "established under authority of any law" that provides benefits or establishes criteria for participation on the basis of age or in age-related terms. The governmentwide regulation has defined the term "any law" to mean age distinctions which are contained in a Federal statute, a State statute, or a local statute or ordinance adopted by an elected, general purpose legislative body. This provision exempts only age distinctions which provide benefits, establish criteria for participation or describe intended beneficiaries. This provision does not provide an automatic exemption to age distinctions that are contained in regulations or in ordinances enacted by bodies which are not elected or are special purpose even though elected, such as Commissioners or members of Housing Authority Boards. The final HUD regulation will contain an appendix listing the age distinctions that are found in Federal statutes administered by HUD in Appendix C.

C. *Age Distinctions that are Necessary to Normal Operation or to the Achievement of a Statutory Objective.*

Text of the general, governmentwide regulation:

Definitions of "normal operation" & "statutory objectives."

* * * The terms "normal operation" and "statutory objective" shall have the following meanings:

(a) "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

(b) "Statutory objective" means any purpose of a program or activity expressly stated in any Federal statute, State statute, or local statute or ordinance adopted by an elected, general purpose legislative body.

Exceptions to the rules against age discrimination. Normal operation or statutory objective of any program or activity.

A recipient is permitted to take an action otherwise prohibited if the action reasonably takes into account age as a factor necessary to the normal operation of the achievement of any statutory objective or a progam or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

(a) Age is used as a measure of approximation of one or more other characteristics; and

(b) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activitiy; and

(c) The other characteristic(s) can be reasonably measured or approximated by the use of age; and

(d) The other characteristic(s) are impractical to measure directly on an individual basis.

Discussion

These sections of the governmentwide regulation establish a four-part test for explicit age distinctions which are claimed to be necessary to the normal operation of a program or activity, or to the achievement of a statutory objective. HUD will use the HEW four-part test to scrutinize age distinctions.

If the age distinction in question fails any part of the four-part test, the recipient of Federal funds may not continue to use that age distinction.

The four-part test is designed to require careful scrutiny of age distinctions in programs receiving Federal financial assistance. The four-part test is designed to weed out age distinctions that are neither directly related to an essential characteristic of a program nor are based on explicitly stated objectives of a law. It is not intended to serve as a basis for permitting continued use of age distinctions for the sake of administrative convenience, if this results in denial or limitation of services on the basis of age.

HUD encourages its recipients to apply every age distinction flexibly, that is, to permit a person, upon a proper showing of the necessary characteristic, to participate in the activity or program even though he or she would otherwise be barred by the age distinction. Other things being equal, an age distinction is more likely to qualify under any of the statutory exceptions if it does not automatically bar all those who do not meet the age requirements.

D. *The Use of Factors Other Than Age*

Text of the general, governmentwide regulation:

"A recipient is permitted to take an action otherwise prohibited . . . which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective."

Discussion

The Age Discrimination Act permits a recipient of Federal funds to take an action otherwise prohibited by the act, if the action is based on "reasonable factors other than age," even though that action may have a more severe effect on one age group than on another. To justify rules or operating procedures which disadvantage any age group when age is not explicitly mentioned, HUD recipients must demonstrate that these procedures have a "direct and substantial" relationship to specific program objectives.

E. *The Use of Special Benefits for Children and the Elderly*

Text of the governmentwide regulation:

"If a recipient operating a program which serves the elderly or children in addition to persons of other ages, provides special benefits to the elderly or to children the provision of those benefits shall be presumed to be voluntary affirmative action provided that it does not have the effect of excluding otherwise eligible persons from participation in the program."

Discussion:

The governmentwide regulation permits a recipient operating a program which serves the elderly or children in addition to persons of other ages to provide special benefits for children or the elderly if, by doing so, the recipient does not exclude others who are eligible from participating in the federally-assisted program.

The special benefits provision resulted from HEW's belief that Congress did not intend to disturb the practices of recipients which provide special benefits to children or the elderly in programs that are also available to a wider age range of the population. These special benefits often take the form of special discounts, or special seating arrangements.

The governmentwide regulation leaves to the recipient the definition of who qualifies as "children" or the "elderly" for purposes of receiving a special benefit. However, HUD does not intend this provision to be used to justify a program which provides services *only* to children or to the elderly.

Appendix E—Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PART 1—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

§ 1.9 Hearings

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 1.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible Department official that the matter be scheduled for hearing, or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph (a) or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 1.8(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the responsible Department official unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the responsbile Department official or, at his discretion, before a hearing examiner designated in accordance with sections 3105 and 3344 of title 5, United States Code.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 and in accordance with the Practice and Procedure for Hearings issues by the Department and published in Part 2 of this subtitle relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this Part 1, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the Department and the applicant or recipient, and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this Part 1 with respect to two or more programs or activities to which this Part 1 applies, or noncompliance with this Part 1 and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint heartings, and for the application to such hearings of rules of procedure not inconsistent with this Part 1. Final decisions in such cases insofar as this Part 1 is concerned, shall be made in accordance with § 1.10.

§ 1.10 Decisions and Notices

(a) *Decision by person other than the responsible Department official.* If the hearing is held by a hearing examiner, such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible Department official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient by certified or registered mail, return receipt requested. Where the initial decision is made by the hearing examiner, the applicant or recipient may, within the period provided for in the rules of Practice and Procedure for Hearings issued by the Department (Part 2 of this subtitle), file with the responsible Department official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Department official may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the responsible Department official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Department official, in which event a copy shall also be sent to the complainant.

(b) *Decisions on record or review by the responsible Department official.* Whenever a record is certified to the responsible Department official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Department official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Department official shall be given in writing to the applicant or recipient, and to the complainant, if any, by certified or registered mail, return receipt requested.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 1.9(a) a decision a hearing examiner or responsible Department official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any, by certified or registered mail, return receipt requested.

(d) *Rulings required.* Each decision of a hearing examiner or responsible Department official shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this Part 1 with which it is found that the applicant or recipient has failed to comply.

(e) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue, Federal financial assistance, in whole or in part, to the program or activity involved and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this Part 1, including provisions designed to assure that no Federal financial assistance will thereafter be extended for such program or activity to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this Part 1, or to have otherwise failed to comply with this Part 1, unless and until it corrects its noncompliance and satisfies the responsible Department official that it will fully comply with this Part 1.

(f) *Posttermination proceedings.* (1) An applicant or recipient adversely affected by

an order issued under paragraph (e) of this section shall be restored to full eligibility to receive Federal finanacial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this Part 1 and provides reasonable assurance that it will fully comply with this Part 1.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (e) of this section may at any time request the responsible Department official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the responsible Department official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible Department official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with the Practice and Procedure for Hearings issued by the Department (Part 2 of this subtitle). The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (e) of this section shall remain in effect.

§ 1.11 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 1.12 Effect on other regulations; forms and instructions.

(a) *Effect on other regulations.* All regulations orders, or like directions heretofore issued by any officer of the Department which impose requirements designed to prohibit any discrimination against persons on the ground of race, color, or national origin under any program or activity to which this Part 1 applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant or recipient for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this Part 1, except that nothing in this Part 1 shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to January 3, 1965. Nothing in this Part 1, however, shall be deemed to supersede any of the following (including future amendments thereof):

(1) Executive Orders 11246 and 11375 and regulations issued thereunder, or

(2) Executive Order 11063 and regulations issued thereunder, or any other order, regulations or instructions, insofar as such order, regulations, or instructions, prohibit discrimination on the ground of race, color, or national origin in any program or activity or situation to which this Part 1 is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The responsible Department official shall assure that forms and detailed instructions and procedures for effectuating this Part 1 are issued and promptly made available to interested persons.

(c) *Supervision and coordination.* The Secretary may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government with the consent of such department or agency, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this Part 1 (other than responsibility for final decision as provided in § 1.10), including the achievement of effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of title VI and this Part 1 to similar programs or activities and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by the responsible official of this Department.

Effective date. This part shall be effective July 5, 1973.

James T. Lynn,

Secretary of Housing and Urban Development.

PART 2—PRACTICE AND PROCEDURE FOR HEARINGS UNDER PART 1 OF THIS SUBTITLE

Subpart A—General Information

§ 2.1 Scope of rules.

The rules of procedure in this Part 2 supplement Part 1 of this title and govern the practice for hearings, decisions, and administrative review conducted by the Department of Housing and Urban Development, including each of its organizational units, pursuant to Title VI of the Civil Rights Act of 1964 (sec. 602, 42 U.S.C. 2000d-1) and Part 1 of this title.

§ 2.2 Records to be public.

All pleadings, correspondence, exhibits, transcripts of testimony, exceptions, briefs, decisions, and other documents filed in the docket in any proceeding may be inspected and copied in the office of the Civil Rights docket clerk during regular business hours. Inquiries may be addressed to the Civil Rights docket clerk, Department of Housing and Urban Development, Washington, D.C. 20410.

§ 2.3 Use of gender and number.

As used in this part, words importing the singular number may extend and be applied to several persons or things, and vice versa. Words importing the masculine gender may be applied to females or organizations.

§ 2.4 Suspension of rules.

The responsible Department official with respect to pending matters may modify or waive any rule in this part upon his determination that no party will be unduly prejudiced and the ends of justice will thereby be served, and upon notice to all parties.

Subpart B—Appearance and Practice

§ 2.11 Appearance.

A party may appear in person or by counsel and participate fully in any proceeding. A State agency or any instrumentality thereof, a polictical subdivision of the State or instrumentality thereof, or a corporation may appear by any of its officers or employees duly authorized to appear on its behalf. Counsel must be members in good standing of the bar of any State, Territory, or possession of the United States or of the District of Columbia or the Commonwealth of Puerto Rico.

§ 2.12 Authority for representation.

Any individual acting in a representative capacity in any proceeding may be required to show his authority to act in such capacity.

§ 2.13 Exclusion from hearing for misconduct.

Disrespectful, disorderly, or contumacious language or contemptuous conduct, refusal to comply with directions, or continued use of dilatory tactics by any person at any hearing before a presiding officer shall constitute grounds for immendiate exclusion of such person from the hearing by the presiding officer.

(Age Discrimination Act of 1975 (Pub. L. 95–478), Department of Housing and Urban Development, 42 U.S.C. 6101, et. seq.)

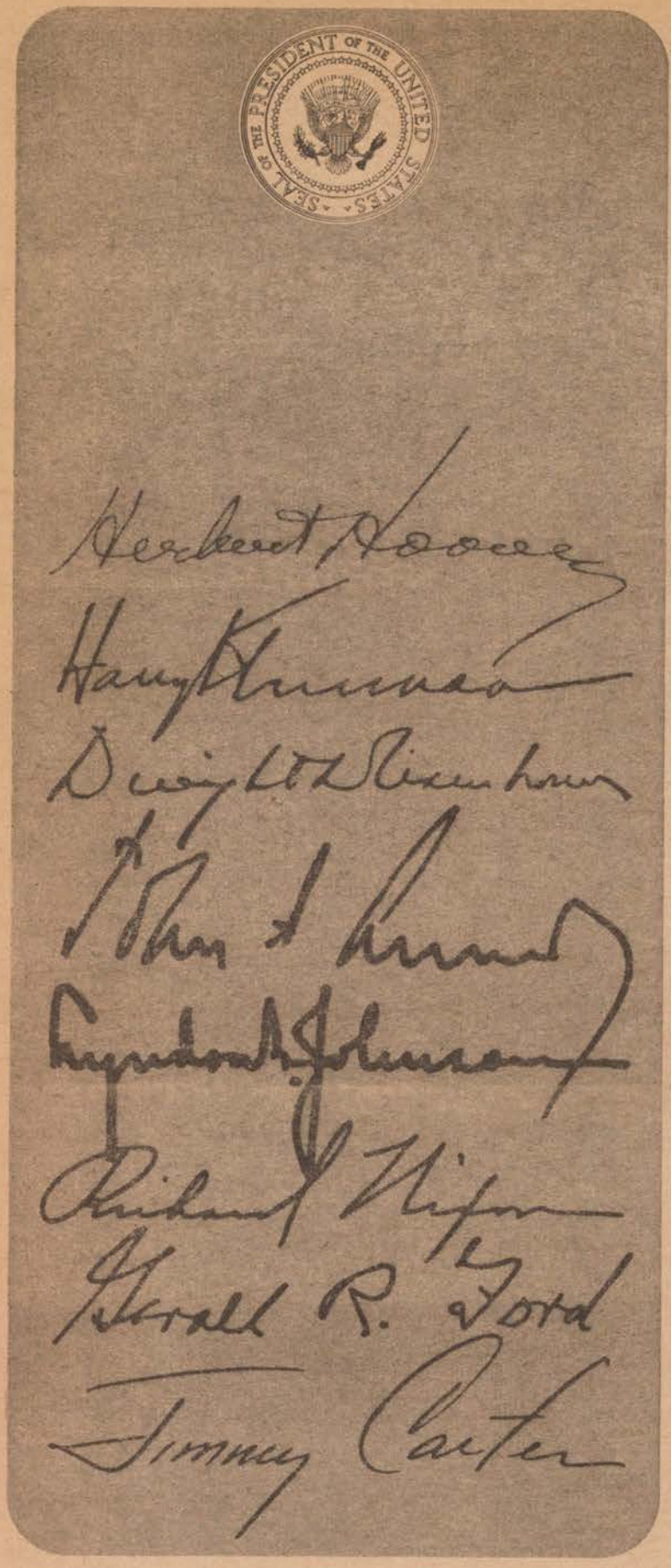
Issued at Washington, D.C., September 19, 1980.

Moon Landrieu,

Secretary, U.S. Department of Housing and Urban Development.

[FR Doc. 80-34309 Filed 11-3-80; 8:45 am]

BILLING CODE 4210-01-M



Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are now available:

Herbert Hoover

1929 ..... $13.30
1930 ..... $16.00
1931 ..... $14.00
1932–33 ..... $17.25

Proclamations & Executive Orders - March 4, 1929 to March 4, 1933
2 Volume set $24.55

Harry S. Truman

1945 ..... $11.75
1946 ..... $10.80
1947 ..... $11.15
1948 ..... $15.95
1949 ..... $11.80
1950 ..... $13.85
1951 ..... $12.65
1952–53 ..... $18.45

Dwight D. Eisenhower

1953 ..... $14.60
1954 ..... $17.20
1955 ..... $14.50
1956 ..... $17.30
1957 ..... $14.50
1958 ..... $14.70
1959 ..... $14.95
1960–61 ..... $16.85

John F. Kennedy

1961 ..... $17.00
1962 ..... $15.55
1963 ..... $15.35

Lyndon B. Johnson

1963–64
(Book I) $15.00
1963–64
(Book II) $15.25
1965
(Book I) $12.25
1965
(Book II) $12.35
1966
(Book I) $13.30
1966
(Book II) $14.35
1967
(Book I) $12.85
1967
(Book II) $11.60
1968–69
(Book I) $14.05
1968–69
(Book II) $12.80

Richard Nixon

1969 ..... $17.15
1970 ..... $18.30
1971 ..... $18.85
1972 ..... $18.55
1973 ..... $16.50
1974 ..... $12.30

Gerald R. Ford

1974 ..... $16.00
1975
(Book I) $13.50
1975
(Book II) $13.75
1976–77
(Book I) $18.00
1976–77
(Book II) $18.00
1976–77
(Book III) $18.00

Jimmy Carter

1977
(Book I) $16.00
1977
(Book II) $15.25
1978
(Book I) $18.00
1978
(Book II) $23.00
1979
(Book I) $22.00

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402