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6-22-79
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federal register

Book 1 of 2 Books
Friday, June 22, 1979

Highlights

36410 **CETA Funds** Labor/ETA proposes to revise rules concerning when funds may be used with respect to religious elementary and secondary schools, and other religious activities; comments by 7–23–79

36504 **Displaced Homemakers Program** Labor/ETA announces plans for allocating and distributing funds

36378 **Over-the-Counter Daytime Sedatives** HEW/FDA publishes final decision that any ingredient intended for this use is not generally recognized as safe and effective; effective 12–24–79

36495 **Summer Youth Employment Program** Labor/ETA publishes prime sponsor allocations; effective 5–16–79

36421 **OTC Vitamin and Mineral Drug Products** HEW/FDA extends comment period on proposal to establish safety, effectiveness, and labeling; comments by 7–16–79, reply comments by 9–14–79

36396 **Free and Reduced Price Meals and Milk in Schools** USDA/FNS extends comment period on proposed eligibility criteria; comments by 7–2–79

36396 **Food Distribution Program** USDA/FNS proposes to revise and republish rules

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Area Code 202–523–5240

Highlights

36437 **Races to the Courthouse** EPA proposes additional issue for comment under Clean Water Act to provide greater fairness; comments by 8–3–79

36698 **Housing** HUD proposes to amend schedules that set Fair Market Rents and Housing Assistance Payments Programs for Existing Housing; comments by 7–23–79 (Part III of this issue)

36890, 36905 **Housing** USDA/FmHA implements Technical and Supervisory Assistance Grant program intended to provide funding to eligible organizations for counseling for future FmHA loan borrowers; effective 6–22–79 (Part VII of this issue) (2 documents)

36862 **Health Maintenance Organization** HEW/PHS proposes amendments to operation requirements; comments by 8–21–79 (Part IV of this issue)

36600 **Employee Retirement Income Security** Labor proposes to provide limited relief from certain reporting, disclosure, and claims procedure requirements; comments by 8–21–79 (Part II of this issue)

36397 **Importation of Animals** USDA/APHIS proposes to delete certain designated ports; comments by 8–21–79

36868 **Animal Welfare** USDA/APHIS sets standards to govern humane handling, care, treatment, and transportation of warmblooded aquatic animals or marine mammals; effective 9–20–79 (Part V of this issue)

36411 **Color Additives** HEW/FDA terminates proposal on listing specifications, and intends to propose new rules on lakes of color additives; comments by 8–21–79 (2 documents)

36386 **Outer Continental Shelf Leasing** Interior/BLM amends rules relating to joint bidding requirements; effective 6–22–79

36581 **Sunshine Act Meetings**

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36698 **Part III, HUD**
36862 **Part IV, HEW/PHS and Labor/PWBP**
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Parts 722, 728, 775

Feed Grain, Upland Cotton, and Wheat Programs; Miscellaneous Deletions of Certain Regulations

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: The purpose of this document is to delete from the Code of Federal Regulations certain regulations concerning the feed grain, upland cotton, and wheat programs which are no longer required and were suspended for 1978 and later crop years by the provisions of 7 CFR Part 713. Any obligation or liability incurred, or any rights retained or accrued under these regulations are not affected by their deletion.

EFFECTIVE DATE: June 22, 1979.

FOR FURTHER INFORMATION CONTACT: Charles J. Riley, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013 (202) 447-7633.

SUPPLEMENTARY INFORMATION: In view of the fact that the purpose of this document is to delete from the Code of Federal Regulations certain regulations which are no longer applicable to the 1978 and subsequent crops of upland cotton, wheat and feed grains, it has been determined that it is impractical and contrary to the public interest to comply with the public rulemaking requirement of 5 USC 553 and Executive Order 12044.

Final Rule

Accordingly, the following regulations as provided for in 7 CFR are hereby deleted:

PART 722—COTTON

§§ 722.401 through 722.423 [Deleted]
§§ 722.463 through 722.468 [Deleted]
§ 722.563 [Deleted and Reserved]
§§ 722.801 through 722.819 [Deleted]

In Part 722—Cotton, Subpart—Base Acreage Allotments for 1974 and succeeding Crops of Upland Cotton (722.401 through 722.423); Subpart—1977 Crop of Upland Cotton, Base Acreage Allotments (722.463 through 722.468); and Subpart—Upland Cotton Program for 1974 and Succeeding Crops (722.801 through 722.819) are deleted. Section 722.563, County Reserves for the 1973 crop of extra long staple cotton is deleted and reserved.

PART 728—WHEAT

§§ 728.1 through 728.25, 728.301, and 728.302 [Deleted]

In Part 728—Wheat, Subpart—Regulations pertaining to Wheat Program for Crop Years 1975–1977 and 1978 Crop of Wheat, Acreage Allotments and Marketing Quotas (728.1 through 728.25, 728.301, and 728.302) are deleted.

PART 775—FEED GRAINS

§§ 775.1 through 775.25 [Deleted]

In Part 775—Feed Grains, Subpart—Regulations pertaining to Feed Grain Program for Crop Years 1975–1977 (775.1 through 775.25) are deleted.

Note.—This document has been determined not significant under the USDA criteria implementing Executive Order 12044.

(Sec. 103, 84 Stat. 1374, 7 U.S.C. 1444; sec. 107, 84 Stat. 1358, 87 Stat. 230, 87 Stat. 944, 7 U.S.C. 1441; sec. 107, 84 Stat. 1359, 87; 224, 87 Stat. 944, 7 U.S.C. 1445a; secs. 103, 344a, 375, 52 Stat. 38, 59 Stat. 1197, 7 U.S.C. 1301, 1350.)

Signed at Washington, D.C., on June 13, 1979.

Ray Fitzgerald,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-19243 Filed 6-21-79; 8:45 am]

BILLING CODE 3410-05-M

7 CFR Part 725

[Amdt. 12]

Flue-Cured Tobacco; 1978–79 Average Market Price and 1979–80 Penalty Rate

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule contains the average market price received by producers for the 1978–79 marketings and the penalty rate for excess tobacco for the 1979–80 marketing year. The penalty rate is 75 percent of the previous year market average, as required by Section 314 of the Agricultural Adjustment Act of 1938, as amended.

EFFECTIVE DATE: June 22, 1979.

FOR FURTHER INFORMATION CONTACT: Raymond S. Fleming, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C 20013, (202) 447-7935.

SUPPLEMENTARY INFORMATION: Since the 1978–79 average market price producers received for flue-cured tobacco and the rate of penalty reflect mathematical computations rather than substantive changes, I have determined that compliance with the public rulemaking requirements of 5 U.S.C. 553 and the provisions of Executive Order 12044 is impracticable and contrary to the public interest. Therefore, this amendment shall become effective upon publication in the **Federal Register.**

Final Rule

Accordingly, 7 CFR Part 725 is amended by revising section 725.92(b) to read as follows:

§ 725.92 Rate of Penalty.

* * * * *

(b)(1) *Average market price.* The average market prices as determined by the Crop Reporting Board for the marketing years specified were:

Average Market Price

	Cents per pound
Marketing year:	
1972–73	85.3
1973–74	88.1
1974–75	105.0
1975–76	99.8

Average Market Price—Continued

	Cents per pound
1976–77	110.4
1977–78	117.6
1978–79	135.0

(2) *Rate of penalty per pound.* The penalty per pound for marketings of excess tobacco subject to marketing quotas during the marketing years specified shall be:

Rate of Penalty

	Cents per pound
Marketing year:	
1973–74	64
1974–75	66
1975–76	79
1976–77	75
1977–78	83
1978–79	88
1979–80	101

(Sec. 301, 313, 314, 316, 317, 363, 372–375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65–66, as amended, 72 Stat. 995; sec. 401, 63 Stat. 1505, as amended sec. 106, 122, 125, 70 Stat. 191, 195, 198, as amended, sec. 16(e) 76 Stat. 606 (7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372–1375, 1377, 1378, 1421, 1813, 1824, 1836) (16 U.S.C. 590 p(e)))

Note.—This regulation has been determined not significant under USDA criteria implementing Executive Order 12044.

Signed at Washington, D.C., on June 12, 1979.

Ray Fitzgerald,

Administrator, Agricultural Stabilizaton and Conservation Service.

[FR Doc. 79-19115 Filed 6-21-79; 8:45 am]

BILLING CODE 3410-05-M

7 CFR Part 760

[Amdt. 1]

Dairy Indemnity Payment Program (1977–1981)

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to amend the Dairy Indemnity Payment Program Regulations to (1) simplify the procedure for calculating dairy indemnity payments; (2) clarify the requirements for determining whether an affected producer has other legal recourse; (3) cover cases of "double indemnity;" (4) clarify the requirements for submission of information to accompany a claim; and (5) notify dairy farmers and manufacturers of dairy products that funds for making indemnity payments for claims filed after the date of this amendment may not be available.

EFFECTIVE DATE: June 22, 1979.

FOR FURTHER INFORMATION CONTACT: Gerald Schiermeyer, Emergency and Indemnity Programs Division, ASCS, USDA, Room 4095, South Building, Washington, D.C. 20013, Telephone: (202) 447–4428.

SUPPLEMENTAL INFORMATION: The proposed rules for amending the Dairy Indemnity Payment Program Regulations were published in the Federal Register on March 30, 1979 (44 FR 18978) and interested persons were invited to submit comments on the proposal by May 29, 1979. No written comments were received. The proposed rules as published (with minor clerical changes) are being adopted in the final amendment.

Subsequent to the publication of the proposed rule, it became apparent that unless further appropriations are made for this program, sufficient funds may not be available to make indemnity payments to dairy farmers and manufacturers of dairy products. Executive Order 12044 (43 FR 12661, March 24, 1978) requires at least 60 days public comment on proposed significant regulations except where the Agency determines that this is not possible or not in the best interests of producers.

Since the availability of funds is not a subject that lends itself to public comment, I have determined that compliance with the notice of proposed rulemaking and public procedure requirements of 5 U.S.C. 553 and the requirements of Executive Order 12044 is contrary to public interest. Accordingly, § 760.33, concerning the availability of funds, is added without compliance with such procedure and requirements.

Final Rule

Accordingly, 7 CFR Part 760, Subpart—Dairy Indemnity Payment Program is amended to read as follows:

1. Section 760.2 is amended by adding a new paragraph (u):

§ 760.2 Definitions.

* * * * *

(u) "Base period" means the calendar month or 4-week period immediately preceding removal of milk from the market.

2. Section 760.4 is amended by deleting paragraphs (b) and (c) and adding new paragraphs (b) and (c):

§ 760.4 Normal marketings of milk.

* * * * *

(b) Normal marketings for each pay period are based on the average daily production during the base period.

(c) Normal marketings determined in paragraph (b) of this section are adjusted for any change in the daily average number of cows milked during each pay period the milk is off the market compared with the average number of cows milked daily during the base period.

3. Section 760.6 is amended by deleting paragraphs (c), (d), and (j) and adding new paragraphs (c), (d), and (j).

§ 760.6 Information to be furnished.

The affected farmer shall furnish to the county committee complete and accurate information sufficient to enable the county committee or the Deputy Administrator to make the determinations required in this subpart. Such information shall include, but is not limited to:

* * * * *

(c) The quantity and butterfat test of whole milk produced and marketed during the base period. This information must be a certified statement from the affected farmer's milk handler or any other evidence the county committee accepts as an accurate record of milk production and butterfat tests during the base period.

(d) The average number of cows milked during the base period and during each pay period in the application.

* * * * *

(j) Such other information as the county committee may request to enable the county committee or the Deputy Administrator to make the determinations required in this subpart.

4. Section 760.9 is amended to read as follows:

§ 760.9 Other legal recourse.

(a) No indemnity payment shall be made for contaminated milk resulting from residues of chemicals or toxic substances if, within 30 days after receiving a completed application, the Deputy Administrator determines that other legal recourse is available to the farmer. An application shall not be deemed complete unless it contains all information necessary to make a determination as to whether other legal recourse is available to the farmer. However, notwithstanding such a determination, the Deputy Administrator may reopen the case at a later date and make a new

determination on the merits of the case as may be just and equitable.

(b) In the event that a farmer receives an indemnity payment under this subpart, and such farmer is later compensated for the same loss by the person (or the representative or successor in interest of such person) responsible for such loss, the indemnity payment shall be refunded by the farmer to the Department of Agriculture: Provided, that the amount of such refund shall not exceed the amount of other compensation received by the farmer.

5. A new § 760.33 effective for fiscal 1979 and subsequent years is added to read as follows:

§ 760.33 Availability of funds.

Payment of indemnity claims filed after June 22, 1979, will be contingent upon availability of funds to the Department to pay such claims.

(Sec. 1, 2, 3, Pub. L. 90–484, Stat. 750, as amended; sec. 204, Pub. L. 91–524, 84 Stat. 1361; sec. 5, Pub. L. 93–86, 87 Stat. 223; sec. 205, Pub. L. 95–113, 91 Stat. 920 (7 U.S.C. 450 j, k, l).)

Note.—This regulation has been determined to be not significant under the USDA criteria implementing Executive Order 12044. An approved impact analysis on the program regulations is available from the Emergency and Indemnity Programs Division, Room 4095, South Building, ASCS, USDA, Washington, D.C. 20013.

Signed at Washington, D.C. on June 12, 1979.

Ray Fitzgerald,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79–19110 Filed 6–21–79; 8:45 am]

BILLING CODE 3410–05–M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 204]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period June 24–30, 1979. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: June 24, 1979.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on June 19, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons continues good.

It is further found that its is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.504 Lemon Regulation 204.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period June 24, 1979, through June 30, 1979, is established at 330,000 cartons.

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

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

Dated: June 20, 1979.

D. S. Kuryloski,

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

[FR Doc. 79–19728 Filed 6–21–79; 11:05 am]

BILLING CODE 3401–02–M

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7 CFR Part 991

Handling of Hops of Domestic Production; Amendment of Administrative Rules and Regulations

Correction

In FR Doc. 79–17329 appearing at page 32194 in the issue for Tuesday, June 5, 1979, make the following corrections:

(1) On page 32195, in the first column, in § 991.138(d)(2), in the 5th line, substitute the word "application" for the word "applicant".

(2) On page 32195, in the middle column, in § 991.138(e), in the 4th line from the top of the page, insert the word "allotment" after the word "additional".

BILLING CODE 1505–01–M

Commodity Credit Corporation

[Amdt. 5]

7 CFR Part 1435

Relocating 1978 Crop Loan Sugar; Transportation Reimbursement

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule sets forth the terms and conditions under which the Commodity Credit Corporation (CCC) will reimburse processors for the transportation cost incurred in relocating 1978 crop loan sugar to alternate storage sites when the present storage space is needed for new crop sugar. CCC will pay transportation costs only with respect to that quantity which the processor intends to forfeit to CCC upon maturity of the loan.

Considerable quantities of 1978 crop sugar under CCC loan were stored in warehouses situated to receive sugar as it is processed. This space is needed for the storage of 1979 crop sugar. Since loans will not mature until after the beginning of the 1979 crop harvest, CCC's obligation to move forfeited sugar will not occur in time for the space involved to be made available for the new crop.

This action will enhance the ability of processors to free storage space needed for the 1979 crop by CCC paying, in advance of loan maturity, substantial part of the cost of relocating 1978 crop loan sugar. Since processors will only be reimbursed for the transportation cost incurred in relocating sugar intended for forfeiture at loan maturity, CCC will not incur additional expenses to those which would normally be incurred upon maturity of the price support loans. This

rule will authorize reimbursement for transportation expenses incurred with respect to 1978 crop loan sugar relocated not earlier than 60 days before the normal beginning of harvest of the 1979 crop, which 60-day period began in some areas prior to January 1979.

EFFECTIVE DATE: This amendment shall become effective June 22, 1979.

FOR FURTHER INFORMATION CONTACT: Laurence E. Ackland, ASCS, PSD (202–447–5647), P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: Section 902 of the Food and Agriculture Act of 1977 (Pub. L. 95–113, 91 Stat. 949, effective October 1, 1977) amended Section 201 of the Agricultural Act of 1949 to provide that the price of the 1977 and 1978 crops of sugarbeets and sugarcane shall be supported through loans or purchases with respect to the processed products thereof.

A final rule implementing a price support loan program for the 1978 crop of sugarbeets and sugarcane was published in the Federal Register on June 7, 1978 (43 FR 24663). Amendments to the 1978 crop program were published on August 23, 1978 (43 FR 37419), on August 30, 1978 (43 FR 38686), on October 30, 1978 (43 FR 50410), and on February 15, 1979 (44 FR 9733).

Under the 1977 crop price support loan program, relocation reimbursement was provided for loan sugar which occupied storage space needed for the 1978 crop. The 1977 crop relocation provision was adopted in response to the needs of several mainland sugarcane processors who in the fall of 1978 experienced the same problem sugarcane processors in domestic offshore producing areas, particularly Puerto Rico, recently faced. Harvest of the 1979 crop in those areas began in January 1979 and on-site storage space was occupied by 1978 crop sugar under loan.

Hawaiian and Puerto Rican processors did not participate in the 1977 crop loan program, and sugarbeet processors had redeemed enough of their quantities under loan by October 1978 that they did not need to make use of the 1977 crop relocation provision. For the 1978 crop, however, quantities of sugar in storage and under loan in Puerto Rico, and possibly in Hawaii, created an immediate space availability problem for the 1979 crop. A need is also anticipated later this year within most other domestic producing areas because the total quantity of 1978 crop sugar placed under loan is expected to be about twice that of the 1977 crop.

Because of this storage situation and in response to a specific request expressed by the sugar industry in Puerto Rico, the Secretary of Agriculture gave notice on February 16, 1979 (44 FR 10069) that he was considering a proposal to reimburse processors for the cost of relocating certain 1978 crop sugar under CCC price support loan.

Although the proposed rule was very similar to the final relocation reimbursement regulations implemented for 1977 crop loans, three significant differences existed:

(1) Fixed rates for reimbursement of the loading-out and loading-in portion of relocation expense would be established. Such expenses for the 1977 crop were reimbursed on an "actual" basis. This proved to be difficult and time-consuming because of the need to determine the direct relationship to loading-out and loading-in of a variety of bills submitted.

(2) Refund of relocation reimbursement would be required if sugar less favorably located in relation to normal markets was substituted for sugar relocated at CCC expense.

(3) Because 1978 crop relocation reimbursement would be offered earlier in the "loan year" than was done for the 1977 crop, reimbursement would not be permitted for relocation made earlier than 60 days before the normal beginning of harvest of the 1979 crop for which the storage space is needed.

Respondents were asked to give careful consideration to all aspects of the proposal and to provide cost data which would be useful in establishing fixed loading-out and loading-in rates.

Thirteen processors (10 sugarcane and 3 sugarbeet) responded. Comments were also received from the Florida Sugar Marketing and Terminal Association (which represents 5 of the 6 Florida processors); the American Sugar Cane League (which represents Louisiana processors and producers); two State Agricultural Stabilization and Conservation Committees (Florida and Louisiana); the United States Cane Sugar Refiners' Association; and one major commercial sugar user who is also a cane sugar refiner (Borden Foods). All of the respondents except the Cane Refiners' Association favored the proposal or expressed no specific objections.

The rationale of the single opposing comment was that relocation reimbursement would encourage forfeiture and tend to keep sugar out of the marketplace. A secondary position was that if relocation reimbursement is provided despite this opposition, such relocation should not be permitted beyond 50 to 100 miles so that sugar could not be channelled from one traditional market to an entirely different part of the country.

Most of those who responded favorably to the proposed rule nevertheless recommended changes. Considerable documentation was offered to show that the proposed "60 days prior to harvest" limitation would not allow enough time to effect necessary relocation. Of the 8 respondents who made this observation, 7 recommended a 120-day time period.

Two respondents felt that sugar forfeited to CCC should automatically qualify for prior costs incurred in moving such sugar from normal factory storage to other locations.

Two beet sugar processors asserted that, because facilities for bulk storage are limited to factory locations, any beet sugar which is relocated would have to be bagged sugar. They felt that the cost of bagging should therefore qualify for relocation reimbursement.

Two respondents requested that consideration be given to the idea that loan sugar be relocated to refinery storage. The refiner would be permitted to rotate stocks, thus giving CCC newer sugar in the event of forfeitures but guaranteeing that an equivalent quantity of sugar (raw and/or refined) would be maintained at all times.

While 10 respondents submitted at least some data on loading-out and loading-in costs, only two agreed that fixed rates should be established. Five respondents recommended that reimbursement be made for actual costs.

Ranges of costs for loading-out and loading-in (combined), including an actual negotiated cost previously reported by the Florida State ASCS Office for movement of forfeited raw cane sugar were:

Raw cane sugar, bulk (per cwt.)—.108 to. 450.
Refined beet sugar, bulk (per cwt.)—.144 (only one report).
Refined beet sugar, bagged (per cwt.)—.30 to .38.

After careful consideration of all comments and all other information available, it has been determined that no reimbursement should be made for the loading-out and loading-in portion of relocation expenses. Because of the limited cost data submitted and the wide variation therein, an inadequate basis exists for establishing fixed reimbursement rates for those operations. The only other way of reimbursing processors for loading-out and loading-in costs would be on an actual expense basis, as was done for the 1977 crop. The Department feels that

the administrative difficulties already experienced through this approach are so significant that it cannot be practicably or equitably adopted.

Even though reimbursement will be made transportation expenses only, the major element of relocation cost will nevertheless be covered. The portion not covered ("out and in" expenses) would be recoverable by processors to the extent that the availability of storage space would permit 1979 crop sugar to be held for higher prices rather than being forced to be moved directly to market. If a 1979 crop loan program is provided, the availability of operating funds at a relatively low interest rate would also be a realized benefit.

A major concern also arose within the Department because loan interest forgiveness provisions in sugar legislation now being considered by the Congress could be undermined by full relocation cost reimbursement. In such a situation, forgiveness of all accrued loan interest would not achieve redemption for relocated sugar when the market price reaches the 15.8-cent per pound market price objective proposed in legislation now being considered by the Congress. Payment of only transportation costs, however, will permit interest forgiveness, if enacted, to accomplish its redemption objective.

In the notice of proposed rulemaking it was proposed that relocation reimbursement be required to be refunded if other sugar less favorably situated in relation to normal markets is substituted for the relocated sugar. No provision for such refund is made in the final rule since the Department now feels that the requirement that alternate storage space be available, under terms acceptable to CCC, for the continued storage of such sugar after forfeiture precludes permitting substitution for sugar receiving relocation reimbursement.

Although respondents strongly indicated that reimbursable relocation should be permitted earlier than 60 days before the beginning of harvest, it is believed that the 60-day period contained in the proposed regulations is justifiable. The proposal did not refer to a period prior to the beginning of loan maturity. Rather, processors would be able to begin relocation at CCC expense 60 days prior to the beginning of harvest. Movement to alternate storage could take place during the 60 days—which in turn would open up enough of the processor's on-site storage space to begin storing the 1979 crop—and continue thereafter during the harvest and processing season.

In response to the single comment opposing relocation reimbursement, the Department feels that the rule, as finally developed, encourages loan redemption rather than forfeitures when the market price permits recovery of loan redemption costs plus any remaining expense of moving the sugar to market. Restricting reimbursable relocation to a facility within 50 to 100 miles of the original place of storage would unacceptably limit the availability of alternate storage space already in short supply.

Automatic qualification for relocation reimbursement on forfeited sugar which had previously been moved, as suggested by two respondents who favored the proposed rule, would make it impossible to ensure that CCC, by prior arrangement, would be able to continue to store forfeited sugar in the alternate site under acceptable terms.

As to the suggestion that loan sugar be permitted to be relocated to refinery storage, such movement is permitted under existing regulations. Substitution of sugar to rotate stocks is also permitted. The responsibility of the processor-borrower for maintenance of the quantity and quality of sugar placed under loan is, however, an essential requirement of the loan program and cannot be waived.

An approved Final Impact Statement on this rule is available from Laurence E. Ackland, Room 5761-South Building, USDA, Washington, D.C. 20250.

Note.—This regulation has been determined not significant under the USDA criteria implementing Executive Order 12044.

PART 1435—SUGAR

Accordingly, 7 CFR 1435.41 is amended by revising that portion of paragraph (a) immediately preceding the proviso, by redesignating paragraph (a) as paragraph (a)(1), and by adding a new paragraph (a)(2), to read as follows:

* * * * *

§ 1435.41 Loan maintenance and liquidation.

(a)(1) *Maintenance of the commodity under loan.* A processor shall maintain in eligible storage a quantity of eligible sugar sufficient to cover the loan except that the processor may substitute other sugar of the same or a subsequent crop year which is of at least equal quantity and quality as the sugar which was originally put under loan if (i) CCC has not reimbursed the processor for relocation of such sugar under the terms of § 1435.41(a)(2) and (ii) prior permission is obtained by the processor from the loan-making office. * * *

(2) *Relocation of loan sugar intended for forfeiture.* A processor may, not earlier than 60 days before the normal beginning of harvest of the 1979 crop for which the storage space is needed, relocate sugar under loan, which is in storage space needed for the storage of 1979 crop sugar, to other eligible storage, approved by the loan-making office which is not needed for the storage of 1979 crop sugar. In addition to the requirements of § 1435.38(d), the approval of the use of such alternate space shall depend upon the ability of CCC to enter into a contract acceptable to CCC, which permits the storage of sugar so relocated in the same space subsequent to loan maturity. To the extent possible, such storage space must be located between the production and marketing areas for the sugar relocated. For that portion of the quantity of loan sugar which the processor declares an intention to forfeit on maturity of the loan and which is relocated in accordance with the above conditions, CCC shall pay the actual transportation expenses incurred by such processor in the relocation of such sugar but shall not pay the expenses of loading-out or loading-in: *Provided, however,* That such expenses, plus interest thereon at 7 percent per annum, must be repaid to CCC by the processor for any relocated sugar upon its redemption from loan.

* * * * *

(Secs. 201 and 401 et seq. of the Agricultural Act of 1949, as amended (7 U.S.C. 1446, 1421 et seq).)

Signed at Washington, D.C., on June 19, 1979.

Bob Bergland,

Secretary.

[FR Doc. 79-19466 Filed 6-21-79; 8:45 am]

BILLING CODE 3410-05-M

Food Safety and Quality Service

7 CFR Part 2852

United States Standards for Grades of Canned Freestone Peaches [1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This rule will change the grading standards for canned freestone peaches to a new procedure known as attributes sampling. This action is being taken at the request of the Canners

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

League of California. The effect of this rule is to improve the standard.

EFFECTIVE DATE: June 22, 1979.

FOR FURTHER INFORMATION CONTACT: Howard W. Schutz, Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4693.

SUPPLEMENTARY INFORMATION: The canned fruit industry of California has requested that all major standards for products packed in its members' processing plants be converted to a new grading procedure known as attributes sampling. This new procedure offers an advantage over the old system. It is an objective step-by-step procedure for reporting quality, continuously, without having to wait until the end of the production shift to determine lot acceptance based on average values.

The California fruit processing industry packs most of the canned yellow freestone peaches in the United States. In 1977, California processors canned over 90 percent of the total United States pack.

The grading of canned freestone peaches is closely associated with grading of canned clingstone peaches which has been under an attributes type of standard since June 1, 1978. Because of this and the many cross-references between the two products, freestone peaches should be brought up-to-date and under the same grading procedure as the clingstone peaches. This would eliminate a dual grading procedure.

On August 25, 1978, the Food Safety and Quality Service published in the **Federal Register** (43 FR 38015-38025) a proposal to revise the United States Standards for Grades of Canned Freestone Peaches. Two comments were received, both of which favored the proposed revision. The comments were from the Canners League of California and the Technical and Quality Assurance Division, Defense Personnel Support Center, Defense Logistics Agency.

The revised standards will:

(1) Convert the current score points variables-types standard to an attributes-type standard based on statistical principles;

(2) Eliminate the score points since the attributes approach is a pass/fail approach;

(3) Eliminate the separate grade criteria for "solid-pack" peaches, the U.S. Grade D classification, and the alternate grade nomenclature of FANCY, CHOICE, and STANDARD from the various grade classifications, retaining only the letter grades U.S. Grade A, B, C, and SUBSTANDARD;

(4) Function in combination with the two statistical sampling plans recently added to the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products," § 2852.38(a), (b), and (c), (43 FR 10539);

(5) Provide for separate acceptance criteria for unofficially submitted samples. These are single sample units that do not represent a lot;

(6) Provide for various defect classifications according to severity or frequency of occurrence. These classifications are minor, major, severe, and critical, with descending allowancs starting with the most liberal allowances for the minor defects to the most restrictive allowances for the critical defects;

(7) Change size variation requirements for the styles of whole, halves, and quarters from a weight basis to a diameter basis since the peaches are sized according to diameters rather than weight; and

(8) Eliminate minimum size requirements for individual units of halves and quarters.

Minor editorial changes in the text were made for clarification purposes.

Since the requirements of the final rule would conform with current marketing practices, issuance of the revised standards would not increase the cost to the consumer. The standards would not cause additional expenditures on the part of industry.

After consideration of all relevant matters presented by interested persons, and since there were no unfavorable comments regarding the proposal, the proposed revision to the United States Standards for Grades of Canned Freestone Peaches, 7 CFR 2852.2601 through 2852.2615, is hereby amended as set forth below.

Sec.

2852.2601 Product description.
2852.2602 Styles.
2852.2603 Definitions of terms.
2852.2604 Recommended sample unit sizes.
2852.2605 Liquid media and Brix measurements.
2852.2606 Fill of container.
2852.2607 Fill of container for canned "solid-pack" freestone peaches.
2852.2608 Recommended drained weights.
2852.2609 Recommended fill weights.
2852.2610 Grades.
2852.2611 Factors of quality.
2852.2612 Classification of defects.
2852.2613 Tolerances for defects.
2852.2614 Sample size.
2852.2615 Compliance with quality requirements.

Authority: Agricultural Marketing Act of 1946, secs. 203, 205; 60 Stat. 1087, as amended, 1090, as amended; (7 U.S.C. 1622, 1624).

§ 2852.2601 Product description.

Canned freestone peaches is the product represented as defined in the Standards of Identity for canned peaches (21 CFR 145.170 and 145.171) issued under the Federal Food, Drug, and Cosmetic Act. For the purposes of the standards in this subpart, and unless the text indicates otherwise, the terms "canned peaches" or "canned freestone peaches" include "canned yellow freestone peaches," "canned spiced yellow freestone peaches," "canned 'solid-pack' yellow freestone peaches" and "canned artificially sweetened yellow freestone peaches" as defined in the Standards of Identity.

§ 2852.2602 Styles.

(a) *"Whole"* consists of peeled, whole peaches with or without stems removed.

(b) *"Halves" or "Halved"* consists of peeled and pitted peaches cut approximately in half along the suture from stem to apex.

(c) *"Quarters" or "Quartered"* consists of halved peaches cut into two approximately equal parts.

(d) *"Slices" or "Sliced"* consists of peeled and pitted peaches cut into wedge-shaped sectors.

(e) *"Dice" or "Diced"* consists of peeled and pitted peaches cut into cube-like parts.

(f) *"Halves and pieces"* consists of peeled and pitted peaches in which more than 50 percent, by weight, of the peaches are halves.

(g) *"Pieces," "Irregular pieces," or "Mixed pieces of irregular sizes and shapes,"* consists of peeled, pitted peaches of irregular sizes and shapes or peaches that do not conform to any of the foregoing styles.

§ 2852.2603 Definitions of terms.

(A) *Acceptable Quality Level (AQL).* The maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purpose of acceptance sampling, can be considered satisfactory as a process average.

(b) *Blemished* means any unit that is affected by scab, hail injury, or discoloration to the extent that the appearance or eating quality is affected:

(1) slightly;

(2) materially;

(3) seriously.

(c) *Brightness* means the extent that the overall appearance of the sample unit as a mass is dulled by oxidation, pigmentation, or other causes.

(1) Grades A and B—slightly affected.

(2) Grade C—materially affected.

(3) Substandard—fails Grade C.

(d) *Character* refers to the texture and tenderness of the product as follows:

(1) *Good character.*

(i) *Whole.* The units have a texture typical of properly prepared and processed peaches; the units are at least reasonably tender or the tenderness may be variable within the unit; the units may be slightly hard or slightly soft.

(ii) *Halves; halves and pieces; quarters; slices; pieces or irregular pieces.* The units have at least a reasonably tender texture typical of properly prepared and processed freestone peaches and may be soft and materially frayed. The peach halves may have a tendency to flatten.

(iii) *Diced.* The product generally has at least a reasonably tender texture typical of properly prepared and processed peaches; the units are intact and not excessively frayed.

(2) *Fairly good character*—(i) *Whole.* The units have a fairly tender texture typical of properly prepared and processed peaches; the units may be lacking in uniformity of tenderness and may be substantially hard or very soft.

(ii) *Halves; halves and pieces; quarters; slices; pieces or irregular pieces.* The units have at least a fairly tender texture typical of properly prepared and processed freestone peaches and may lack uniformity of tenderness. The units may be very soft but not frayed to the extent that their normal shape is destroyed; the units may also be substantially firm.

(iii) *Diced.* The product generally has a fairly tender texture typical of properly prepared and processed peaches. The units are intact and may be frayed.

(3) *Poor character—All styles.* The units fail the requirements for fairly good character.

(e) *Color*—(1) *General.* The color of canned yellow freestone peaches, other than canned "spiced" peaches, refers to the predominant and characteristic color on the surface of whole units, and the outside surfaces of other units. The cut surfaces of such units are also considered when adversely affected by discoloration.

(2) *Individual unit color classifications*—(i) *Good color* means peach units that are equal to or better than light orangish-yellow.

(ii) *Fairly good color* means peach units that fail to meet minimum color requirements for "good color" but are equal to or better than greenish-yellow.

(iii) *Poor color* means peach units that fail to meet minimum color requirements for "fairly good color."

(f) *Crushed or broken* in the styles of whole, halves, and quarters means:

(1) A unit is "crushed" if it has definitely lost its normal shape and is crushed not due to ripeness;

(2) A unit is "broken" if severed into definite parts. Any unit in halves style that is split from the edge to the pit cavity is not considered broken.

(g) *Defect.* Any nonconformance of a unit(s) of product from a specified requirement of a single quality characteristic.

(h) *Extraneous vegetable material*—(1) *Small pieces* mean long stems, pieces of twigs not more than 51 mm (2.0 in.) in length, or leaf material or portions thereof.

(2) *Short stem* means the woody stem that attaches the peach to the twig of the tree and is 3 mm (0.12 in.) to 10 mm (0.39 in.) in length. Dark brown stems less than 3 mm (0.12 in.) in length are also considered as short stems.

(i) *Flavor and odor. "Normal flavor and odor"* means that the canned peaches are free from objectionable flavors and odors of any kind.

(j) *Mechanical damage*—(1) *Partial slice,* in the style of slices, is a unit that has a semblance of a slice with respect to thickness and shape but is less than three-fourths of an apparent full slice and that does not bear marks of crushing. Pieces are reassembled to equal an average full size slice and counted as one unit.

(2) *Detached piece,* in the style of halves and quarters, is a piece that has the appearance of a slice resulting from an off-suture cut or other improper cutting.

(3) *Gouges* mean holes or gouges that do not destroy the normal configuration of the unit but affect the appearance of the unit:

(i) Slightly;

(ii) Materially;

(iii) Seriously.

(4) *Off-suture cut,* in the styles of halves and quarters, is a unit that has been cut at a distance from the suture greater than 10 mm (0.39 in.) at the widest measurement and the appearance is affected:

(i) Slightly;

(ii) Materially;

(iii) Seriously.

(5) *Partially detached piece,* in the styles of halves and quarters, is a piece that has the appearance of a slice resulting from an off-suture cut or other improper cutting. The defect is attached to the half or quarter from which cut, but must be detached more than one-third of the length of the half or quarter along the suture approximately parallel with the suture.

(6) *Other mechanical damage* means a unit, in the styles of whole, halves and quarters, that is damaged to the extent that the shape of the unit is affected:

(i) Slightly;

(ii) Materially;

(iii) Seriously.

(k) *Peel* means all of the outer layer of the peach that is normally removed during processing.

(l) *Sample unit size* means the amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container;

(2) A portion of the contents of a container;

(3) A combination of the contents of 2 or more containers;

(4) A portion of unpacked product.

(m) *Shelly,* in the styles of halves, quarters, and slices, means a unit in which the pit cavity has been trimmed to such an extent as to leave the unit only fairly fleshy.

(n) *Slab,* in the style of slices, means an irregularly shaped unit resulting from the slicing operation that materially deviates from the normal shape of a wedge-shaped sector.

(o) *Sliver,* in the style of slices, means any unit that weighs 3 g. (0.12 oz.) or less and has the symmetry of a full slice.

(p) *Unit* means one hole, half, quarter, slice, dice, or piece of peach as applicable for the style.

§ 2852.2604 Recommended sample unit sizes.

Compliance with requirements for factors of quality is based on the following sample unit sizes for the respective style.

(a) Halves; Quarters—25 units.

(b) Whole—25 units.

(c) Slices—50 units or 100 units.

(d) Diced—200 g. (7 oz).

(e) Halves and pieces; Pieces or irregular pieces—1000 g (35.3 oz).

§ 2852.2605 Liquid media and Brix measurements.

"Cut-out" requirements for liquid media in canned freestone peaches are not incorporated in the grades of the finished product since sirup or any other liquid medium is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurements for the respective designations are as follows:

Designations and Brix measurements	
"Extra heavy sirup;" or "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."—	22° or more but not more than 35°.

"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."—18° or more but less than 22°.

"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juices(s)."—14° or more but less than 18°.

"Slightly sweetened water;" or "Extra light sirup;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."—10° or more but less than 14°.

"In water"—Not applicable.

"In fruit juice(s) and water"—Not applicable.

"In fruit juice(s)"—Not applicable.

"Artificially sweetened"—Not applicable.

§ 2852.2606 Fill of container.

The standard of fill of container for canned freestone peaches is the maximum quantity of peach units that can be sealed in a container and processed by heat to prevent spoilage, without crushing or breaking such units. Canned freestone peaches that do not meet this requirement are "Below Standard in Fill."

§ 2852.2607 Fill of container for canned "solid-pack" freestone peaches.

The fill of container for canned solid-pack freestone peaches is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. Each container of solid-pack freestone peaches shall be as full of peaches as practicable without impairment of quality and the product shall occupy not less than 90 percent of the volume of the container.

§ 2852.2608 Recommended drained weights.

(a) *General.* (1) The minimum drained weight recommendations for the various styles in Table I of this subpart are not incorporated in the grades of the finished product since the drained weight is not a factor of quality for the purposes of these grades.

(2) The recommended minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Method for determining drained weight.* The drained weight of canned freestone peaches and canned "solid-pack" freestone peaches is determined by emptying the contents of the container, turning the pit cavities down in halves, upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch ±3 percent, square openings) so as to distribute the product evenly, inclining the sieve to an angle of 17 to 20 degrees to facilitate drainage, and allowing to drain for 2 minutes. The drained weight is the weight of the sieve and peaches less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(c) *Definitions of symbols.* (1) X_d—The average drained weight of all the sample units in the sample.

(2) LL—Lower limit for drained weights of individual sample units.

(d) *Compliance with recommended drained weights.* A lot of canned freestone peaches is considered as meeting the minimum drained weight recommendations if the following criteria are met:

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TABLE I. MINIMUM DRAINED WEIGHTS FOR CANNED FREESTONE PEACHES

Container designations (metal unless otherwise stated)	Container size (overall dimensions)		Overflow capacity (fluid ounces)	Halves			
				In extra heavy sirup (ounces)		In any other liquid medium (ounces)	
	Diameter (inches)	Height (inches)		$\bar{X}_d$	LL	$\bar{X}_d$	LL
8Z tall	211	304	----	4.8	4.1	5.0	4.3
No. 300	300	407	----	8.6	7.8	8.8	8.0
No. 303	303	406	----	9.5	8.6	9.8	8.9
No. 303 glass			17.0	9.5	8.6	9.8	8.9
No. 2	307	409	----	11.5	10.4	11.9	10.8
No. 2½ glass			28.35	16.1	14.7	16.6	15.2
No. 2½, 7 count or more	401	411	----	16.6	15.2	17.1	15.7
No. 2½, 6 count or less	401	411	----	16.2	14.8	16.7	15.3
No. 10, 24 count or more	603	700	----	61.0	58.5	62.5	60.0
No. 10, 23 count or less	603	700	----	60.0	57.5	61.5	59.0

TABLE I. (Continued)

Container size (metal, unless otherwise stated)	Quarters, halves and pieces, pieces or irregular pieces				Sliced			
	In extra heavy sirup (ounces)		In any other liquid medium (ounces)		In extra heavy sirup (ounces)		In any other liquid medium (ounces)	
	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL
8Z tall	4.9	4.2	5.1	4.4	4.7	4.1	4.9	4.3
No. 300	8.8	8.0	9.0	8.2	8.5	7.8	8.7	8.0
No. 303 glass	9.7	8.8	10.0	9.1	9.4	8.6	9.7	8.9
No. 303	9.7	8.8	10.0	9.1	9.4	8.6	9.7	8.9
No. 2	11.7	10.6	12.1	11.0	11.3	10.4	11.7	10.8
No. 2½ glass	16.4	15.0	16.9	15.5	15.8	14.7	16.3	15.2
No. 2½	16.9	15.5	17.4	16.0	16.3	15.2	16.8	15.7
No. 10	63.0	60.5	64.5	62.0	60.0	58.0	61.0	59.0

Container size (metal, unless otherwise stated)	Heavy pack (all styles) (ounces)		Solid-pack unsweetened (all styles) (ounces)	
	$\bar{X}_d$	LL	$\bar{X}_d$	LL
No. 2½			24.0	22.6
No. 10	70.0	67.5	90.0	87.5

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(1) The average of the drained weights from all the sample units in the sample meet the recommended average drained weight (designated as "X_d" in Table I); and

(2) The number of sample units which fail to meet the drained weight lower limit for individuals (designated as "LL" in Table I) does not exceed the applicable acceptance number specified in the single sampling plan of Table II.

Table II.—Single Sampling Plan for Drained Weight

Sample size (number of sample units).	3	6	13	21	29
Acceptance No.	0	1	2	3	4

§ 2852.2609 Recommended fill weights.

(a) *General.* The minimum fill weight recommendations specified in Table III are not incorporated in the grades of the finished product since fill weight is not a factor of quality for purpose of these grades.

(b) *Method for determining fill weight.* Fill weight is determined in accordance with the U.S. Standards for Inspection by Variables and the U.S. Standards for Determination of Fill Weights.

(c) *Definitions of terms and symbols.* "Subgroup" means a group of sample units representing a portion of a sample.

X'G2MIN means the minimum lot average fill weight.

LWL_x means the lower warning limit for subgroup averages.

LRL_x means the lower reject limit for subgroup averages.

LWL means the lower warning limit for individual fill weight measurements.

LRL means the lower reject limit for individual fill weight measurements.

R' means a specified average range value.

R_{max} means a specified maximum range for a subgroup.

"Sampling allowance code" means a code letter on the sampling allowance chart of the U.S. Standards for Inspection by Variables. This letter identifies the line which gives the amount of sampling allowance to be applied to the specification average for fill weights in order to determine compliance with requirements for fill weight averages for a sample.

(d) *Subgroup size.* The subgroup size for determination of fill weights shall be five (5) sample units.

(e) *Compliance with recommended fill weights.* Compliance with the recommended fill weights shall be in accordance with the acceptance criteria specified in the U.S. Standards for Inspection by Variables and the U.S. Standards for Determination of Fill Weights.

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TABLE III. FILL WEIGHT VALUES FOR CANNED FREESTONE PEACHES

Container size (metal unless otherwise stated)	Halves Fill weight values (ounces)							Sampling allowance code
	$\bar{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\bar{R}'$	R_{max}	
8Z tall	5.6	5.1	4.9	4.6	4.1	1.2	2.5	I
No. 300	9.9	9.3	8.9	8.5	7.8	1.6	3.4	M
No. 303	11.0	10.3	10.0	9.5	8.7	1.7	3.7	N
No. 303 glass	11.0	10.3	10.0	9.5	8.7	1.7	3.7	N
No. 2	13.3	12.5	12.1	11.5	10.6	2.1	4.4	Q
No. 2½ glass	18.9	17.9	17.4	16.7	15.6	2.6	5.4	T
No. 2½, 7 count or more	19.4	18.4	17.9	17.2	16.1	2.6	5.4	T
No. 2½, 6 count or less	19.0	18.0	17.5	16.8	15.7	2.6	5.4	T
No. 10, 24 count or more	73.0	71.0	70.4	69.2	67.3	4.4	9.3	B1
No. 10, 23 count or less	72.0	70.3	69.4	68.2	66.3	4.4	9.3	B1

TABLE III. FILL WEIGHT VALUES FOR CANNED FREESTONE PEACHES (Cont.)

Container size (metal unless otherwise stated)	Sliced Fill weight values (ounces)							Sampling allowance code
	$\bar{X}'_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\bar{R}'$	R_{max}	
8Z tall	5.6	5.2	5.0	4.7	4.2	1.1	2.2	H
No. 300	10.0	9.4	9.1	8.7	8.0	1.5	3.2	L
No. 303	11.1	10.5	10.1	9.7	9.0	1.6	3.4	M
No. 303 glass	11.1	10.5	10.1	9.7	9.0	1.6	3.4	M
No. 2	13.4	12.6	12.2	11.7	10.8	2.0	4.2	P
No. 2½	19.6	18.7	18.2	17.6	16.6	2.3	4.9	S
No. 2½ glass	19.1	18.2	17.7	17.1	16.1	2.3	4.9	S
No. 10	74.0	72.5	71.7	70.6	68.9	4.0	8.4	Z
	Quarters; -- Halves and pieces			Pieces or -- irregular pieces			Fill weight values	
8z tall	5.7	5.3	5.1	4.8	4.3	1.1	2.2	H
No. 303	11.3	10.7	10.3	9.9	9.2	1.6	3.4	M
No. 2	13.6	12.8	12.4	11.9	11.0	2.0	4.2	P
No. 2½	19.9	19.0	18.5	17.9	16.9	2.3	4.9	S
No. 10	76.0	74.5	73.7	72.6	70.9	4.0	8.4	Z

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§ 2852.2610 Grades.

(a) *"U.S. Grade A"* is the quality of canned freestone peaches that:

(1) Meets the following prerequisites in which the peaches:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Have overall brightness of the sample unit as a mass and are not affected by dullness;

(iv) Have units that are practically uniform in size and shape in sliced style;

(v) Are practically free from pit material, except for whole style;

(vi) Are practically free from crushed and broken units in the styles of whole, halves, and quarters;

(vii) Do not exceed the aggregate area of peel specified for the style as follows:

(A) Whole—5.5 cm^2 (0.85 in^2 or 1 × .85);

(B) Halves—4.5 cm^2 (0.7 in^2 or 1 × .7);

(C) Quarters—2.25 cm^2 (0.34 in^2 or 1 × .34);

(D) Slices—50 count—1.8 cm^2 (0.28 in^2 or 1 × .28); 100 count—3.5 cm^2 (0.54 in^2 or 1 × .54);

(E) Dice—0.5 cm^2 (0.08 in^2 or 1 × .08);

(F) Halves and pieces; Pieces; or Irregular pieces—3.25 cm^2 (0.5 in^2 or 1 × .5);

(viii) Have a good character such that the number of units that have fairly good character does not exceed the following:

(A) Whole; Halves; and Quarters—1 unit;

(B) Slices—50 count—3 units; 100 count—5 units;

(C) Halves and pieces; Pieces or irregular pieces—50 grams;

(D) Dice—10 grams.

(2) Is within the limits for defects as classified in Table IV and specified in Tables V, VI, VII, VIII, or IX.

(b) *"U.S. Grade B"* is the quality of canned freestone peaches that:

(1) Meets the following prerequisites in which the peaches:

(i) Have similar varietal characteristics;

(ii) Have normal flavor and odor;

(iii) Have overall brightness of the sample unit as a mass and are not affected by dullness;

(iv) Have units that are practically uniform in size and shape in sliced style.

(v) Are practically free from pit material, except for whole style;×

(vi) Are practically free from crushed and broken units in the styles of whole, halves, and quarters;

(vii) Do not exceed the aggregate area of peel specified for the style as follows:

(A) Whole—22.5 cm^2 (3.5 in^2 or 1 × 3.5);

(B) Halves—19 cm^2 (3 in^2 or 1 × 3);

(C) Quarters—9.5 cm^2 (1.5 in^2 or 1 × 1.5);

(D) Slices—50 count— 7 cm^2 (1.1 in^2 or 1 × 1.1); 100 count—14 cm^2 (2.2 in^2 or 1 × 2.2);

(E) Dice—1.5 cm^2 (0.23 in^2 or 1 × .23);

(F) Halves and pieces; Pieces or irregular pieces—12 cm^2 (1.9 in^2 or 1 × 1.9);

(viii) Have a reasonably good character such that the number of units that have fairly good character does not exceed the following:

(A) Whole; Halves; and Quarters—3 units;

(B) Slices—50 count—5 units; 100 count—10 units;

(C) Halves and pieces; Pieces or irregular pieces—100 grams;

(D) Dice—20 grams.

(2) Is within the limits for defects as classified in Table IV and specified in Tables V, VI, VII, VIII, or IX.

(c) *"U.S. Grade C"* is the quality of canned freestone peaches that:

(1) Meets the following prerequisites in which the peaches:

(i) Have similar varietal characteristics;

(ii) Have normal flavor and odor;

(iii) Have overall brightness of the sample unit as a mass that is materially affected by dullness;

(iv) Have units that may be variable in size and shape in sliced style;

(v) Are practically free from pit material, except for whole style;

(vi) Are practically free from crushed and broken units in the styles of whole, halves, and quarters;

(vii) Do not exceed the aggregate area of peel specified for the style as follows:

(A) Whole—45 cm^2 (7 in^2 or 1 × 7);

(B) Halves—38 cm^2 (5.9 in^2 or 1 × 5.9);

(C) Quarters—19 cm^2 (3 in^2 or 1 × 3);

(D) Slices—50 count—15 cm^2 (2.3 in^2 or 1 × 2.3); 100 count 30 cm^2 (4.6 in^2 or 1 × 4.6);

(E) Dice—3 cm^2 (0.5 in^2 or 1 × .5);

(F) Halves and pieces; Pieces or irregular pieces—27 cm^2 (4.2 in^2 or 1 × 4.2);

(viii) Have a fairly good character such that the number of units that have poor character does not exceed the following:

(A) Whole; Halves, and Quarters—3 units;

(B) Slices—50 count—5 units; 100 count—10 units;

(C) Halves and pieces; Pieces or irregular pieces—100 grams;

(D) Dice—20 grams.

(2) Is within the limits for defects as classified in Table IV and specified in Tables V, VI, VII, VIII, or IX.

(d) *"Substandard"* is the quality of canned freestone peaches that fails to meet the requirements for U.S. Grade C.

§ 2852.2611 Factors of quality.

The grade of canned freestone peaches is based on compliance with the requirements for the following quality factors:

(a) Prerequisite quality factors:

(1) Similar varietal characteristics;

(2) Flavor and odor;

(3) Brightness;

(4) Uniformity of size of slices;

(5) Pit material;

(6) Crushed and broken units;

(7) Peel;

(8) Character.

(b) Classified quality factors:

(1) Individual unit color;

(2) Workmanship;

(3) Blemishes;

(4) Uniformity of size of whole, halves, and quarters;

(5) Mechanical damage;

(6) Extraneous vegetable material.

§ 2852.2612 Classification of defects.

Defects are classified as minor, major, severe, or critical. Each "X" mark in Table IV represents "one (1) defect."

Table IV.—*Classification of Defects*

Quality factor	Defect	Classification			
		Min	Maj	Sev	Crit
	WHOLE				
Individual unit color	Fairly good (in grade A and B only)		X		
	Poor (in grade A, B, and C)			X	
Blemished	Slightly	X			
	Materially		X		
	Seriously			X	
Uniformity of size	Excessive variation (each unit)	X			
Mechanical damage	Gouged:				
	Slightly	X			
	Materially		X		
	Seriously			X	
	Other mechanical damage:				
	Slightly	X			
	Materially		X		
	Seriously			X	
Extraneous vegetable material.	Small piece (each piece)				X
	HALVES AND QUARTERS				
Individual unit color	Fairly good (in grade A and B only)		X		
	Poor (in grade A, B, and C)			X	
Blemished	Slightly	X			
	Materially		X		
	Seriously			X	
Uniformity of size	Excessive variation (each unit)	X			
Mechanical damage	Off-suture:				
	Slightly	X			
	Materially		X		
	Seriously			X	
	Partially detached piece	X			
	Detached piece		X		
	Shelly unit (in grade A and B only)		X		
	Gouged:				
	Slightly	X			
	Materially		X		
	Seriously			X	
	Other mechanical damage:				
	Slightly	X			
	Materially		X		
	Seriously			X	
Extraneous vegetable material.	Short stem (each stem)			X	
	Small piece (each piece)				X
	SLICED				
Individual unit color	Fairly good (in grade A and B only)		X		
	Poor (in grade A, B, and C)			X	
Workmanship	Sliver	X			
	Slab		X		
Blemished	Slightly	X			
	Materially		X		
	Seriously			X	
Mechanical damage	Shelly unit (in grade A and B only)		X		
	Gouged:				
	Slightly	X			
	Materially		X		
	Seriously			X	
	Partial slice	X			
	SLICED				
Extraneous vegetable material.	Short stem (each stem)			X	
	Small piece (each piece)				X
	DICED				
Individual unit color	Fairly good (in grade A and B only—each 8 g)		X		
	Poor (in grade A, B, and C—each 8 g)			X	
Workmanship	Units more than 20 mm (.79 in) on one edge plus the units that pass through a 5/16 in (8mm) sieve [1] (each 8 g).	X			
Blemished	Materially (each 8 g)		X		
	Seriously (each 8 g)			X	
Extraneous vegetable material.	Short stem and small piece (each piece)				X
	HALVES AND PIECES: PIECES OR IRREGULAR PIECES				
Individual unit color	Fairly good (in grade A and B only—each 40 g)		X		
	Poor (in grade A, B, and C—each 40 g)			X	
Blemished	Slightly (each 40 g)	X			
	Materially (each 40 g)		X		
	Seriously (each 40 g)			X	
Extraneous vegetable material.	Short stem and small piece (each piece)				X

Sieve to be used is a five-sixteenths inch sieve as listed in table I of "Standard Specifications for Sieves," published March 1, 1940, in L.C. 584 of the National Bureau of Standards, U.S. Department of Commerce.

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§ 2852.2613 Tolerances for defects.

TABLE V
WHOLE

	GRADE A				GRADE B				GRADE C			
	Total 2/	Maj	Sev	Crit	Total 2/	Maj	Sev	Crit	Total 2/	Maj	Sev	Crit
AQL 1/	10.0	2.5	1.0	0.4	15.0	10.0	2.5	1.0	25.0	15.0	10.0	2.5

TABLE VI
HALVES; QUARTERS

	GRADE A				GRADE B				GRADE C			
	Total 2/	Maj	Sev	Crit	Total 2/	Maj	Sev	Crit	Total 2/	Maj	Sev	Crit
AQL	15.0	8.5	2.5	0.4	25.0	15.0	5.0	1.0	40.0	25.0	15.0	2.5

1/ AQL expressed as defects per hundred units.
2/ Total = Minor + Major + Severe + Critical

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TABLE VII
SLICES

	GRADE A				GRADE B				GRADE C			
	Total 2/	Maj	Sev	Crit	Total 2/	Maj	Sev	Crit	Total 2/	Maj	Sev	Crit
AQL 1/	12.5	5.0	1.5	0.65	25.0	12.5	5.0	1.5	40.0	20.0	12.5	2.5

TABLE VIII
DICES

	GRADE A				GRADE B				GRADE C			
	Total 2/	Maj	Sev	Crit	Total 2/	Maj	Sev	Crit	Total 2/	Maj	Sev	Crit
AQL 1/	12.5	6.5	2.5	0.4	15.0	8.5	4.0	0.65	20.0	10.0	8.5	1.0

TABLE IX
HALVES AND PIECES: PIECES OR IRREGULAR PIECES

	GRADE A				GRADE B				GRADE C			
	Total 2/	Maj	Sev	Crit	Total 2/	Maj	Sev	Crit	Total 2/	Maj	Sev	Crit
AQL 1/	10.0	2.5	1.0	0.4	15.0	6.5	2.5	1.0	25.0	15.0	6.5	2.5

1/ AQL expressed as defects per hundred units.
2/ Total = Minor + Major + Severe + Critical

§ 2852.2614 Sample size.

The sample size to determine compliance with requirements of these standards shall be as specified in the sampling plans and procedures in the "Regulation Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 2852.1–2852.83) for lot inspection and on-line inspection, as applicable.

§ 2852.2615 Compliance with quality requirements.

(a) *Lot inspection.* A lot of canned freestone peaches is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.2610 are met;

(2) The Acceptable Quality Levels (AQL) in Tables V, VI, VII, VIII, and IX, as applicable for the style, are not exceeded.

(b) *On-line inpsection.* A portion of production is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.2610 are met;

(2) the Acceptable Quality Levels (AQL) in Tables V, VI, VII, VIII, and IX, as applicable for the style, are not exceeded.

(c) *Single sample unit.* Each unofficial sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.2610 are met;

(2) The Acceptable Quality Levels (AQL) in Tables V, VI, VII, VIII, and IX, as applicable for the style, are not exceeded.

(Agricultural Marketing Act of 1946, Secs. 203, 205; 60 Stat. 1087, as amended, 1090, as amended; (7 U.S.C. 1622, 1624)).

This rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations". Under those criteria, this action has not been classified significant. An approved final impact statement has been prepared and is available from Mr. Howard W. Schutz, Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Dr. Donald L. Houston, Acting Administrator, Food Safety and Quality Service, has determined that good cause has been found for making this document effective upon publication in the Federal Register.

Done at Washington, D.C., on June 19, 1979.

Donald L. Houston,

Acting Administrator, Food Safety and Quality Service.

[FR Doc. 79-19547 Filed 6-21-79; 8:45 am]

BILLING CODE 3410-37-M

Animal and Plant Health Inspection Service

9 CFR Part 78

Brucellosis Areas

AGENCY: Animal and Plant Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: These amendments add the counties of Page and Taylor in Iowa; and Addison in Vermont to the list of Certified Brucellosis-Free areas and delete such counties from the list of Modified Certified Brucellosis Areas. It has been determined that these counties qualify to be designated as Certified Brucellosis-Free Areas. The effect of this action will allow for less restrictions on cattle moved interstate from these areas. These amendments also add the counties of Barry, Bates, McDonald, and Newton in Missouri to the list of Modified Certified Brucellosis Areas and delete them from the list of Noncertified Areas because it has been determined that these counties now qualify as Modified Certified Brucellosis Areas. The effect of this action will provide for less restrictions on cattle and bison moved interstate from these areas.

EFFECTIVE DATE: June 22, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, USDA, APHIS, VS, Room 805, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8713.

SUPPLEMENTARY INFORMATION: A complete list of brucellosis areas was published in the Federal Register (43 FR 60865–60867) effective December 29, 1978. These amendments update the complete list. These amendments add the counties of Page and Taylor in Iowa; and Addison in Vermont to the list of Certified Brucellosis-Free Areas in § 78.20 and delete such counties from the list of Modified Certified Brucellosis Areas in § 78.21, because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area contained in § 78.1(l) of the regulations. These amendments add the counties of Barry, Bates, McDonald, and Newton in Missouri to the list of Modified Certified Brucellosis Areas in § 78.21 and delete those counties from the list of Noncertified Areas in § 78.22, because it has been determined that they now qualify as Modified Certified Brucellosis Areas as defined in § 78.1(m) of the regulations.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are amended to read as follows:

§ 78.20 Certified brucellosis-free areas.

The following states, or specified portions thereof, are hereby designated as Certified Brucellosis-Free Areas:

(a) *Entire States.*

Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, Virgin Islands.

(b) *Specific Counties Within States.*

Alabama. Dale, Geneva.

Arkansas. Baxter, Bradley, Carroll, Cleveland, Columbia, Crittenden, Dallas, Drew, Fulton, Garland, Grant, Jefferson, Marion, Monroe, Montgomery, Newton, Ouachita, Searcy, Stone, Union, Woodruff.

Florida. Baker, Bay, Calhoun, Citrus, Dixie, Franklin, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Santa Rosa, Seminole, St. Johns, Taylor, Wakulla, Walton.

Georgia. Appling, Atkinson, Bacon, Banks, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Jeff Davis, Johnson, Lanier, Laurens, Liberty, Long, McIntosh, Monroe, Peach, Rabun, Richmond, Screven, stephens, Taylor, Toombs, Treutlen, Twiggs, Upson, Ware, Wayne, Wheeler, White, Wilkinson.

Idaho. Ada, Adams, Bear Lake, Benewah, Bingham, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Caribou, Clark, Clearwater, Custer, Gem, Idaho, Rootenai, Latah, Lemhi, Lewis, Minidoka, Nez Perce, Owyhee, Payette, Power, Shoshone, Valley, Washington.

Illinois. Adams, Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, DeKalb, DeWitt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Henry, Iroquois, Jackson, Jasper, Jefferson, Jersey, Johnson, Kane, Kankakee, Kendall, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria,

Perry, Piatt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, Woodford.

Iowa. Adair, Allamakee, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Pocahontas, Polk, Pottawattamie, Poweshiek, Plymouth, Ringgold, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright.

Kansas. Anderson, Barber, Bourbon, Brown, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Coffey, Comanche, Decatur, Doniphan, Douglas, Edwards, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Jewell, Johnson, Kearney, Kingman, Kiowa, Labette, Lane, Leavenworth, Logan, Marion, Marshall, Meade, Miami, Mitchell, Ness, Norton, Osborne, Pawnee, Phillips, Pottawatomie, Pratt, Rawlins, Republic, Riley, Rooks, Rush, Saline, Scott, Seward, Shawnee, Sheridan, Sherman, Smith, Stanton, Stevens, Thomas, Trego, Wallace, Washington, Wichita, Woodson, Wyandotte.

Kentucky. Bell, Breathitt, Campbell, Clay, Floyd, Harlan, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Harrison.

Missouri. Audrain, Dunklin, Gasconade, Hickory, Lewis, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

Nebraska. Banner, Box Butte, Burt, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dodge, Douglas, Franklin, Jefferson, Lancaster, Nuckolls, Perkins, Stanton, Thayer, Thurston, Washington, Wayne.

New Mexico. Catron, Colfax, De Baca, Dona Ana, Grant, Guadalupe, Harding, Hidalgo, Lincoln, Los Alamos, Luna, McKinley, Otero, Quay, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, Valencia.

South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchison, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, Marshall, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Zeibach.

Tennessee. Anderson, Blount, Campbell, Carter, Claiborne, Fentress, Grainger, Greene, Hamblen, Hancock, Johnson, Knox, Lake, Lewis, Meigs, Morgan, Perry, Polk, Roane, Robertson, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Van Buren.

Texas. Armstrong, Bandera, Borden, Brewster, Childress, Comal, Crane, Culberson, Ector, Gillespie, Glasscock, Gray, Hansford, Hartley, Hemphill, Hudspeth, Hutchinson, Irion, Jeff Davis, Kendall, Kerr, Kimble, Lipscomb, Llano, Loving, Martin, Mason, Menard, Midland, Moore, Newton, Ochiltree, Pecos, Presidio, Reagan, Real, Roberts, Schleicher, Sherman, Sterling, Sutton, Terrell, Tom Green, Val Verde, Ward, Winkler, Yoakum.

Utah. Beaver, Cache, Carbon, Daggett, Davis, Duchesne, Emery, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guaynabo, Guayanilla, Hormigueros, Humacao, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Manuabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

§ 78.20 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) *Entire States.*

Alaska, Louisiana, Oklahoma.

(b) *Specific Counties Within States.*

Alabama. Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Etowah, Escambia, Fayette, Franklin, Greene, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Ashley, Benton, Boone, Calhoun, Chicot, Clark, Clay, Cleburne, Conway, Craighead, Crawford, Cross, Desha, Faulkner, Franklin, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Madison, Miller, Mississippi, Nevada, Perry, Phillips, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Sharp, Van Buren, Washington, White, Yell.

Florida. Alachua, Bradford, Brevard, Broward, Charlotte, Clay, Collier, Columbia, Dade, De Sota, Duval, Escambia, Flagler, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Hernando, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Lucie, Sarasota, Sumter, Suwanee, Union, Volusia, Washington.

Georgia. Baker, Baldwin, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Dawson, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Henry, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Jones, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Madison, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethrope, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Rockdale, Schley, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Telfair, Terrell, Thomas, Tift, Towns, Troups, Turner, Union, Walker, Walton, Warren, Washington, Webster, Whitfield, Wilcox, Wilkes, Worth.

Idaho. Bannock, Bonneville, Cassia, Elmore, Franklin, Fremont, Gooding, Jefferson, Jerome, Lincoln, Madison, Oneida, Teton, Twin Falls.

Illinois. Jo Daviess, Knox.

Iowa. Adams, Appanoose, Guthrie, Wayne.

Kansas. Allen, Atchison, Barton, Butler, Cloud, Cowley, Crawford, Dickinson, Elk, Ellis, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Jefferson, Lincoln, Linn, Lyon, McPherson, Montgomery, Morris, Morton, Nemaha, Neosho, Osage, Ottawa, Reno, Rice, Russell, Sedgwick, Stafford, Sumner, Wabaunsee, Wilson.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski,

Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Twigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hancock, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Stone, Sunflower, Tallahatchie, Tate, Tippah, Tishimingo, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Adair, Andrew, Atchinson, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Franklin, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Iron, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, McDonald, Mercer, Miller, Mississippi, Monroe, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

Nebraska. Adams, Antelope, Arthur, Blaine, Boone, Boyd, Brown, Buffalo, Butler, Cass, Cedar, Chase, Cherry, Custer, Dawes, Dawson, Dixon, Dundy, Fillmore, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Holt, Hooker, Howard, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lincoln, Logan, Loup, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Otoe, Pawnee, Phelps, Pierce, Platte, Polk, Redwillow, Richardson, Rock, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Thomas, Valley, Webster, Wheeler, York.

New Mexico. Bernalillo, Chaves, Curry, Eddy, Lea, Mora, Roosevelt.

South Dakota. Jones, Stanley.

Tennessee. Bedford, Benton, Bledsoe, Bradley, Cannon, Carroll, Cheatham, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, Davidson, Decatur, DeKalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hamilton, Hardeman, Hardin, Hawkins, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Jefferson, Lauderdale, Lawrence, Lincoln, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Monroe, Montomery, Moore, Obion, Overton, Pickett, Putnam, Rhea, Rutherford, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Warren, Washington, Wayne, Weakley, White, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Atascosa, Austin, Bailey, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Duval, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harris, Harrison, Haskell, Hays, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Matagorda, Maverick, Medina, Milam, Mills, Mitchell, Montague, Montgomery, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Rains, Randall, Red River, Reeves, Rufugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Scurry, Shackelford, Shelby, Smith, Somervell, Starr, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Young, Zapata, Zavala.

Utah. Box Elder, Garfield.

Puerto Rico. Arecibo, Camuy, Carolina, Gurabo, Hatillo, Isabela, Las Piedras, Naguabo, Quebradillas, San Sebastian.

§ 78.20 Noncertified areas.

The following States, or specified portions thereof, are hereby designated as Noncertified Brucellosis Areas:

(a) *Entire States.*

Yellowstone National Park.

(b) *Specific Counties Within States.*

Florida. Highlands, Okeechobee.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132, (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.25)

These amendments designating areas as Certified Brucellosis-Free Areas relieve restrictions presently imposed on cattle moved in interstate commerce. These restrictions are no longer necessary to prevent the spread of brucellosis, and these amendments must be made effective immediately in order to permit affected persons to move cattle interstate from such areas without unnecessary restrictions.

The amendments designating areas as Modified Certified Brucellosis Areas relieves restrictions presently imposed on cattle and bison moved from that area in interstate commerce. These restrictions are no longer necessary to prevent the spread of brucellosis, and these amendments must be made effective immediately in order to permit affected persons to move cattle interstate from such areas without unnecessary restrictions.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Paul Becton, Director, National Brucellosis Eradication Program, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for public comment and preparation of an impact analysis statement at this time.

This final rule will be scheduled for review under provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 18th day of June 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-19462 Filed 6-21-79; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

15 CFR Part 377

Short Supply Controls; Removal of Validated Licensing Requirement for Exports of Petroleum Coke

AGENCY: Office of Export Administration, Bureau of Trade Regulation, Industry and Trade

Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: This action removes the validated licensing requirement for exports of petroleum coke, both calcined and uncalcined, in view ot its abundant supply and limited energy use within the United States.

EFFECTIVE DATE: June 19, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Converse Hettinger, Director, short Supply Division, Office of Export Administration, Department of Commerce, Washington, DC 20230 (telephone 202–377–3795).

SUPPLEMENTARY INFORMATION: By rule published in the Federal Register on October 7, 1976 (41 FR 44155), the Department of Commerce placed validated licensing controls on exports of petroleum coke, both calcined and uncalcined, "in order to assure: (a) That exports of this commodity are for non-energy use, or (b) that exports of this commodity do not increase to the extent additional coke manufacture becomes expedient at the expense (i.e. in lieu of the production) of liquid energy materials." This rule was later modified by notice in the Federal Register on December 2, 1977 (42 FR 61253), which removed one of the export license documentation requirements established in the original rule which had had the effect of impeding exports of these commodities. The major references in the Export Administration Regulations regarding exports of petroleum coke are at §§ 377.6(d)(8) and 377.6(e)(7).

Subsequently, by notice published in the Federal Register of February 28, 1979 (44 FR 11239), the Department announced that it was considering removing the validated licensing requirement for exports of petroleum coke, both calcined and uncalcined, because of preliminary indications that: (1) Such action would not contribute to a decrease in domestic energy supplies as the use of petroleum coke as a fuel within the United States is limited due to environmental restrictions; (2) it is in the national interest to encourage the expansion of coking facilities in domestic refineries so as to increase their capability to produce lighter petroleum products from heavy domestic crude oils, such as those produced in Alaska and California; and (3) petroleum coke stocks in the United States appear to exceed domestic needs, and refiners should thus not be subject to restrictions which could inhibit their ability to market this product abroad.

To assist the Department in completing its evaluation of the matter, this notice invited public comment on the merits of the proposed action, such comments to be received by March 26, 1979.

In response to this notice, comments were received from 18 firms, *all* supporting the Department's preliminary determinations cited above and *all* endorsing the proposed removal of the validated licensing requirement for exports of petroleum coke. No comments were received from any party opposing the proposed action.

Therefore, after reviewing these comments and after consultation with the Department of Energy—which has concurred in the action announced herein—the Department has determined that the present controls over exports of petroleum coke, both calcined and uncalcined, are no longer necessary and their removal is in the national interest. Because this action removes a current restriction on the export of petroleum coke it is being made effective immediately as of the effective date stated above.

Further, this action makes certain technical changes to the Regulations unrelated to petroleum coke by deleting certain sections which were applicable during a past time period and are no longer necessary.

It has been determined that these regulatory changes are "not significant" within the meaning of Department of Commerce Administrative Order 218–7 (44 FR 2082 *et seq.*, January 9, 1979), and Industry and Trade Administration Administrative Instructions 1–6 (44 FR 2093 *et seq.*, January 9 1979), which implement Executive Order 12044 (43 FR 12661 *et seq.*, March 23, 1978), "Improving Government Regulations."

Accordingly, the Export Administration Regulations (15 CFR Part 368 et seq.) are revised as follows:

1. Section 377.6(d)(8) Group P is deleted and § 377.6(d)(9) through (11) are renumbered consecutively.

2. Section 377.6(d)(12) is deleted.

3. Section 377.7(e)(7) is deleted and § 377.6(e)(8) through (11) are renumbered consecutively.

4. In Supplement No. 2 to Part 377 the sentence reading "Applications against non-historical quotas for butane (Commodity Group K) for fourth quarter 1978: Not later than close of business December 18, 1978." is deleted.

(Sec. 4 Pub. L. 91–184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Sec. 103, Pub. L. 94–163, 89 Stat. 877 (42 U.S.C. 6212); E.O. 11912, 41 FR 15825, 3 CFR 1969 Comp.; 10 U.S.C. 7430; Department Organization Order 10–3, dated December 4, 1977, 42 FR 64721 (1977), as amended; and Industry and Trade Administration Organization and Function Order 45–1, dated December 4, 1977, 42 FR 64716 (1977), as amended.)

Stanley J. Marcuss,

Deputy Assistant Secretary for Trade Regulation.

[FR Doc. 79–19443 Filed 6–19–79; 11:19 am]

BILLING CODE 3510–25–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 162

[T.D. 79–160]

Fines, Penalties, Forfeitures, and Liquidated Damages for Violations of the Customs and Navigation Laws, Amended

Correction

In FR Doc. 79–17245 appearing at page 31950 in the issue for Monday, June 4, 1979, make the following correction: On page 31957, in the third column, in § 162.51(a), in the 4th line, after the citation, "19 (U.S.C. 1613)," insert the word, "and".

BILLING CODE 1505–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 404

[Regulation No. 4]

Federal Old-Age, Survivors, and Disability Insurance (1950–); Reduction of Spouse's Benefits Due to Receipt of Government Pension

Correction

In FR Doc. 79–15621 appearing at page 29046 in the issue for Friday, May 18, 1979, on page 29047, third column, second line of § 404.408a(b), delete the word "to".

BILLING CODE 1505–01–M

Food and Drug Administration

21 CFR Part 146

[Docket No. 76P-0181]

Orange Juice With Preservative and Concentrated Orange Juice With Preservative; Amendment of Standards of Identity

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the standards of identity for orange juice with preservative and concentrated orange juice with preservative to provide for the use of safe and suitable preservatives in lieu of listing each preservative that may be used. The agency is also providing for appropriate labeling requirements for declaring the preservatives. The amended standards will give manufacturers a wider choice of preservatives for use in these foods without the need to amend the standards further.

DATES: Effective July 1, 1981 for all products initially introduced into interstate commerce on or after this date.

Voluntary compliance: July 23, 1979.

Objections by July 23, 1979.

ADDRESS: Written objections to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 11, 1977 (42 FR 58761), FDA issued a proposal based, in part, on a petition filed by the American Hoechst Corp., to amend the standards of identity for orange juice with preservative (21 CFR 146.152) and concentrated orange juice with preservative (21 CFR 146.154) to (1) provide for the optional use of safe and suitable preservatives or combinations thereof, (2) delete the provision that permits sodium benzoate to be used in an amount not exceeding 0.2 percent by weight, and (3) specify labeling requirements when a preservative is used at a level higher than provided for in the applicable sections of 21 CFR Parts 182 and 184.

FDA received seven letters in response to the proposal. Six comments supported and one opposed providing for the use of safe and suitable preservatives. Three of these six comments opposed most of the proposed requirements for declaring preservatives on the label. Discussion of the comments and the agency's responses are as follows:

1. One comment stated that FDA's policy of providing for the use of any safe and suitable ingredient in foods traditionally subject to "recipe" type standards of identity (hereafter, recipe standards) reduces the consumer's ability to shop comparatively. The comment maintained that FDA has replaced the recipe approach, in which all optional ingredients used were prominently listed, with a kind of labeling by class that offers little ingredient information other than to the very sophisticated consumer.

FDA does not believe that the consumer's ability to shop comparatively is reduced by replacing the traditional recipe standards with standards that permit the use of safe and suitable ingredients. Both types of standards may require that each optional ingredient used be declared on the label by its common or usual name. Thus, the current standards for orange juice with preservative and concentrated orange juice with preservative list sorbic acid and sodium benzoate as permitted preservatives and require the label declaration of the names and the percent by weight of the preservative used. The revised regulations set forth in this document permit any safe and suitable preservatives to be used and require that the preservatives used be declared on the label by their common or usual name and the percent by weight used. The agency concludes that labeling under the safe-and-suitable approach fully informs the consumer about the ingredients used in the food.

2. One comment stated that the safe-and-suitable policy encourages the use of nontraditional additives in foods previously subject to the limitations of recipe standards at a time when many scientists and consumers are realizing that prior safety decisions made by FDA and others are to be trusted less and less.

The agency points out that the recipe standards do not necessarily guarantee that the ingredients listed as permitted will always be considered safe. FDA is currently reviewing the status of all ingredients used in foods. It is possible that some of the currently approved ingredients will not be approved under today's standards for testing such substances. If the status of an ingredient is changed, the conditions resulting from the change will apply to both recipe and safe-and-suitable standards.

3. Several comments opposed the proposed requirement that, if a preservative is used at a level higher than that provided for in the applicable sections of 21 CFR Parts 182 and 184, the label bear a statement that the food in which it is used shall contain a level of preservative no higher than that provided in those parts of the regulations. Some of the comments argued that each food manufacturer is responsible for complying with the requirements of the Federal Food, Drug, and Cosmetic Act and the regulations issued thereunder, and that it is unreasonable to attempt to transfer the burden of one manufacturer's legal obligation to another. Another comment stated that, although these products have been marketed for years under the existing standard without such a label statement, it was unaware of any problems associated with their intended use. One of the comments stated that these foods are generally marketed in drums or barrels and that the labeling is done by stenciling. The comment maintained that the new labeling requirement would virtually eliminate this economical practice and increase costs without apparent benefit to the consumer.

Based on these comments, FDA has reconsidered the need for the proposed label statement. The agency agrees that it is each manufacturer's responsibility to make certain that all foods packed comply with the requirements of the act. FDA therefore concludes that the proposed warning statement is unnecessary and has deleted the requirement from the final regulation set forth in this document.

4. Two comments suggested that the percent by weight of the preservative used should be declared on the label whether or not the preservative is used at levels higher than those permitted by Parts 182 and 184. The comments stated that orange juice with preservative and concentrated orange juice with preservative are foods for further manufacturing and sold only to processors of other foods who mix the juices with other ingredients to produce products containing relatively low percentages of orange juice. One comment further stated that the preservative level after dilution will be less than the percentage specified in Parts 182 and 184. Thus, a manufacturer wishing to have enough preservative in the finished beverage to prevent spoilage will have to add more preservative. Consequently, the manufacturer must know how much preservative is contained in the "orange juice" as purchased.

FDA agrees that the manufacturer must know how much preservative is contained in the orange juice as purchased. The agency concludes that the percent by weight of the preservative used, regardless of the amount, should be declared on the label as required by the present regulations and has so provided in the final regulation.

5. Two comments opposed the proposed label statement that "this food must be used only for further manufacturing." They asserted that this statement is unnecessary because these foods are generally packed in drums or barels to be used for further manufacturing and could not be sold at retail.

The agency agrees that if these foods are packed in drums or barrels, the proposed label statement is unnecessary. However, because of its concern over the possibility that the products could inadvertently be sold through retail channels if the two foods are packed in containers other than drums or barrels, FDA is requiring that when the foods are packed in containers whose capacities are less than 19 liters (5 gallons), the label shall bear a statement indicating that the foods are "for further manufacturing use only."

6. One comment stated that the proposed provision that would require each of the optional ingredients used to be declared on the label is unnecessary because the only ingredients present are orange juice or concentrated orange juice and preservative. The comment claimed that a statement of the percent by weight and name of the preservative used coupled with the name of the food is a complete list of ingredients, and suggested that any other listing would be redundant.

FDA agrees that if a preservative is the only optional ingredient used in these foods, the declaration of the preservative used along with the name of the food on the principal display panel constitutes a list of the optional ingredients used as required by 21 CFR Part 101. However, if concentrated orange juice with preservative (§ 146.154) contains a sweetener as permitted by the standard, then a listing of all optional ingredients used shall appear together on either the principal display panel or information panel of the label.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 146 is amended as follows:

1. In § 146.152 by revising paragraphs (b) and (d) to read as follows:

§ 146.152 Orange juice with preservative.

* * * * *

(b) The preservatives referred to in paragraph (a) of this section are any safe and suitable preservatives or combinations thereof.

* * * * *

(d) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter. In addition, the name of each preservative shall be preceded by a statement of the percent by weight of the preservative used. If the food is packed in container sizes that are less than 19 liters (5 gallons), the label shall bear a statement indicating that the food is for further manufacturing use only.

* * * * *

2. In § 146.154 by revising paragraphs (b) and (d) to read as follows:

§ 146.154 Concentrated orange juice with preservative.

* * * * *

(b) The preservatives referred to in paragraph (a) of this section are any safe and suitable preservatives or combinations thereof.

* * * * *

(d) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter. In addition, the name of each preservative shall be preceded by a statement of the percent by weight of the preservative used. If the food is packed in container sizes that are less than 19 liters (5 gallons), the label shall bear a statement indicating that the food is for further manufacturing use only.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 23, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin July 23, 1979, and all products initially introduced into interstate commerce on or after July 1, 1981 shall fully comply. Notice of the filing of objections or lack thereof will be published in the **Federal Register.**

(Secs. 401, 701(e), 52 Stat. 1046 as amended. 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)).)

Dated: June 13, 1979.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-19316 Filed 6-21-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 310

[Docket No. 75N-0244]

Drugs for Human Use; Over-the-Counter (OTC) Daytime Sedatives

AGENCY: Food and Drug Administration.

ACTION: Final order.

SUMMARY: This document contains the final decision that any ingredient when labeled for use as an over-the-counter (OTC) daytime sedative is not generally recognized as safe and effective for this intended use. Any product marketed for this use would be subject to regulatory action unless it is the subject of an approved new drug application. The Commissioner of Food and Drugs is taking this action after considering public comments on the tentative final order published in the **Federal Register** of June 13, 1978 (43 FR 25544). This final decision is part of FDA's ongoing review of OTC drug products.

EFFECTIVE DATE: December 24, 1979.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 8, 1975 (40 FR 57292), the agency, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), issued a proposal to establish monographs for OTC nighttime sleep-aid, daytime sedative, and stimulant drug products, together with the conclusions and recommendations of the Advisory Review Panel on OTC Sedative, Sleep-Aid, and Tranquilizer Drug Products.

In accordance with § 330.10(a)(2) (21 CFR 330.10(a)(2)), the data and information considered by the Panel were put on public display in the office of the Hearing Clerk, Food and Drug Administration (FDA), Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, after deletion of trade secret information.

Tentative final orders pertaining to OTC nighttime sleep-aid and stimulant drug products were published in the Federal Register of June 13, 1978 (43 FR 25544). OTC daytime sedatives were discussed in the preamble to those orders but did not appear in a monograph included with the orders because all OTC daytime sedatives were placed in Category II as not generally recognized as safe and effective for OTC use. Interested persons were invited to file, within 60 days, written objections and to request an oral hearing before the Commissioner regarding the tentative final orders.

This order contains the agency's final decision on OTC daytime sedative drug products only. The agency's final decision on OTC nighttime sleep-aid and stimulant drug products will be discussed in future documents. Accordingly, only those comments and portions of comments addressed to the agency's conclusions on daytime sedatives (43 FR 25593) are discussed below. In response to the tentative final order, five comments were received from three consumers, one consumer group, and one manufacturer.

A. The Agency's Conclusions on the Comments

1. Comments from individual consumers expressed personal opinions in favor of or in opposition to the agency's decision to place daytime sedatives in Category II. The comment in favor of the decision stated that taking this action will reduce the number of drugs that are subject to abuse. The comments opposed to the decision stated that certain OTC daytime sedative products had provided relief for particular conditions (sleeplessness and headache) which are unrelated to the indications for a daytime sedative.

The comments opposed to the agency's decision to place OTC daytime sedatives in Category II provided personal testimony in support of specific OTC daytime sedative products but did not offer any reason to change the agency's decision. The agency reaffirms the conclusions stated in paragraph 68 of the preamble to the June 13, 1978 tentative final orders.

2. One comment urged FDA to take action outside the normal regulatory procedures to immediately remove scopolamine from OTC daytime sedative products because scopolamine is both unsafe and ineffective for this intended use.

The agency's policy with respect to ingredients in OTC drug products has been to take action outside the normal OTC regulatory process only when continued marketing of the ingredient poses a sufficient health hazard, e.g., halogenated salicylanilides. The agency stated in paragraph 71 of the preamble to the June 13, 1978 tentative final orders that the available data do not warrant initiating action outside the normal OTC drug review administrative process because the level of scopolamine contained in marketed OTC daytime sedative products is too low to warrant a serious safety concern. The comment provided no reason why the agency should reach a different conclusion at this time. In any case, according to the agency's information, since publication of the December 8, 1975 proposal many manufacturers of OTC daytime sedatives have reformulated their products to eliminate scopolamine. Moreover, publication of the final order contained in this document will require removal of all daytime sedatives, including any which still contain scopolamine, from the OTC market.

3. One comment stated that members of the OTC Sedative, Sleep-Aid, and Tranquilizer Panel were pressured by FDA officials to change, for legal reasons, the Panel's original recommendation that OTC daytime sedatives be placed in Category II. The comment demanded an investigation of such influence by FDA officials to seek full disclosure of those involved.

These same allegations were made in a hearing before the Subcommittee on Monopoly and Anticompetitive Activities of the Select Committee on Small Business, United States Senate, held in Washington, DC, on June 14 and 21, 1977. A copy of the record of those proceedings has been placed on public display in the agency's office of the Hearing Clerk, address given above. At the Senate hearing, one member of the OTC Sedative, Sleep-Aid, and Tranquilizer Panel stated that FDA officials pressured Panel members to "water down" the Panel's Category II recommendations by urging that daytime sedatives be placed in Category III because the available data did not support placing antihistamine products in Category II. This view was contradicted by the Panel Chairman, who wanted "to make it very clear that FDA did not exert any undue influence on the Panel, and certainly not on the Chairman." Another Panel member testified that, while disappointed with the Panel's majority decision to move daytime sedatives from Category II to Category III, the member "did not feel it was due to any undue pressures by the Chairman or the FDA." The agency therefore rejects the position asserted in the comment.

4. One comment requested a hearing to present objections to the agency's proposal to place methapyrilene-containing daytime sedatives in Category II. The comment merely stated "We herewith request a hearing before the Food and Drug Administration, in order to present our objections," but did not specify what the objections were.

Section 330.10(a)(7) of the regulations (21 CFR 330.10(a)(7)) states that any objections to a tentative final monograph are to be supported by a brief statement of the grounds for the objections and that a request for an oral hearing may accompany such objections. Section 330.10(a)(8) (21 CFR 330.10(a)(8)) states that the Commissioner will schedule an oral hearing if the grounds in support of the objections are reasonable. Because the person requesting a hearing did not give any statement of the grounds for the objections, and because the agency is unaware of any reasonable grounds that would justify a hearing on the issues relating to daytime sedatives, the hearing request is denied. Further, the agency and the drug industry are currently taking action to remove methapyrilene-containing drug products from the market in response to recent findings by the National Cancer Institute that methapyrilene is a carcinogen. Thus, the request for a hearing would serve no purpose.

B. The Agency's Final Conclusions on OTC Daytime Sedative Drug Products

Antihistamines, bromides, and scopolamine compounds, either singly or in combination with other ingredients, e.g., analgesics, amino acids, and vitamins, have been marketed for use as OTC daytime sedatives (or similar or related indications). The following claims were submitted for the daytime sedative products: "occasional simple nervous tension," "nervous irritability," "nervous headache," "simple nervousness due to common every day overwork and fatigue," "a relaxed feeling," "calming down and relaxing," "gently soothe away the tension," "calmative," and "resolving that irritability that ruins your day." The agency is also aware of the following claims that have been associated with these drugs: "helps you relax," "restlessness," "when you're under occasional stress . . . helps you work relaxed."

While antihistamine drugs, when used as daytime sedatives, make the user drowsy or sleepy, there are no data to indicate that the drowsiness effect is related to relieving symptoms of anxiety. Drowsiness is in fact an undesirable side effect for persons using these products during the day, when they need to be alert. Accordingly, the agency concludes that antihistamines should be classified in Category II because they are not generally recognized as safe or effective when used as daytime sedatives.

The bromide compounds are being placed in Category II because they do not act as daytime sedatives in a single dose and, if taken over a long enough period of time to reach therapeutic levels, could be severely toxic.

The scopolamine compounds are classified in Category II because they are ineffective at presently marketed doses. At higher doses that would achieve a therapeutic effect (drowsiness), the scopolamine compounds are unsafe because of the potential for toxic effects associated with these doses. In addition, as stated in the paragraph discussing antihistamines, drowsiness is unrelated to the desired therapeutic effect of daytime sedative products.

The agency is unaware of any OTC daytime sedative drug product that is the subject of an approved new drug application.

Based on the available evidence, the agency is making a final determination that no ingredient can be generally recognized as safe and effective for use as an OTC daytime sedative. If the labeling of any product represents or suggests it to be used as an OTC daytime sedative (or any similar or related indication) that product will be considered a new drug within the meaning of section 201 (p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)) and may not be marketed for this use unless it is the subject of an approved new drug application.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended (21 U.S.C. 321(p), 352, 355, 371)) and the Administrative Procedure Act (5 U.S.C. 553, 554, 702, 703, 704) and under authority delegated to the Commissioner (21 CFR 5.1), Subchapter D of Title 21 of the Code of Federal Regulations is amended by adding new § 310.519 to read as follows:

§ 310.519 Drug products marketed as over-the-counter (OTC) daytime sedatives.

(a) Antihistamines, bromides, and scopolamine compounds, either singly or in combinations, have been marketed as ingredients in over-the-counter (OTC) drug products for use as daytime sedatives. The following claims have been made for daytime sedative products: "occasional simple nervous tension," "nervous irritability," "nervous headache," "simple nervousness due to common every day overwork and fatigue," "a relaxed feeling," "calming down and relaxing," "gently soothe away the tension," "calmative," "resolving that irritability that ruins your day," "helps you relax," "restlessness," "when you're under occasional stress . . . helps you work relaxed." Based on evidence presently available, there are no ingredients that can be generally recognized as safe and effective for use as OTC daytime sedatives.

(b) Any OTC drug product that is labled, represented, or promoted as an OTC daytime sedative (or any similar or related indication) is regarded as a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act for which an approved new drug application under section 505 of the act and Part 314 of this chapter is required for marketing.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD–1571), as set forth in § 312.1 of this chapter, is required to cover clinical investigations designed to obtain evidence that such a preparation is safe for the purpose intended.

(d) Any OTC daytime sedative drug product introduced into interstate commerce after December 24, 1979, that is not in compliance with this section is subject to regulatory action.

Effective date. This order will be effective December 24, 1979.

(Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended 1050–1053 as amended, 1055–1056 as amended (21 U.S.C. 321(p), 352, 355, 371) (5 U.S.C. 553, 554, 702, 703, 704).)

Dated: June 18, 1979.

Sherwin Gardner,

Acting Commissioner of Food and Drugs.

[FR Doc. 79-19448 Filed 6-21-79; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Pyrantel Pamoate Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by Pfizer, Inc., providing for safe and effective use of a higher concentration of a currently approved anthelmintic suspension for removal of roundworms and hookworms in dogs.

EFFECTIVE DATE: June 22, 1979.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 E. 42d St., New York, NY 10017, filed a supplemental NADA providing for use of a suspension of 4.54 milligrams of pyrantel (as pyrantel pamoate) per milliliter for removal of roundworms and hookworms in dogs. Pfizer currently holds approval for a suspension containing 2.27 milligrams of pyrantel base per milliliter. This supplemental dosage form covers only a change in concentration of active ingredient from 2.27 milligrams per milliliter to 4.54 milligrams per milliliter. No change is being made in the approved conditions of use, and no added risk of toxicity is present from the inadvertent overdosage of this new concentration. Therefore, under the Bureau's supplemental policy, the approval of this supplemental application has not required a reevaluation of the parent NADA.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) of the animal drug

regulations (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFA–305), Rm. 4–65, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 520 is amended in § 520.2043 by revising paragraph (b)(1) to read as follows:

§ 520.2043 Pyrantel pamoate suspension.

* * * * *

(b)(1) *Specifications.* Pyrantel pamoate suspension contains pyrantel pamoate equivalent to 2.27 or 4.54 milligrams of pyrantel base per milliliter.

* * * * *

Effective date. This regulation shall be effective June 22, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: June 15, 1979.

Terence Harvey,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 79–19447 Filed 6–21–79; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 520

Flunixin Meglumine Granules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) providing for safe and effective use of flunixin meglumine granules for lessening inflammation and pain from certain disorders in horses. The Schering Corp. filed the NADA.

EFFECTIVE DATE: June 22, 1979.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: The Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033, filed an NADA (106–616) providing for safe and effective use of flunixin meglumine granules for alleviating inflammation and pain associated with musculoskeletal disorders in horses. Schering currently holds approval for injectable use of the drug in solution form in horses. The regulations are amended to add this additional drug preparation.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.970 to read as follows:

§ 520.970 Flunixin meglumine granules.

(a) *Specifications.* Each 10-gram packet contains flunixin meglumine equivalent to 250 milligrams of flunixin.

(b) *Sponsor.* No. 000085 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* 0.5 milligram of flunixin per pound of body weight (one packet per 500 pounds) per day.

(2) *Indications for use.* For alleviation of inflammation and pain associated with musculoskeletal disorders in the horse.

(3) *Limitations.* Administer daily dose for up to 5 days by sprinkling on small amount of feed. The effect of this drug on pregnancy has not been determined. Not for use in horses intended for food. Federal low restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation is effective June 22, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 13, 1979.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 79–19105 Filed 6–21–79; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Parts 610, 660

[Docket No. 75N–0209]

Biological Products Standards; Additional Standards for Hepatitis B Surface Antigen

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the biologics regulations to prescribe standards for the manufacture of Hepatitis B Surface Antigen (HBsAg).

EFFECTIVE DATE: July 23, 1979; labeling requirements shall be effective December 19, 1979.

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Michael L. Hooton, Bureau of Biologics (HFB–620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–1306.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the Federal Register of October 7, 1975 (40 FR 46318), in which the Food and Drug Administration (FDA) proposed to amend the biologics regulations by adding additional standards, §§ 660.40 through 660.46, governing the manufacture of Hepatitis B Surface Antigen (HBsAg). Hepatitis B Surface Antigen is the surface component of hepatitis B virus. The virus is responsible for causing type B viral hepatitis in patients receiving transfusions of blood which contain HBsAg, and from injection with devices and products contaminated with this virus. Anti-HBs appears in the serum of individuals having recovered from type B virus infection. The disease is unlikely to recur in previously infected individuals who have anti-HBs.

Hepatitis B Surface Antigen may be used as an in vitro diagnostic reagent to determine the presence of anti-HBs in the serum of individuals who have recovered from type B infection. The product may also be used for standardization in the manufacture of Hepatitis B Immune Globulin (Human).

Four letters of comment were received in response to the proposal:

1. Two comments concerned the dating periods for HBsAg products in proposed § 610.53. The comments stated that certain products such as HBsAg, when coupled to cryopreserved red blood cells or aldehyde fixed red blood cells, are stable for periods of a year or more. The comments requested that

§ 610.53 be amended to include dating periods for these products.

Section 610.53 prescribes dating periods for licensed products only, and there are no existing licenses or pending license applications for the products referenced by the comments. Section 610.53 will be amended if and when licenses are issued for the subject products in response to license applications. Accordingly, the comments are rejected.

2. One comment on proposed § 660.41 suggested that alternatives to heat treatment of products and ancillary reagents should be permitted as methods for reducing the risk of transmitting type B viral hepatitis.

The phrase "such as the heating of albumin and plasma protein fraction for 10 hours at 60° C" was not intended to limit the methods for reducing the risk of transmitting type B virus. Rather, the phrase was used as an example of one procedure currently considered satisfactory. To preclude further confusion, the "such as" phrase is being deleted from § 660.41(a) in the final regulation. However, it should be noted that the specific procedure for reducing the risk of transmitting type B virus infection must be described in the license application or its amendment and approved by the Bureau of Biologics.

3. Two comments on proposed § 660.45(a) objected to the requirement that the identification of any antigen subtype must appear on the final container and package labels of products which are not intended for epidemiological investigations.

The agency agrees that not every antigen subtype need be identified on the container and package labels. However, the designation of the "d and y" antigen subtype is necessary for all HBsAg products, regardless of their use, in order to better identify the product and to facilitate investigation of product deficiencies. Designation of the "r and w" antigen subtype is necessary to facilitate the product's definition only if the product is intended to identify the "r and w" antibody subtype. Accordingly, § 660.45(a) is amended in the final regulation to specify that the label bear the "d and y" antigen subtype and the source of the proudct, e.g., HBsAg/ad chimpanzee, and to provide that if the product is intended to identify antibodies to the "r and w" antigen subtype, the antigen subtype designation shall include the "r and w" antigen subtype, e.g., HBsAg/adw chimpanzee.

4. The first sentence of the labeling section of the proposal erroneously cited § 320.10. This is corrected to read "In addition to the requirements of §§ 610.60, 610.61, and 809.10 * * *."

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Parts 610 and 660 as follows:

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

1. In part 610 by alphabetically adding to the table in § 610.53(a) a new item and dating period to the list of substances to read as follows:

§ 610.53 Dating periods for specific products.

(a) * * *

Hepatitis B Surface Antigen....	Six months (5° C., six months). Unlyophilized coated red blood cells, 14 days. § 610.51 does not apply. Iodinated (^{125}I) products, 45 days. § 610.51 does not apply.

PART 660—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR LABORATORY TESTS

2. In Part 660 by adding a new Subpart E consisitng of §§ 660.40 through 660.46, to read as follows:

Subpart E—Hepatitis B Surface Antigen

Sec.
660.40 Hepatitis B Surface Antigen.
660.41 Processing.
660.42 Reference panel.
660.43 Potency test.
660.44 Specificity.
660.45 Labeling.
660.46 Samples; protocols; official release.

Subpart E—Hepatitis B Surface Antigen

§ 660.40 Hepatitis B surface antigen.

(a) *Proper name and definition.* The proper name of this product shall be Hepatitis B Surface Antigen (HBsAg), which shall consist of a serum or tissue preparation containing one or more subtypes of the Hepatitis B Surface Antigen.

(b) *Source.* The source of the product shall be blood, plasma, serum, or tissue, obtained aseptically from nonhuman primates that have met the applicable requirements of § 600.11 of this chapter, or from human donors whose blood is positive for the Hepatitis B Surface Antigen.

§ 660.41 Processing.

(a) *Method.* The processing method shall be one that has been shown to yield consistently a specific and potent final product, free of properties which would adversely affect the test results when the product is tested by the methods recommended by the manufacturer in the package insert. The product and all ancillary reagents and materials supplied in the package with the product shall be manufactured in a manner that will reduce the risk of transmitting type B viral hepatitis.

(b) *Ancillary reagents and materials.* All ancillary reagents and materials supplied in the package with the product shall meet generally accepted standards of purity and quality and shall be effectively segregated and otherwise manufactured in a manner that will reduce the risk of contaminating the product and other biological products. Ancillary reagents and materials accompanying the product, which are used in the performance of the test as described by the manufacturer's recomended test procedures, shall have been shown not to affect adversely the product within the prescribed dating period.

(c) *Final container.* The final container shall be sterile, colorless, and transparent.

(d) *Date of manufacture.* The date of manufacture of Hepatitis B Surface Antigen that has been iodinated with radioactive iodine (^{125}I) shall be the day of labeling the antibody with the radionuclide.

§ 660.42 Reference panel.

A Reference Hepatitis B Antiserum Panel shall be obtained from the Bureau of Biologics, 8800 Rockville Pike, Bethesda, MD 20205, and shall be used for determining the potency and specificity of Hepatitis B Surface Antigen.

§ 660.43 Potency test.

To be satisfactory for release, each filling of Hepatitis B Surface Antigen shall be tested against the Reference Hepatitis B Antiserum Panel and shall be sufficiently potent to be able to detect the antibody in the appropriate sera of the reference panel by all test methods recommended by the manufacturer in the package insert.

§ 660.44 Specificity.

Each filling of the product shall be specific for Hepatitis B Surface Antigen as determined by specificity tests found acceptable to the Director, Bureau of Biologics.

§ 660.45 Labeling.

In addition to the requirements of §§ 610.60, 610.61, and 809.10 of this chapter, the labeling shall bear the following:

(a) The "d and y" antigen subtype and the source of the product to follow immediately the proper name on both the final container label and the package label. If the product is intended to identify antibodies to the "r and w" antigen subtype, the antigen subtype designation shall include the "r and w" antigen subtype.

(b) The name of the test method(s) recommended for use of the product on the package label and on the final container label, when capable of bearing a full label (see § 610.60(a) of this chapter).

(c) A warning on the package label and on the final container label stating that the product is capable of transmitting hepatitis and should be handled accordingly.

(d) The package shall include a package insert providing (1) detailed instructions for use, (2) an adequate description of all recommended test methods, and (3) warnings as to possible hazards, including hepatitis transmitted in handling the product and any ancillary reagents and materials accompanying the product.

§ 660.46 Samples; protocols; official release.

(a) The following material shall be submitted to the Director, Bureau of Biologics:

(1) A sample of each filling from each lot packaged as for distribution, including all ancillary reagents and materials.

(2) A protocol which consists of a summary of the history of manufacture of each filling test, including all results of each test for which test results are required by the Director, Bureau of Biologics.

(b) The filling of the product may not be issued by the manufacturer until notification of official release of the filling is received from the Director, Bureau of Biologics, except as provided in paragraph (c) of this section.

(c) Unlyophilized HBsAg-coated red blood cells and radio-labeled products may be released by the manufacturer under § 610.1 of this chapter without obtaining an official release from the Director, Bureau of Biologics, provided that the materials required in paragraph (a) of this section are submitted to the Director, Bureau of Biologics and postmarked no later than 1 day following the manufacturer's release date.

Effective date. This regulation becomes effective on July 23, 1979; labeling requirements shall become effective, December 19, 1979.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262).

Dated: June 18, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-19449 Filed 6-21-79; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF STATE

22 CFR Part 41

[Departmental Regulation 108.778]

Visa Issuance Procedures

Correction

In FR Doc. 79-17657 appearing at page 32653, in the issue for Thursday, June 7, 1979, on page 32654, first column, last line at the bottom of the page, delete the period and insert a comma.

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 17

Amendment of Retention Periods for State and Third Parties; Federal-Aid Highway Records of State Highway Agencies

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Amendment to final rule.

SUMMARY: The Federal Highway Administration revised its regulations on recordkeeping and retention requirements for Federal-aid highway records of State highway agencies in the Federal Register of September 18, 1978 (43 FR 41386).

Through a technical oversight, the effect of this regulation may be to require a longer record retention period in some cases than was intended. The State Archivist, State of Alaska, has pointed out this discrepancy and the need for correction. Therefore, this amendment is issued to modify the recordkeeping requirements and retention schedules for Federal-aid highway records of State highway agencies and to remove unnecessary requirements. In issuing the regulation, there was no intent to change record retention policies from those previously in effect.

EFFECTIVE DATE: July 2, 1979.

FOR FURTHER INFORMATION CONTACT: Frank Rubis, Office of Management Systems, 202-426-0534; or Lee J. Burstyn, Office of the Chief Counsel, 202-426-0786, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

§ 17.5 [Amended]

Therefore, paragraph (c) of 23 CFR 17.5 is amended to read as follows:

* * * * *

(c) The start of retention periods for State and third parties is as follows:

(1) *State records.* (i) For project oriented records, the 3-year retention period starts when the final voucher is submitted.

(ii) For cost accounting and fiscal records which usually relate to more than one project and are not project oriented, the 3-year retention period starts at the end of the State's fiscal year in which an entry is made.

(2) *Third party records.* For third party records, the 3-year retention period starts when the third party receives final payment.

Note.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. The impact of this amendment is so minimal that it does not warrant the preparation of a regulatory Evaluation.

(23 U.S.C. 315; 49 CFR 1.45 and 1.48(b); OMB Circular A-102)

Issued on: June 11, 1979.

Dowell H. Anders,

Deputy Chief Counsel, Federal Highway Administration.

[FR Doc. 79-19461 Filed 6-21-79; 8:45 am]

BILLING CODE 4910-22-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

24 CFR Part 1915

[Docket No. 5566]

Communities With No Special Hazard Areas for the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by the 100-year flood. Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column is List of Communities with No Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh St., SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial nonsubsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1–4 family dwelling is $.25 per $100 of coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is $.01 per $100 coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is $.05 per $100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of $185,000 coverage for the structure and $60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 1915.8 List of communities with no special flood hazard areas.

State	County	Community name	Date of conversion to regular program
Ohio	Franklin	Village of Minerva Park	June 15, 1979.
Oregon	Clackamas	City of Molalla	June 15, 1979.
Washington	Grant	City of Coulee City	June 15, 1979.
Washington	Spokane	Town of Millwood	June 15, 1979.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128) Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: June 13, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19214 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Approval of Supplements to California State Plan

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Approval of Supplements to California State Plan.

SUMMARY: The State of California has submitted three plan supplements describing changes in its occupational safety and health program. These are: A change in the agency designated to administer the program, a reorganization of the agencies responsible for enforcement, and amendments to employer recordkeeping and reporting requirements.

EFFECTIVE DATE: June 22, 1979.

FOR FURTHER INFORMATION CONTACT: Larry Liberatore, Project Officer, Office of State Programs, Occupational Safety and Health Administration, 3rd and Constitution Avenue NW., Washington, D.C. 20210, (202) 653–5378.

SUPPLEMENTARY INFORMATION:

Background

The California Occupational Safety and Health Plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter called the Act) and Part 1902 of this Chapter on April 24, 1973 (38 FR 10717). Part 1953 of the Chapter provides procedures for the review and approval of State change supplements by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary).

Description of Supplements

A. *Change in Designated Agency.* On January 5, 1978, the State of California submitted a supplement describing a change in the designated agency responsible for the administration of its plan. State legislation was passed in 1977 to transfer this designated responsibility from the Agriculture and Services Agency to the Department of Industrial Relations (DIR) and to establish DIR as an independent cabinet-level agency. The legislation was effective January 1, 1978.

B. *Reorganization of California/OSHA Program.* As originally approved, the California Occupational Safety and Health Plan provided for enforcement of all standards by compliance safety engineers in the Division of Industrial Safety. Technical expertise in occupational health was provided by industrial hygienists and medical staff of the Occupational Health Branch, who served in an advisory capacity. Each of these departments had standards development responsibility in their respective fields. As the scope and importance of occupational health matters increased, the limitations of the original enforcement agreement became evident. Effective July 1, 1978, California's occupational safety and health enforcement agencies were merged into a single division within DIR. The new division is named the Division of Occupational Safety and Health (DOSH). This merger extends

enforcement authority, including issuance of citations and penalty notices, to occupational health personnel.

C. *Amendments to Recordkeeping and Reporting Requirements.* In 1977, the Occupational Safety and Health Administration amended 29 CFR 1904.15 and 1952.4(a) to exempt employers of ten or fewer employees from certain recordkeeping and reporting requirements, except those selected to participate in the annual statistical survey. Further amendments replaced the forms used to collect injury and illness data, the OSHA No. 100 and OSHA No. 102, with the new form OSHA No. 200. In response to these changes in the Federal program, the State of California amended its employer recordkeeping and reporting requirements and changed its forms to mirror the Federal program. These changes were submitted as a plan supplement on April 26, 1978.

Location of the Plan and Its Supplements for Inspection and Copying

A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations:

Technical Data Center, Administrator, Occupational Safety and Health Administration, 450 Golden Gate Avenue, Room 9470, San Francisco, California 94102;

and the

California Occupational Safety and Health Administration, 455 Golden Gate Avenue, San Francisco, California 94102.

Public Participation

Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the California plan supplements described above are consistent with commitments contained in the approved plan, which were previously made available for public comment. Good cause is therefore found for approval of the supplements without public comment and notice.

Decision

After careful consideration, the California plan supplements described above are hereby approved under Part 1953 of this Chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

In accordance with this decision, Subpart K of 29 CFR Part 1952 is amended by designating the existing paragraph as paragraph (a) and adding a new paragraph (b) as follows:

§ 1952.175 Changes in certified plans.

* * * * *

(b) On January 1, 1978, the California Department of Industrial Relations became the agency designated to administer the California Occupational Safety and Health Plan.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C., this 13th day of June, 1979.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 79-19545 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining

30 CFR Ch. VII

Reclamation and Enforcement; Permanent Regulatory Program Subject Index

June 15, 1979.

AGENCY: Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

ACTION: Notice of availability of a subject index to the permanent regulatory program.

SUMMARY: The Office of Surface Mining, U.S. Department of the Interior has published an alphabetical subject index for its permanent program regulations that were published in the Federal Register on March 13, 1979, 44 FR 14902, 15313-15463. A copy of the index may be obtained by writing Mildred Dangielowicz, Administrative Record Room, Room 135, Information and Records Management Division, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20240.

ADDRESSES: Copies of the subject index are also available for public inspection and use in the Washington Headquarters and OSM Regional Offices.

Office of Surface Mining—Region I, U.S. Department of the Interior, 1st Floor, Thomas Hill Building, 950 Kanawha Street, Charleston, West Virginia 25301.

Office of Surface Mining—Region II, U.S. Department of the Interior, 530 Gay St., Suite 500, Knoxville, Tennessee 37902.

Office of Surface Mining—Region III, U.S. Department of the Interior, Federal Building and Court House, Ohio and Pennsylvania Streets, Indianapolis, Indiana 46204.

Office of Surface Mining—Region IV, U.S. Department of the Interior, 818 Grand Ave. Scaritt Building, Kansas City, Missouri 64106.

Office of Surface Mining—Region V, U.S. Department of the Interior, Old Post Office Downtown, 1823 Stout Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Mildred Dangielowicz, (202) 343-4728.

Dated: June 18, 1979.

Toney Head, Jr.,

Acting Director, Office of Surface Mining.

[FR Doc. 79-19433 Filed 6-21-79; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 55, 56, 57

Metal and Nonmetallic Mine Safety, Mandatory Health Standards; Correction Notice

AGENCY: Mine Safety and Health Administration, Department of Labor.

ACTION: Final rule correction.

SUMMARY: This action corrects mandatory health standards 30 CFR 55.5-6, 56.5-6, and 57.5-6 published in the Federal Register on November 17, 1978. The standards list chemical substances that may not be used or stored except under certain conditions. The chemical "Ethylenediamine" is corrected to read "Ethyleneimine."

EFFECTIVE DATE: June 22, 1979.

SUPPLEMENTARY INFORMATION: "Ethylenediamine" is corrected to read "Ethyleneimine" in column 2 and in column 3 on page 54066 and again in column 2 on page 54067 of FR Doc. 78-32300 published in the Federal Register on November 17, 1978 (43 FR 54064-54067).

FOR FURTHER INFORMATION CONTACT: Dr. Aurel Goodwin (703) 235-8307.

Dated: June 4, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-19573 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-43-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

Personal Privacy and Rights of Individuals Regarding Their Personal Records; Exemptions

AGENCY: Department of Defense, Department of the Army.

ACTION: Final rule: correction.

SUMMARY: This document corrects a Department of the Army Final Rule in FR Doc. 79–17399 (44 FR 32367) of June 6, 1979. The date caption inadvertently requested comments when it should have stated that the effective date of the amendment and deletion of exemption rules for systems of records under the Privacy Act identified therein was June 6, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Cyrus H. Fraker, 202–693–0973.

Dated: June 18, 1979.

H. E. Lofdahl,

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

[FR Doc. 79–19430 Filed 6–21–79; 8:45 am]

BILLING CODE 3710–08–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

41 CFR Ch. 18, Parts 1, 7

[Procurement Regulation Directive 78–13]

NASA Procurement Regulation (NPR)

Correction

In FR Doc. 79–17666 appearing at page 32687 in the issue for Thursday, June 7, 1979, make the following corrections:

(1) On page 32690, in the third column, under Subpart 2—Initiation of Property Administration, below § 3.201(b), the number "843.202" designating the paragraph entitled, "Analysis of Contract and Establishment of Contract Property Control Data Files," should be corrected to read "§ 3.202".

(2) On page 32694, in the third column, in the first full paragraph, in the 1st line, "§ 3.402–7A" should be corrected to read, "§ 3.402–7".

BILLING CODE 1505–1–M

41 CFR Ch. 18, Parts 2, 3, 7, 16, 20, 25

[Procurement Regulation Directive 78–12]

NASA Procurement Regulation (NPR)

Correction

In FR Doc. 79–17665 appearing at page 32685 in the issue for Thursday, June 7, 1979, incorrect notation was used to designate certain paragraph headings. On pages 32685 through 32687, delete the "S" which precedes the following paragraph heading numbers: 2.201–1, 2.303–2, 3.501, 3.802–4, 20.401–2, 20.401–3, 25.202, and 25.203.

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3300

Outer Continental Shelf Leasing; Extension of Time To File Statements of Production

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Land Management amends its regulations relating to joint bidding requirements to extend the time for oil and gas companies to file statements of production in order to bid jointly at outer continental shelf (OCS) oil and gas lease sales held during the present bidding period. Many of the smaller companies have overlooked the need to file before the deadline of March 17, 1979, and have requested more time. The basic purpose of the regulation has been to encourage competition and the entrance of smaller companies into the competition.

EFFECTIVE DATE: June 22, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Dale Zimmerman, Chief, Division of Minerals Resources, Bureau of Land Management, Department of the Interior. (202) 343–2721.

SUPPLEMENTARY INFORMATION: According to the regulations 43 CFR 3302.3–2(a), any person who wishes to submit a joint bid for an oil and gas lease under the Outer Continental Shelf (OCS) Lands Act as amended (43 U.S.C. 1331–1343) during the six month bidding period which began on May 1, 1979, must have filed no later than 45 days before that date a sworn statement of production concerning the prior production period of July 1, 1978, through December 31, 1978. In order to bid jointly without restriction, his statement should attest to an average daily production during that time of no more than 1.6 million barrels of crude oil, natural gas, and liquefied petroleum products.

Since March 17, 1979, a number of companies who had not timely filed their statements of production have inquired as to whether an extension of time might be granted. It has now been determined that acceptance of statements of production until the close of business on the Friday preceding any sale held during the bidding period would be in the national interest and not incompatible with the purposes of the regulations. Therefore, the first sentence of 43 CFR 3302.3–2(a), published at 43 FR 58090, December 12, 1978, is hereby amended by striking the following language:

* * * except that for the bidding period of November 1, 1978, through April 30, 1979, no joint bid may be considered at any sale unless statements of production from all parties to that bid have been received in the office of the Director, Bureau of Land Management (Attention 722), Washington, D.C. 20240, by close of business on Friday before the sale.

and substitute therefor:

* * * except for the bidding period of May 1, 1979, through October 31, 1979, no joint bid may be considered at any sale unless statements of production from all parties to that bid have been received in the office of the Director, Bureau of Land Management (Attention 722), Washington, D.C. 20240, by close of business on Friday before the sale.

The list of such qualified persons and companies will be available for examination at the field offices in New York, New Orleans, Louisiana, Los Angeles, California, and Anchorage, Alaska.

Guy R. Martin,

Assistant Secretary of the Interior.

June 20, 1979.

[FR Doc. 79–19585 Filed 6–21–79; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[FCC 79–327]

Reregulation of Radio and TV Broadcasting

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: As a result of the continuing study of the reregulation of broadcasting and the oversight of the AM, FM and TV

rules, the Commission is listing in Subpart H, Part 73, of its Rules and Regulations certain FCC policies pertaining to broadcast services. The policies are not made a part of the rules, but are listed solely for reference purposes and the convenience of all concerned.

EFFECTIVE DATE: June 29, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip Cross, Steve Crane, John Reiser, Broadcast Bureau, (202) 632–9660.

SUPPLEMENTARY INFORMATION:

In the matter of reregulation of radio and TV broadcasting.

Adopted: May 29, 1979.

Released: June 15, 1979.

By the Commission:

1. In this Reregulation *Order*, certain FCC policies pertaining to broadcast services are listed in Subpart H, Part 73, of the FCC's Rules and Regulations.

2. As the reregulation work has progressed in its various forms, reviewing rules, determining their continuing validity, and making decisions with respect to retention, modification or deletion, a recurring question regarding access to the FCC's Policies has come to the fore.

3. These Policies are stated in a variety of ways including: Declaratory Rulings, Public Notices, Reports and Orders, Primers, Memoranda Opinions and Orders and letters to organizations or persons.

4. Certain policies will be listed in Subpart H, Part 73, of our Rules and Regulations. They are not being made a part of the Rules and Regulations, but are listed, alphabetically and with appropriate citations, solely for reference purposes and the convenience of all concerned. These policies will be listed under separate Section numbers and titles, facilitating quick access via the alphabetical index. Each Section will refer to only one policy, and the Section text will give the citations, e.g., FCC number, Federal Register, FCC Reports, etc.

5. The listing of these policies in Subpart H of Part 73 in no way imposes additional burdens or removes provisions relied upon by licensees or the public.

6. The present listing of FCC policies and citations thereto should not be relied upon as an all-inclusive list, and the failure to include a policy in this list does not affect its validity.

7. For further information on this *Order*, contact either Steve Crane, Philip Cross or John Reiser, Broadcast Bureau, (202) 632–9660.

8. We conclude that, for the reasons set forth above, adoption of this *Order* will serve the public interest, and inasmuch as these amendments impose no additional burdens or raise no issue upon which comments would serve any useful purpose, prior notice of rulemaking, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. (b)(3)(B).

9. Therefore, *it is ordered*, That pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, the FCC's Rules and Regulations are amended as set forth below, effective June 29, 1979.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

A new undesignated headnote, FCC POLICIES, is added to Subpart H, Part 73, immediately preceding new § 73.4000, Listing of FCC Policies, and new §§ 73.4000 through 73.4275 are added to Subpart H, Part 73, to read as follows:

Subpart H—Rules Applicable to All Broadcast Stations

Sec.

* * * * *

FCC POLICIES

73.4000 Listing of FCC policies.
73.4005 Advertising—refusual to sell.
73.4010 Advertising time—amount of.
73.4015 Alcoholic beverage advertising.
73.4020 Ascertainment (and annual list of problems and needs).
73.4025 Ascertainment, noncommercial educational stations.
73.4030 Astrology material, broadcasts of.
73.4035 Audience ratings: hypoing and survey misuse.
73.4040 Audience ratings: licensee distortion.
73.4045 Barter agreeements.
73.4050 Children's TV programs.
73.4055 Cigarette advertising.
73.4060 Citizen agreements.
73.4065 Combination advertising rates, joint sales practices.
73.4070 Commercials, false, misleading and deceptive.
73.4075 Commercials, loud.
73.4080 Commercials, program length.
73.4085 Conflict of interest.
73.4090 Coverage maps, use by licensees.
73.4095 Drug lyrics.
73.4100 Financial qualifications; new AM and FM stations.
73.4105 Foreign language programs.
73.4110 Format changes of stations.
73.4115 Fraudulent billing practices.
73.4120 Harassing and threatening phone calls (resulting from station broadcasts).
73.4125 Horse racing information broadcasts.
73.4130 Horse racing: off-track and pari-mutuel betting advertising.
73.4135 Interference to TV reception by FM Stations.
73.4140 Minority ownership; tax certificates and distress sales.
73.4145 Musical format service companies' agreements with broadcasters.
73.4150 Musical recordings; repetitious broadcasts.
73.4155 Network clipping.
73.4160 Night time service areas, class II and III AM stations; computation.
73.4165 Obsecene language.
73.4170 Obscene lyrics.
73.4175 Off-network programs and feature films: presentation restrictions.
73.4180 Payment disclosure: payola, plugola, kickbacks.
73.4185 Political broadcasting and telecasting, the law of.
73.4190 Political candidate authorization notice and sponsorship identification.
73.4195 Political advertising by UHF translators.
73.4200 Polls, call-in, on radio and TV Stations.
73.4205 Private interest broadcasts by licensees to annoy and harass others.
73.4210 Procedure Manual: "The Public and Broadcasting".
73.4215 Program matter: supplier identification.
73.4220 Promise v. performance: commercial announcements.
73.4225 Promotion of non-broadcast business of a station.
73.4230 Sales contracts, failure to perform.
73.4235 Short spacing agreements: FM stations.
73.4240 Sirens and like emergency sound effects in announcements.
73.4245 Sports announcer selection.
73.4250 Subliminal perception.
73.4255 Tax certificates: issuance of.
73.4260 Teaser announcements.
73.4265 Telephone conservation broadcasts (network and like sources).
73.4270 TV broadcasts signals: technical standards.
73.4275 Tone clusters: audio attention-getting devices.

* * * * *

FCC Policies

§ 73.4000 Listing of FCC policies.

The following Sections list, solely for the purpose of reference and convenience, certain Policies of the FCC. The present listing of FCC policies and citations thereto should not be relied upon as an all-inclusive list, and the failure to include a policy in this list does not affect its validity. Each Section bears the title of one Policy and the citations which will direct the user to the specific document(s) pertaining to that Policy.

§ 73.4005 Advertising—refusal to sell.

See 412 U.S. 94 (Supreme Court, 1973).

§ 73.4010 Advertising time—amount of.

See FCC Rules: Volume I, Part I, § 0.281, Authority delegated.

§ 73.4015 Alcoholic beverage advertising.

See letter to Senator Edwin C. Johnson, released August 5, 1949. 43 F.C.C. 446.

§ 73.4020 Ascertainment (and annual list of problems and needs).

See Report and Order, Docket 19715, FCC 75–1361, adopted December 15, 1975. 57 F.C.C. 2d 418; 41 FR 1372, January 7, 1976.

§ 73.4025 Ascertainment, noncommercial educational stations.

See Report and Order, Docket 19816, FCC 76–234, adoped March 11, 1976. 58 FCC 2d 526; 41 FR 12424, March 25, 1976.

§ 73.4030 Astrology material, broadcasts of.

See letter dated March 23, 1972, FCC 72–78. 34 FCC 2d 434.

§ 73.4035 Audience ratings: hypoing and survey misuse.

(a) See Report and Order, Docket 20501, FCC 76–226, adopted March 10, 1976. 58 FCC 2d 513; 41 FR 11556, March 19, 1976.

(b) See Public Notice, FCC 65–965, dated October 28, 1965. 1 FCC 2d 1078; 30 FR 13887, November 2, 1965.

§ 73.4040 Audience ratings: licensee distortion.

See Public Notice, FCC 77–448, dated June 24, 1977. 65 FCC 2d 413; 42 FR 34913, July 7, 1977.

§ 73.4045 Barter agreements.

See Order, FCC 72–167, adopted February 16, 1972. 33 FCC 2d 653; 37 FR 4009, February 25, 1972.

§ 73.4050 Children's TV programs.

See Report and Policy Statement, Docket 19142, FCC 74–1174, adopted October 24, 1974. 50 FCC 2d 1; 39 FR 39396, November 6, 1974.

§ 73.4055 Cigarette advertising.

See 15 U.S.C. 1335.

§ 73.4060 Citizen agreements.

See Report and Order, Docket 20495, FCC 75–1359, adopted December 10, 1975. 57 FCC 2d 42; 40 FR 59730, December 30, 1975.

§ 73.4065 Combination advertising rates; joint sales practices.

See Report and Order, Docket 19789, FCC 76–190, adopted February 2, 1976. 59 FCC 2d 894; 41 FR 24719, June 18, 1976.

§ 73.4070 Commercials, false, misleading and deceptive.

(a) See Public Notice, FCC 61–1316, dated November 7, 1961.

(b) See letter to Center for Law and Social Policy, FCC 71–1098, dated October 26, 1971. 38 FCC 2d 400.

§ 73.4075 Commercials, loud.

See Public Notice, FCC 75–880, dated July 29, 1975. 40 FR 34188, August 14, 1975. This FCC statement affirms earlier Public Notice, FCC 65–618, dated July 12, 1965. 1 FCC 2d 10; 30 FR 8964, July 16, 1965.

§ 73.4080 Commercials, program length.

See "Program length commercials, Applicability of Commission Policies", FCC 74–77, dated January 29, 1974. 44 FCC 2d 985; 39 FR 4042, January 31, 1974.

§ 73.4085 Conflict of interest.

(a) See letter to Crowell-Collier Broadcasting, adopted December 9, 1966, FCC 66–1137. 14 FCC 2d 358.

(b) See letter to Strauss Communications, Inc., adopted October 1, 1975, FCC 75–1120. 56 FCC 2d 436.

§ 73.4090 Coverage maps, use by licensees.

See letter to Universal Communications, adopted December 17, 1969, FCC 69–1397.

§ 73.4095 Drug lyrics.

(a) See Public Notice, FCC 71–205, dated March 5, 1971. 28 FCC 2d 409; 36 FR 4901, March 13, 1971.

(b) See Memorandum Opinion and Order, FCC 71–428, adopted April 16, 1971. 31 FCC 2d 377; 36 FR 8090, April 29, 1971.

§ 73.4100 Financial qualifications; new AM and FM stations.

See Public Notice, FCC 78–556, dated August 2, 1978. 69 FCC 2d 407; 43 FR 34841, August 7, 1978.

§ 73.4105 Foreign language programs.

See Memorandum Opinion and Order, FCC 73–269, adopted March 7, 1973. 39 FCC 2d 1037; 38 FR 7840, March 23, 1973.

§ 73.4110 Format changes of stations.

See Memorandum Opinion and Order, Docket 20682, FCC 76–744, adopted July 28, 1976. 60 FCC 2d 858; 41 FR 37153, September 2, 1976.

§ 73.4115 Fraudulent billing practices.

(a) See Public Notice, FCC 76–489, dated June 10, 1976. 59 FCC 2d 1268; 41 FR 23673, June 11, 1976.

(b) See Report and Order, Docket 20499, FCC 76–488, adopted May 25, 1976. 59 FCC 2d, 786; 41 FR 23675, June 11, 1976.

(c) See Public Notice, FCC 76–1155, dated December 17, 1976. 62 FCC 2d 568; 41 FR 55739, December 22, 1976.

§ 73.4120 Harassing and threatening phone calls (resulting from station broadcasts.)

See letter to Station WQXL, dated June 24, 1970. 23 FCC 2d 872.

§ 73.4125 Horse racing information broadcasts.

See Report and Order, Docket 15040, FCC 64–533, adopted June 17, 1964. 36 FCC 1571; 29 FR 8013, June 24, 1964.

§ 73.4130 Horse racing: off-track and parimutuel betting advertising.

(a) See Declaratory Ruling, FCC 71–1251, adopted December 15, 1971. 32 FCC 2d 705; 36 FR 24237, December 22, 1971.

(b) See Memorandum Opinion and Order, FCC 73–355, adopted March 29, 1973. 41 FCC 2d 172; 38 FR 9531, April 17, 1973.

(c) See Memorandum Opinion and Order, FCC 73–685, adopted June 27, 1973. 41 FCC 2d 893; 38 FR 18487, July 11, 1973.

§ 73.4135 Interference to TV reception by FM stations.

See Public Notice, FCC 67–1012, dated August 30, 1967.

§ 73.4140 Miniority ownership; tax certificates and distress sales.

(a) See Public Notice, FCC 78–322, dated May 25, 1978. 68 FCC 2d 979; 43 FR 25188, June 9, 1978.

(b) See Public Notice, FCC 78–725, dated October 11, 1978. 43 FR 47612, October 16, 1978.

§ 73.4145 Muscial format service companies' agreements with broadcasters.

See Report and Policy Statement, Docket 19743, FCC 75–1234, adopted November 4, 1975. 56 FCC 2d 805; 40 FR 55383, November 28, 1975.

§ 73.4150 Musical recordings; repetitious broadcasts.

See letter to station KRBE, dated May 22, 1973. 40 FCC 2d 1154.

§ 73.4155 Network clipping.

See Public Notice, FCC 73–230, dated March 2, 1973. 40 FCC 2d 136; 38 FR 6918, March 14, 1973.

§ 73.4160 Night time service areas, class II and III AM stations; computation.

See Public Notice, FCC 76-800, dated August 26, 1976. 61 FCC 2d 764; 41 FR 36836, September 1, 1976.

§ 73.4165 Obscene language.

(a) See Memorandum Opinion and Order, FCC 75-200, adopted February 12, 1975. 56 FCC 2d 94; 40 FR 11023, March 11, 1975.

(b) See FCC v. Pacifica Foundation, — U.S.—; 57 L Ed 2d 1073, 98 S. Ct.—; 46 U.S.L.W. 5018 (1978).

(c) See Public Notice, FCC 63-38, dated January 10, 1963. 28 FR 417, January 16, 1963.

§ 73.4170 Obscene lyrics.

See letter to N. Markovitz dated June 3, 1976. In response number 8310, C 2-1109. Review denied: FCC 76-769, adopted August 5, 1976.

§ 73.4175 Off-network programs and feature films: presentation restrictions.

See Public Notice, FCC 72-305, dated April 6, 1972. 34 FCC 2d 1099; 37 FR 7412, April 14, 1972.

§ 73.4180 Payment disclosure: payola, plugola, kickbacks.

(a) See 47 U.S.C. 508.

(b) See Public Notice, FCC 70-593, dated June 4, 1970. 23 FCC 2d 588; 35 FR 9045, June 11, 1970.

§ 73.4185 Political broadcasting and telecasting, the law of.

See Public Notice, FCC 78-523, dated August 16, 1978. 69 FCC 2d 2209; 43 FR 36342, August 16, 1978.

§ 73.4190 Political candidate authorization notice and sponsorship identification.

See Joint Public Notice by the Federal Communications Commission and the Federal Election Commission, FCC 78-419, dated June 19, 1978. 69 FCC 2d 1129; 43 FR 30126, July 13, 1978.

§ 73.4195 Political advertising by UHF translators.

See Public Notice, FCC 76936, dated October 8, 1976. 62 FCC 2d 896; 41 FR 45043, October 14, 1976.

§ 73.4200 Polls, call-in, on radio and TV stations.

See letter to Congressman Moss, dated May 15, 1968, FCC 68-553. 13 FCC 2d, 964.

§ 73.4205 Private interest broadcasts by licensees to annoy and harass others.

See letter to Station WXTV dated February 9, 1972, FCC 72-131. 33 FCC 2d 840.

§ 73.4210 Procedure Manual: "The Public and Broadcasting".

See FCC 74-942, dated September 5, 1974. 49 FCC 2d 1; 39 FR 32288, dated September 5, 1974.

§ 73.4215 Program matter: supplier identification.

See Public Notice, FCC 73-595, dated June 1, 1973. 41 FCC 2d 333; 38 FR 14979, June 7, 1973.

§ 73.4220 Promise versus performance: commercial announcements.

(a) See Memorandum Opinion and Order, Docket 14003, adopted July 12, 1961. 31 FCC 85; 26 FR 6485, July 18, 1961.

(b) See also Moline Television Corp., et al, Docket 17993, FCC 71-837, adopted August 18, 1971. 31 FCC 2d 263.

§ 73.4225 Promotion of non-broadcast business of a station.

See letter to Station WADE, dated September 19, 1973, FCC 73-989. 42 FCC 2d 1027.

§ 73.4230 Sales contracts, failure to perform.

See Public Notice, FCC 73-1254, dated November 29, 1973. 43 FCC 2d 978; 38 FR 33524, December 5, 1973.

§ 73.4235 Short spacing agreements: FM stations.

See Public Notice, FCC 75-1367, dated December 15, 1975. 57 FCC 2d 1263; 40 FR 58893, December 19, 1975.

§ 73.4240 Sirens and like emergency sound effects in announcements.

See Public Notice, FCC 70-930, dated August 28, 1970. 26 FCC 2d 275; 35 FR 14024, September 3, 1970.

§ 73.4245 Sports announcer selection.

See Report and Order, Docket 19773, FCC 74-868, adopted July 31, 1974. 48 FCC 2d, 235; 39 FR 29222, August 14, 1974.

§ 73.4250 Subliminal perception.

(a) See Public Notice, FCC 74-78, dated January 24, 1974. 44 FCC 2d, 1016; 39 FR 3714, January 29, 1974.

(b) See FCC Information Bulletin, "Subliminal Projection", dated November 1977.

§ 73.4255 Tax certificates: issuance of

See Public Notice, FCC 76-337, dated April 21, 1976. 59 FCC 2d, 91; 41 FR 17605, April 27, 1976.

§ 73.4260 Teaser announcements.

See Public Notice, FCC 62-592, dated June 1, 1962. 27 FR 5274, June 5, 1962.

§ 73.4265 Telephone conversation broadcasts (network and like sources).

See Memorandum Opinion and Order, FCC 75-1406, adopted December 18, 1975. 57 FCC 2d, 334; 41 FR 816, January 5, 1976.

§ 73.4270 TV broadcast signals: technical standards.

See Public Notice, FCC 78-423, dated June 16, 1978. 43 FR 36689, August 18, 1978. This FCC statement was modified by Public Notice, FCC 79-10, dated January 10, 1979. 44 FR 3774, January 18, 1979.

§ 73.4275 Tone clusters; audio attention-getting devices.

See Public Notice, FCC 76-610, dated July 2, 1976. 60 FCC 2d, 920; 41 FR 28582, July 12, 1976.

[FR Doc. 79-19454 Filed 6-21-79; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003 and 1132

[Ex Parte No. MC-111]

Transfer of Motor Carrier Operating Rights; List of Forms

AGENCY: Interstate Commerce Commission.

ACTION: Notice of rule change.

SUMMARY: The rules adopted in this notice revise and simplify the motor carrier transfer rules applicable to small motor carriers. Substantive changes in Commission policy have made some provisions of the rules obsolete. Others require applicants and the Commission to undergo a more tedious adjudication than necessary, since transfers involving small carriers seldom contain issues of major public consequence.

DATES: Rules become effective October 22, 1979.

FOR FURTHER INFORMATION CONTACT: Judy Holyfield (202) 275-7864/7863/7792.

SUPPLEMENTARY INFORMATION: By a notice proposed rulemaking published in the Federal Register on February 2, 1979 (44 FR 6759), we instituted this proceeding to revise and simplify the motor carrier transfer rules (49 CFR Part 1132). We stated that some of the existing rules were not relevant because of policy changes. We also indicated that the form and method of the transfer adjudication process was placing an undue strain upon applicants and the resources of the Commission. The notice set forth a number of proposed changes to shorten and facilitate the application

procedure. Interested persons were asked to submit written comments on the changes proposed. Comments were received from (1) National Small Shipments Traffic Conference and Drug and Toilet Preparation Traffic Conference, (2) Transport of New Jersey, (3) Denenholz & Janer, Inc., (4) Joseph G. Dail, Jr., Attorney-at-Law, and (5) Paul F. Sullivan, Attorney-at-Law.

Discussion

One of the respondents contends that a revision of the rules should consider an increase in the $300,000 revenue ceiling which draws the line between proceedings coming under the provisions of 49 U.S.C. 11343 [1] (formerly Section 5 of the Interstate Commerce Act), and those which are subject to the requirements of 49 U.S.C. 10926 (formerly Section 212(b)). In 1975, the Commission submitted a legislative recommendation to accomplish this very objective, but Congress has not acted on it.

Two parties express concern about the proposed change in the notice procedures. Under the existing rules, the Commission gives notice of the application's filing in the Federal Register, allows 30 days for protests, and makes a decision on the merits of the application. The decision then may be appealed by any interested person. Under the proposed rules, the application initially would be a matter solely between applicants and the Commission. A conditional decision would be rendered on the application as filed, and if approved, a notice of that conditional approval would be published in the Federal Register. At that time, protest opportunity would arise in the form of a petition for reconsideration. This is the same notice procedure which covered the transfer procedure for 16 years until the present rules were adopted in 1976. Our experience indicates that it is desirable to renew the former notice procedure to reduce the burden on applicants and the time required to reach an initial decision.

One respondent is concerned that transfers may create additional competitive rights or duplicative services, adversely affect existing carriers, and diminish the rights of parties to due process. We reject this position. As we stated in the notice, transfer proceedings seldom involve transactions or issues of significant public consequence. Moreover, the effect which transfer approvals have upon competing carriers is not an issue in an adjudication under 49 U.S.C. 10926. *Mercer County Improvement, Transferee,* 109 M.C.C. 795 (1971). In any event, applications will be reviewed and if problems are evident they will be resolved.

Another respondent urges that the revised application form include the same requirement as is contained in Appendix D of the Section 11343 application form (OP–F–44). That is a requirement of apprising the Commission whether the buyer intends to restrict, halt, or curtail transportation service to, from, or between, any points previously served by the seller. The respondent believes that the Commission should deny a proposed transfer which would cause or contemplate a discontinuance of existing services, particularly those offered to small shippers. We believe that proposed § 1132.3 of the revised rules adequately protects against situations such as this.

One of the respondents has observed that the existing transfer rules and application form apply to transfers of motor carrier certificates and permits *and* to transactions involving changes in the control or ownership of broker licenses. On the other hand, our proposed regulations pertain only to motor carrier transfer proceedings. The respondent believes that our adoption of the new regulations, without change, would make it necessary to formulate separate rules, procedures, and forms affecting broker license transactions.

Our intention is to continue to apply the transfer rules to broker transactions. It is unnecessary to revise the sections of the Code of Federal Regulations dealing with those proceedings (49 CFR 1045.11(c), 1045.12, 1133.1(c), and 1133.2). However, we will change the new application form as necessary to show that it applies to these proceedings.

Another respondent endorses our proposed disclosure requirement in which the seller would specify whether it owes money to owner-operators, and the manner in which it intends to settle such debts. The respondent suggests that we impose an additional requirement looking toward disclosure and settlement of overcharges to shippers.

We disagree. Overcharges are typically a minor source and an insignificant percentage of the total revenue of shippers. This is distinguishable from money due owner-operators which often is their only source of income. Since cash flow is essential to the vital role owner-operators have in the national transportation system, we feel this is an appropriate inquiry in transfer proceedings. We therefore affirm the disclosure requirement concerning monies due owner-operators and reject the suggestion to impose a similiar requirement concerning settlement of overcharges to shippers.

Finally, one of the respondents has suggested that the revised transfer rules reflect the informal letter procedure we adopted in 1977 (42 FR 45730) to process strictly legal changes in the indentification of motor carriers. The primary example of this is the incorporation of a partnership or sole proprietorship where no new persons come into control of the business. We agree with this suggestion. Therefore, the following note will be placed after the definition of "transfer" in § 1132.1(a) of the revised rules:

Note.—The term transfer as used in this part does not apply to transactions to accomplish changes in the form of a business, such as the incorporation of a partnership or sole proprietorship. To accomplish such changes, a letter providing the following information should be addressed to the Commission, Office of Proceedings, Washington, D.C. 20423: (1) The docket number(s) and name of the carrier requesting the change; (2) a copy of the articles of incorporation or the state certificate reflecting the corporation; (3) the name(s) of the owner(s) of the stock and the distribution of the shares; (4) the names of the officers and directors of the corporation; and (5) a statement that there is no change in the ownership, management, or control of the business.

This decision does not significantly affect the quality of the human envrionment.

It is ordered:

49 CFR is amended by striking existing Section 1132 and substituting revised Section 1132 as described in the appendix.

Form OP–FC–1 is superseded by form OP–FC–1 (Revised) as set forth in the appendix.

This decision shall become effective October 22, 1979.

Notice of this decision shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing a copy of the attached notice with the Director, Office of the Federal Register.

Dated: May 17, 1979.

[1] Section 11343(d)(1) exempts from the provisions of Section 11343 transactions in which the only parties are motor carriers and the aggregate gross operating revenues of those carriers were not more than $300,000 during a period of 12 consecutive months ending not more than 6 months before the date of the agreement of the parties covering the transaction.

By the Commission, Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp, and Christian.

H. G. Homme, Jr.,

Secretary.

Title 49 of the Code of Federal Regulations is amended by revising Part 1132.

PART 1132—TRANSFERS OF OPERATING RIGHTS

Sec.

1132.1 Definitions.
1132.2 Applications.
1132.3 Criteria for approval.
1132.4 Petitions for reconsideration.
1132.5 Operations by fiduciaries.

Authority: 49 U.S.C. 10926; 5 U.S.C. 552(b).

Note: These rules spell out the procedures which enable motor carriers to obtain approval from the Interstate Commerce Commission to merge, transfer, or lease their operating rights in financial transactions not subject to Section 11343 of the Interstate Commerce Act.

§ 1132.1 Definitions.

For the purposes of this part, the following definitions shall apply—

(a) *Transfer.* The sale or lease of interstate motor carrier operating rights [1] or the merger of two or more carriers or a carrier and a non-carrier, when the transactions are not subject to section 11343 of the Act.

Note: The term transfer as used in this part does not apply to transactions to accomplish changes in the reform of a business, such as the incorporation of a partnership or sole proprietorship. To accomplish such changes, a letter providing the following information should be addressed to the Commission, Office of Proceedings, Washington, D.C. 20423: (1) The docket number(s) and name of the carrier requesting the change; (2) a copy of the articles of incorporation or the state certificate reflecting the corporation; (3) the names(s) of the owner(s) of the stock and the distribution of the shares; (4) the names of the officers and directors of the corporation; and (5) a statement that there is no change in the ownership, management, or control of the business.

(b) *Operating Rights.* Authority to perform transportation as a motor carrier as authorized by a certificate of public convenience and necessity, a permit, or a certificate of registration issued by this Commission. The term includes authority held by virtue of the gateway elimination regulations published in the **Federal Register** as letter-notices.

[1] The execution of a chattel mortage, deed of trust, or other similar document does not constitute a transfer or require the Commission's approval. However, a foreclosure for the purpose of transferring an operating right to satisfy a judgment or claim against the record holder or to settle an estate shall not be effectuated without approval of the Commission.

(c) *Certificate of Registration.* The evidence of a motor carrier's rights to engage in interstate or foreign commerce within a single State as established by a corresponding State certificate.

(d) *Duplicating Service Rights.* Operating rights authorizing the transportation of passengers, or of the same commodities, from and to, or between, the same points in substantially competitive or duplicative service.

(e) *Person.* An individual, partnership, corporation, company, association or other form of business, or a trustee, receiver, assignee, or personal representative of any of these.

(f) *Record Holder.* The person shown on the records of the Commission as the legal owner of the operating rights.

(g) *Control.* A relationship between persons, including actual control, legal control, and the power to exercise control, through or by common directors, officers, stockholders, a voting trust, or a holding or investment company, or any other means.

§ 1132.1 Applications.

(a) *Form.* Transfers shall be requested in writing on the specific form prescribed by the Commission. They also may be requested by letter if all required facts are presented.

(b) *Filing.* The original and two copies shall be filed with the Secretary of the Commission, Washington, D.C. 20423. The original must show that an additional copy has been furnished to the Commission's District Supervisor for the district(s) in which the applicant's headquarters are located.

(c) *Content:* Particular facts to be included depend on the type of transaction presented: (1) *Category 1 Transfers.* Transactions in which the person to whom the operating rights would be transferred is not an ICC motor carrier and is not affiliated with any ICC motor carrier. (2) *Category 2 Transfers.* Transactions in which the person to whom the operating rights would be transferred *is* an ICC motor carrier and/or is affiliated with an ICC motor carrier.

In Category 1 and Category 2 transfers, applicants shall furnish the following:

(a) full name, address, and signature of the transferee;

(b) full name, address, and signature of the transferor;

(c) a copy of the complete ICC operating authority of transferor, which shall be clearly marked to show the rights being transferred and those being retained;

(d) a copy of each written agreement covering the proposed transfer of the ICC operating rights, State authorities, real estate, equipment, and other property involved in the transaction;

(e) the status of the proceedings for the transfer of the State certificate(s) corresponding to the certificate of registration being transferred;

(f) a certified copy of any court order issued to accomplish the transfer or to establish the authority of an executor, trustee, receiver, or the like; and

(g) a statement on whether the proposed transfer (will) (will not) significantly affect the quality of the human environment.

Category 2 applicants also must submit the following:

(a) a copy of the complete ICC operating authority of the transferee and its ICC motor carrier affiliate(s);

(b) condensed income statements for applicants and their ICC affiliates for the preceding and current calendar years;

(c) current balance sheet and *pro forma* balance sheet for the transferee, the latter of which shall be adjusted to reflect consummation of the proposed transfer; and

(d) a statement indicating whether (a) the operating rights to be transferred can or will be joined with any irregular route operating rights of transferee, and (b) a gateway elimination application is being filed concurrently.

(d) *Notice to the public.* The Commission will furnish public notice of transfer applications *only* if they are approved. Notice shall be given by publishing a summary of the transaction in the **Federal Register.** Protests received prior to the notice will be rejected.

§ 1132.3 Criteria for approval.

(a) A transfer shall be approved if: (1) the transaction is exempt from Section 11343 (formerly Section 5) of the Act; (2) transferee is fit to receive authority; and (3) no public harm will result.

(b) Proposed divisions of operating rights *along clearly defined lines* generally may be approved when they do not unduly fragment the operating rights of the transferor, improperly divide them, or result in substantially competitive or duplicative services. The Commission usually will *not* approve applications which propose: (1) the separation of a commodity or commodities from a class of substantially related commodities or from general commodity authority; or (2) the transfer of an alternate route or intermediate or off-route point from the route to which it is appurtenant.

(c) The Commission will not approve a transfer or lease of operating rights to a person who controls, is controlled by, or is under common control with anoher person who is the record holder of operating rights which materially duplicate those to be transferred.

(d) The Commission will not approve a proposed lease of operating rights for

more than one year, unless there are unusual or compelling circumstances.

(e) The Commission will not approve a transfer of operating rights if it finds that transferor obtained the rights for speculation or that transferee does not intend to engage in bona fide motor carrier operations.

§ 1132.4 Petitions for reconsideration.

(a) Petitions seeking reconsideration must be filed within 20 days following service of denial decisions or publication of affirmative decisions in the **Federal Register.** Within 20 days after the final date for filing, any interested person may file and serve a reply upon the parties to the proceeding. Petitions shall be filed with the Secretary of the Commission and shall: (1) detail alleged specific errors in the decision; (2) include concise arguments in support of each allegation; and (3) indicate service upon the parties to the proceeding.

(b) If oral hearing is requested, petitioner shall explain why the testimony and evidence it seeks to present cannot be readily developed with affidavits and adjudicated without a hearing.

§ 1132.5 Operations by fiduciaries.

(a) Persons authorized by law to collect and preserve property of incapacitated, financially disabled, bankrupt, or deceased holders of operating rights, and assignees of operating rights, may continue the operations without approval of a transfer. Within 30 days after assuming control, such persons shall give notice to the Secretary of the Commission. This shall consist of a certified copy of the court order appointing the fiduciary, a statement describing the operations and the particular operating rights affected, the full name and address of the person(s) continuing the operations, and the circumstances and date when control of the operations was assumed. If a court order has not been issued, the fiduciary must submit the best evidence of his/her authority.

(b) Operations by fiduciaries may be continued in the name of the record holder of the operating right, followed by the name of the person conducting operations. For example: John Jones, Richard Smith, administrator.

(c) All tariffs, schedules, reports or other documents required to be filed by record holders under the provisions of the Act and the Commission's rules shall be made by the fiduciary and shall constitute compliance for the record holder.

Small Carrier Transfer Application Form

NO. MC–FC–00000 (for Commission use only)

Through the filing of this original application, two copies and a $100 filing fee (check or money order) with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, the applicants named below request transfer approval under Section 10931, 10932, 10924 or 10926 of the Interstate Commerce Act.

Exhibit I. Identification of Applicants

Name of transferee

Business form: corporation, partnership, individual

Trade name

Business address and Zip Code

DECLARATIONS:

1. Transferee (is) (is not) an ICC motor carrier.
2. Transferee (is) (is not) a rail carrier, water carrier, express company, freight forwarder, or broker regulated by the ICC.
3. Transferee (is) (is not) affiliated with a motor, rail, or water carrier, express company, freight forwarder, or broker.
4. The name(s) of the rail or water carrier, freight forwarder, express company, or broker which transferee owns, or is affiliated with, is:———

Name of transferor

Business form: corporation, partnership, individual

Trade name

Business address and Zip Code

Exhibit II. Identification of ICC Rights Being Transferred

We seek to (transfer) (lease) (a portion of) (the entire) ICC operating rights under:

Certificate No. MC—
Permit No. MC—
Certificate of Registration No. MC—
License No. MC—

We have attached true copies of the ICC certificates and permits of transferor and have marked the portions to be transferred, retained, or canceled.

Transferor owes———to owner-operators for services rendered. (If applicable) Transferor plans to settle these debts in the following manner:

Exhibit III, Terms of the Transaction

We (have) (do not have) written agreements covering the ICC rights, State authorities, real estate, equipment, and other property involved in the transaction. We have attached copies of those agreements or, if not, have submitted a statement explaining the terms of the transaction.

If our application involves a lease, we have specified the monthly rental fee, conditions, and time limits of the lease.

Exhibit IV. Certificate of Registration Transfer

Our application (does) (does not) involve the transfer of a Certificate of Registration. If it does, we have attached a copy of the State order approving the transfer of the corresponding State rights or will furnish it when it is available.

Exhibit V. Certifications

A. We certify that on ———— —, 19—, we mailed a complete copy of this application to the ICC field office located at ———— (city and State).

B. We certify that this transaction (will) (will not) significantly affect the quality of the human environment.

C. We understand that knowing and willful omissions of material facts constitute Federal criminal violations punishable by up to five years imprisonment and fines up to $10,000 for each offense. (18 U.S.C. 1001).

Signature of Transferee

Signature of Transferor

Exhibit VI. Applicants Representative

Name and business telephone

Capacity

Business address and Zip Code

If Transferee Is an ICC Carrier and/or Is Affiliated With an ICC Carrier, Complete This Part

Exhibit VII. Supplement

Since transferee is an ICC motor carrier and/or is affiliated with an ICC carrier, we have submitted the following supplemental information:

A. Name(s) of ICC motor carrier affiliate of transferee and a statement describing the extent of this affiliation.

B. True copies of the ICC operating rights of transferee and its affiliates.

C. Condensed income statements of transferee, transferor, and their ICC affiliates for the previous calendar year and the current calendar year to the latest available date.

D. Current balance sheet and pro forma balance sheet for transferee; the pro forma statement has been adjusted to show the effects of the transaction.

E. A statement indicating if (1) the rights to be transferred can or will be joined with any irregular-route rights of transferee, and (2) a directly-related gateway elimination application has been filed.

[FR Doc. 79–19537 Filed 6–21–79; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Bluefin Tuna

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Interpretation of Regulations.

SUMMARY: The following material constitutes an interpretation of 50 CFR § 285.9 which implements, in part, section 9(d) of the Atlantic Tunas Convention Act, 16 U.S.C. section 971(g). This section of the regulations sets forth determinations made by the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration pursuant to Section 9(d) of the Act concerning the application of federal bluefin tuna regulations (50 CFR 285, Subpart B) in state waters. Some question has recently been expressed concerning the effect of this provision on state regulation of fishing for bluefin tuna in state waters, particularly in the Commonwealth of Massachusetts. Accordingly, this publication is intended to clarify the National Oceanic and Atmospheric Administration/National Marine Fisheries Service's interpretation of 50 CFR section 285.9

FOR FURTHER INFORMATION CONTACT: Mr. William Gordon, Director, Office of Resource Conservation and Management, National Marine Fisheries Service, 3300 Whitehaven St., NW., Washington, D.C. 20235.

SUPPLEMENTAL INFORMATION: Under section 9(d) of the Atlantic Tunas Convention Act, 16 U.S.C. section 971(g) as implemented by 50 CFR 285.8, federal regulations promulgated to implement recommendations of the International Commission for the Conservation of Atlantic Tunas shall apply within the boundaries of any State bordering on the Convention area if the Secretary of Commerce determines that such State, (1) has not, within a reasonable period of time after the promulgation of regulations, enacted laws which implement any such recommendation of the Commission; or (2) has enacted laws or promulgated regulations which are less restrictive than federal regulations or which are not effectively enforced. Upon notice of a determination, any affected state may request a hearing on the record. The responsibility for making determinations under the Act has been delegated to the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

Under section 9(e) of the Act, the Assistant Administrator is also under an obligation to undertake a continuing review of relevant laws and regulations of all states to which the Act and the regulations apply or may apply, and the extent to which those state laws and regulations are enforced.

Initial determinations were made by the Director, NMFS in correspondence with the affected states in May and June of 1976. On August 4, 1976 NMFS published 50 CFR 285.9 setting forth those determinations as follows:

"Pursuant to section 9(d) of the Atlantic Tunas Convention Act (16 U.S.C. § 971) and § 285.8 of this Title 50 CFR, the Director has determined that the territorial sea of the United States adjacent to the States of Florida, Georgia, South Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Massachusetts, New Hampshire and Puerto Rico and Virgin Islands are included in the regulatory area for Atlantic bluefin tuna. The Director further finds that the following provisions of Title 50 CFR as amended, shall be effective in the territorial waters of the United States adjacent to the State of Maine. Sections 285.1 through 285.11 inclusive, § 285.12, except paragraph (a) and paragraph (b)(2), §§ 285.14 through 285.17 inclusive."

Recently question has been raised, particularly with regard to the Commonwealth of Massachusetts, concerning whether the application of federal regulations prevents concurrent application of state regulations concerning bluefin tuna in state waters. Under a Massachusetts regulation approved by the Massachusetts Fishery Advisory Commission on July 1, 1976, a limited entry system for tuna purse seining is enforced within Massachusetts waters.

The Atlantic Tunas Convention Act is silent on the question of total versus partial preemption. However, in view of the language in subsection 9(d)(1) of the Act which is intended to preserve state jurisdiction, and the general purposes and policies of the Act, it is our view that application of federal regulations under the Act does not, by implication, require displacement of state regulations which when concurrently applied do not conflict with federal regulations and are not inconsistent with conservation and management of Atlantic bluefin tuna under recommendations made by the Commission. Implicit preemption of regulations not inconsistent with federal management would contravene the intent of section 9(d)(1) without being necessary to fulfill national and international conservation and management obligations.

In keeping with these views, NMFS has operated since 1976 on the assumption that state regulations not explicitly preempted and meeting the above criteria could continue to be applied within state waters concurrently with federal bluefin tuna regulations. No effort has been made in our continuing review of laws and regulations to prevent the concurrent application of regulations such as the Massachusetts limited entry scheme for tuna purse seine vessels.

INTERPRETATION: The National Oceanic and Atmospheric Administration, National Marine Fisheries Service, wishes to clarify that the application of federal regulations in state waters under 50 CFR 285.9 is not intended to prevent the application of state regulations which when concurrently applied do not conflict with federal regulations, and are not inconsistent with conservation and management of Atlantic bluefin tuna under recommendations made by the International Commission for the Conservation of Atlantic Tunas.

Authority.—Atlantic Tunas Convention Act, 16 U.S.C. § 971–971h.

Signed at Washington, D.C. this 19th day of June, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-19574 Filed 6-21-79; 8:45 am]

BILLING CODE 3510-22-M

[50 CFR Part 652]

Atlantic Surf Clam and Ocean Quahog Fisheries Amendment to Regulations

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Amendment to final regulations.

SUMMARY: The final regulations for the surf clam and ocean quahog fisheries are amended to: (1) Establish fixed ending times for designated surf clam fishing periods; and (2) create a presumption concerning fishing gear which remains in the water after the end of those periods.

EFFECTIVE DATE: 0001 hours, July 1, 1979.

FOR FURTHER INFORMATION CONTACT: Robert W. Hanks, Acting Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930, telephone (617) 281–3600.

SUPPLEMENTARY INFORMATION: Pursuant to Section 302 of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 *et seq.*, as amended

(Act), a fishery management plan (FMP) for the surf clam and ocean quahog fisheries was prepared by the Mid-Atlantic Fishery Management Council (Council). The FMP was approved in accordance with Section 304 of the Act and published on November 23, 1977 (42 FR 60438). Regulations implementing the FMP were published on February 17, 1978 (43 FR 6952) and codified at 50 CFR Part 652.

A number of proposed amendments to the final regulations were published on April 5, 1979 (44 FR 20467) and a series of public hearings were held to discuss the proposed changes. The hearings were held in Wildwood Crest, New Jersey, April 12, 1979; Ocean City, Maryland, April 13, 1979; and Fairhaven, Massachusetts, April 16, 1979. A total of 25 persons attended the hearings. Two of the proposed amendments included (1) establishing fixed ending times for designated surf clam fishing periods, and (2) creating a presumption concerning fishing gear which remains in the water after the end of fishing periods. Two other proposed amendments, including establishing a system whereby the surf clam permit of a vessel would freely transfer when the ownership of the vessel changes, and a prohibition on the harvest of both surf clams and ocean quahogs during the same fishing trip were discussed at the hearings. Action on these other proposed amendments will be taken at a later date.

Establishing Fixed Fishing Periods

Section 652.7 of the final regulations implementing the FMP originally established a 4-day work week for vessels harvesting surf clams in the fishery conservation zone (FCZ). That section also gave the Regional Director of the National Marine Fisheries Service the authority to reduce the number of fishing days to allow clamming throughout an entire quarter. Each vessel operator selected the days during which he desired to fish. A fishing day was considered to be a 24-hour period, beginning after midnight (0001 hours). Considerable protest was received from those in the industry stating that the day thus established was inflexible and forced them to navigate in darkness. On March 31, 1978, § 652.7 was amended to allow vessel operators to select for themselves the beginning and ending times for their fishing periods (43 FR 13581), which could be multiples of 12 hours, depending upon the level of effort allowed during that quarter.

A number of individuals have commented that the conditions established by the March 31, 1978 amendment have impaired law enforcement efforts and that a widespread pattern of fishing beyond designated fishing periods exists. Vessels with fishing periods ending after daylight cannot be effectively monitored to assure that they cease fishing activities at the end of their designated fishing periods.

To respond to this situation, the Council proposed the establishment of fixed designated fishing periods. This would facilitate enforcement against those who would fish beyond their designated fishing periods, thus increasing the effectiveness of the current management measures and furthering the objectives of the FMP.

The proposal which was taken to public hearings would require all fishing periods to end in daylight hours. Designated fishing periods would end at 1700 hours during that part of the year in which Eastern Standard Time is in effect. When Daylight Savings Time is in effect all fishing periods would end at 1800 hours. Comments received on the proposal were generally favorable, but there were serious objections raised, particularly in Ocean City, Maryland. Some vessel operators were concerned that coordination with processing plants and docks, and passage through critical navigational points such as inlets and drawbridges may be complicated if vessels are all working similar schedules. However, other operators have pointed out that the fixed periods refer to fishing time, and that differences in steaming time and fishing locations will serve to spread the arrival time of vessels at critical traffic points such as inlets and docks.

One of the features of the original Council proposal required that vessels choosing 24 hour periods begin and end their fishing operations at 0600 hours. This might have resulted in vessels landing clams only a few hours before processing plants stopped their operation for the day, leaving clams overnight on the dock. To avoid this problem, the proposal which has been adopted requires an ending time of 1800 hours, which will allow the vessels to return to port and unload in time to have the clams ready for processing the next morning. The establishment of an ending time of 1800 hours is in general conformity with the ending time selected by most vessel operators at present. In the second quarter of 1979, 81% of those vessel operators selecting two 12 hour periods chose periods ending at 1800 hours, and most of the other selections had ending times close to 1800 hours. The amendment has received lengthy review and has been commented on by many individuals in the industry. They are concerned that the enforcement capability must be enhanced and feel this is one method which can accomplish that end. The structuring of certain provisions of the proposal made to bring it into conformance with the current practices of fishing time selection and the industry's logistical needs makes this the most acceptable solution for the enforcement difficulties. However, the effectiveness of this regulation will be evaluated after the first three months of its implementation and, if necessary, adjustments will be made at that time.

Gear in Water After Fishing Periods

The presumption that the presence of a vessel's fishing gear in the water one-half hour after the end of the vessel's designated surf clam fishing period constitutes fishing in violation of the regulations is necessary to enable enforcement officers to enforce the regulations without necessitating what is at times hazardous, unsafe, or impracticable boarding of vessels to determine their compliance.

There has been no significant comment or objection to this proposal from the fishing community at the public hearings or during the comment period. Most surf clammers are supportive of reasonable measures which can increase the likelihood that violators will be brought to justice. This amendment will require operators who have their gear in the water beyond their authorized fishing periods to provide evidence that they are not engaged in illegal fishing activity.

The Assistant Administrator for Fisheries has determined that this action does not constitute a major federal action significantly affecting the quality of the human environment requiring the preparation of an environmental impact statement, and that the action is not a significant action under Executive Order 12044.

The Assistant Administrator for Fisheries has determined the need for effective enforcement of the regulations implementing the surf clam and ocean quahog FMP provides good cause for making these regulations effective on July 1, 1979, rather than 30 days after publication, as normally provided by 5 U.S.C. section 553(d).

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C. this the 19th day of June 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

50 CFR Part 652 is revised as follows:

Insert between § 652.7(a)(1) and (a)(2) a new paragraph (a)(1)(i) as follows:

§ 652.7 Effort restriction.

(a) * * *

(1) * * * (i) Designated fishing periods shall end at 5 p.m. (1700 hours) during that part of the year in which Eastern Standard Time is in effect. Designated fishing periods shall end at 6 p.m. (1800 hours) during that part of the year in which Daylight Savings Time is in effect.

* * * * *

2. Add to § 652.4 a new paragraph (b)(3) as follows:

§ 652.4 Restrictions.

* * * * *

(3) The presence of a vessel's fishing gear in the water one-half hour after the end of the vessels's designated fishing period shall be prima facie evidence that the vessel is fishing in violation of the Act and these regulations.

[FR Doc. 79-19406 Filed 6-21-79; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 44, No. 122
Friday, June 22, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 245]

Free and Reduced Price Meals and Free Milk in Schools; Extension of Comment Period

AGENCY: Food and Nutrition Service, USDA.

ACTION: Extension of comment period.

SUMMARY: This notice extends the public comment period regarding the proposed rule, published May 25, 1979 (44 FR 30351), providing for a change in the required method of announcing eligibility criteria for free and reduced price meals in the letter to parents to discourage abuse in the free and reduced price meal application process.

DATES: The close of comment period announced in 44 FR 30351 was June 25, 1979. The revised comment period will be extended for an additional 7 days to July 2, 1979.

ADDRESS: Comments should be sent to Margaret O'K. Glavin, Director, School Programs Division, USDA, FNS, Washington, D.C. 20250 (202) 447–8130.

FOR FURTHER INFORMATION CONTACT: Margaret O'K. Glavin, Director, School Programs Division, USDA, FNS, Washington, D.C. 20250 (202) 447–8130.

SUPPLEMENTARY INFORMATION: On May 25, 1979 the Food and Nutrition Service published proposed regulations (44 FR 30351) which would allow School Food Authorities the option of including in the letter to parents only the maximum eligibility criteria for reduced price meals in schools that participate in the National School Lunch and/or School Breakfast Programs. The Food and Nutrition Service believes that use of this option would discourage abuse in the free and reduced price meal application process. The May 25 proposal referred to a semi-annual report to Congress by USDA's Office of Inspector General. This report serves as documentary support for the proposal. The report stated that:

"* * * the information on the (free and reduced price) form is not subject to verification unless the school has actual cause to believe that it is erroneous. In a recent experiment, we asked families in one city to justify the income reported on their approved free meal applications. Approximately 9 percent of the families certified for free meals were only eligible for reduced price meals. Another two percent of the families were determined to be ineligible for either free or reduced price meals. These figures cannot be projected nationally because only one city was involved, and that city has had an excellent reputation for checking to ensure that the applications, as submitted, are valid. Furthermore, we did not conduct independent third party verifiation of applications in our experiment, so the percentage of misrepresentation is probably somewhat understated."

The report went on to state that the Food and Nutrition Service is developing a regulatory proposal that will deal with some of the abuses in the application process which should make it more difficult to misrepresent a family's income as being just below the free meal limit.

The report was submitted to Congress on May 30 and was formally released to the public on June 1. FNS was therefore unable to supply interested parties this supporting documentation for the proposal on May 25, the day the proposal was published. In order to compensate for the delay in making available the supporting documentation and an additional delay in publicizing the proposal over the three day Memorial Day weekend, FNS is extending the comment period from its original 31 days to 38 days so that the comment period will now end on July 2, 1979.

Dated: June 19, 1979.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 79-19497 Filed 6-21-79; 8:45 am]
BILLING CODE 3410-30-M

[7 CFR Part 250]

Food Distribution Program; Decision to Revise and Republish Regulations

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of decision to revise and republish regulations.

SUMMARY: The Food and Nutrition Service proposes to revise and republish the regulations for the food distribution program to (1) consolidate the amendments made since the regulations were last published in 1966; (2) include technical changes reflecting current legislative authority and program functions within USDA; (3) clarify and simplify the language in accordance with Executive Order 12044 on improving government regulations; and (4) otherwise revise and strengthen provisions for use of USDA-donated foods in domestic programs.

FOR FURTHER INFORMATION CONTACT: Darrel E. Gray, Director, Food Distribution Division, Food and Nutrition Service, USDA, Washington, DC 20250, 202–447–8371.

SUPPLEMENTARY INFORMATION: The regulations governing the food donation program outline the responsibilities of the Food and Nutrition Service (FNS) and State agencies for distribution and use of federally acquired foods provided to a variety of domestic outlets, including child nutrition programs, charitable institutions, nonprofit summer camps for children, nutrition programs for the elderly, and disaster relief organizations. These regulations were first issued under 6 CFR Part 503 in October 1958. They were recodified and republished without substantive change under 7 CFR Part 250 in November 1966. Since 1967, there have been 42 amendments. Amendment 43 is now in preparation to make conforming changes so that Part 250 is consistent with the final regulations governing administration of the food distribution program to households on Indian reservations to be published under Part 283 of this chapter.

As required by Executive Order 12044, Part 250 was scheduled for review in the Department's response to the order published on November 1, 1978 (43 FR 50994), and it has been determined that these regulations are in need of overall revision owing to recently enacted legislation and policy changes within FNS. Accordingly, FNS is preparing revised regulations for republication early in fiscal year 1980. Prior to republication in final form, revised regulations will be issued under a notice

of proposed rulemaking. Specific areas of concern on which comments will be solicited upon publication of the proposed regulations will include: (1) The need to strengthen provisions for distributing agencies, subdistributing agencies, and recipient agencies to employ commercial or institutional facilities to process donated foods by converting them into different end products or by repackaging them; (2) proposed changes in the terms and conditions under which cash payments in lieu of commodities are made for nutrition programs for the elderly funded under Title III (formerly Title VII) of the Older Americans Act of 1965, as amended; (3) use of donated foods by disaster relief organizations and replacement of such foods which have been released from stocks of schools and other recipient agencies for emergency feeding; (4) provisions concerning improper distribution or loss or damage to commodities; (5) use of food service management companies by recipient agencies and other contractual arrangements for preparation of meals containing donated foods; and (6) program monitoring responsibilities.

(Catalog of Federal Domestic Assistance Programs No. 10.550)

Dated: June 15, 1979.

Carol Tucker Foreman,

Assistant Secretary, Food and Consumer Services.

[FR Doc. 79-19272 Filed 6-21-79; 8:45 am]

BILLING CODE 3410-30-M

Animal and Plant Health Inspection Service

[9 CFR Part 92]

Deletion of Certain Ports Designated for the Importation of Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This document proposes to delete certain ports designated in the regulations for the importation of animals; to delete certain ports designated in the regulations as Canadian border ports; and to delete certain ports designated in the regulations as Mexican border ports. The proposal would designate certain ports as "limited ports" for the entry of small animals and animal products such as animal semen, animal test specimens, and hatching eggs or day old chicks which do not require restraint and inspection facilities. The ports are proposed for deletion due to the lack of use or low volume use by the public of such ports and thus there does not appear to be a justification for maintaining inspection personnel at such ports. The intended effect of this action is to revise the list of ports designated for the importation of animals and animal products and to clarify the reguations by more accurately defining the type of ports to be designated.

DATE: Comments on or before August 21, 1979.

ADDRESS: Comments to Deputy Administrator, USDA, APHIS, VS, Room 817, Federal Building, Hyattsville, Maryland 20782.

FOR FURTHER INFORMATION CONTACT: Dr. W. Q. Nelson, USDA, APHIS, VS, Room 817, Federal Building, Hyattsville, Maryland 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to Section 2 of the Act of February 2, 1903, as amended, and Sections 2, 3, 4, and 11 of the Act of July 2, 1962, (21 U.S.C. 111, 134a, 134b, 134c, and 134f, respectively), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations.

The heading in § 92.3(a) would be changed from "ocean ports" to read "Air and Ocean Ports" because the majority of animals imported are now transported by air, and most of these ports also have both air and ocean ports. This change in the heading would clarify and more clearly define the type of ports having quarantine facilities necessary to be designated as quarantine stations for the importation of animals.

The ports of Portland, Maine; Boston, Massachusetts; Baltimore, Maryland; Jacksonville, and Tampa, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Galveston, Texas; San Diego, California; Portland, Oregon; and Tacoma and Seattle, Washington, would be deleted from the ports designated in § 92.3(a) as animal quarantine stations due to the low volume of animals imported through such ports and thus it appears they do not justify maintaining inspection personnel at such locations.

The ports of Calais, Fort Kent, Van Buren, Jackman, and Holeb, Maine; Richford, Vermont; and Moores Junction, Chageaugay, Fort Covington, Malone, Waddington, Morristown, Rouses Point, Hogansburg, Rooseveltown, Niagara Falls, and Charlotte, New York; Noyes, Maine; Port Hill, Idaho; Laurier and Nighthawk, Washington; and Juneau and Skagway, Alaska; would be deleted from the ports designated in § 92.3(b) as Canadian border ports because there have not been any animals offered for entry through such ports in the past several years.

The ports of Rio Grande City and Roma, Texas, would be deleted from the ports designated in § 92.3(c) as Mexican border ports because there have not been any animals offered for entry through such ports in the past several years and the ports of Sasabe, Arizona; and Antelope Wells, and Columbus, New Mexico; would be added to such ports since the volume of animals imported through these ports justifies their designation as Mexican border ports.

Under the circumstances there does not appear to be any justification for maintaining inspection personnel at ports being deleted. Likewise, the annual volume of animals imported through ports being added provides adequate justification for maintaining inspection personnel at these ports.

A new § 92.3(e) entitled "Limited Ports" would designate certain ports for the limited purpose of entering small animals and animal products such as semen, animal test specimens, and day old chicks or hatching eggs. Such animals and animal products do not appear to require restraint and holding inspection facilities necessry for other animals being offered for import.

The ports to be designated as "Limited Ports," would be Anchorage, Alaska; Portland, Maine; Boston, Massachusetts; Baltimore, Maryland; Jacksonville and Tampa, Florida; New Orleans, Louisana; Houston and Galveston, Texas; San Juan, Puerto Rico; Denver, Colorado; San Diego, California; Portland, Oregon; Tacoma, Spokane, and Seattle, Washington; Great Falls, Montana; Minneapolis, Minnesota; and Chicago, Illinois.

These ports would be so designated because they appear to have the necessary facilities and are the ports where such animals and animal products would usually be presented for entry into this country. Paragraphs (e) and (f) of § 92.3, would be redesignated as Paragraphs (f) and (g), respectively, because the new paragraph (e) designating "Limited Ports" would be added to immediately follow other types of designated ports.

Other minor editorial changes are being proposed for accuracy, clarity and ease of reading.

Accordingly, § 92.3 would be amended in the following respects:

1. Paragraphs (a), (b), (c), and (e) would be amended to read as follows:

§ 92.3 Ports designated for the importation of animals.

(a) *Air and ocean ports.* The following ports are hereby designated as having inspection and quarantine facilities necessary for quarantine stations and all animals shall be entered through said stations, except as provided in paragraphs (b), (c), (d) and (e) of this section and paragraph (d) of § 92.11 or § 92.24: New York; Miami, Florida; Los Angeles, and San Francisco, California; and Honolulu, Hawaii.

(b) *Canadian border ports.* The following land border ports are designated as having the necessary inspection facilities for the entry of animals from Canada: Houlton, Maine; Derby Line and Highgate Springs, Vermont; Champlain, Ogdensburg, Alexandria Bay, and Buffalo, New York; Detroit, Port Huron and Sault Ste. Marie, Michigan; Pembina, Portal, and Dunseith, North Dakota; Raymond, Opheim and Sweetgrass, Montana; Eastport, Idaho; and Spokane, Oroville, Sumas, Blaine, and Lynden, Washington.

(c) *Mexican border ports.* The following land border ports are designated as having the necessary inspection facilities for the entry of animals from Mexico: Brownsville, Hidalgo, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, Texas; Douglas, Naco, Nogales, Sasabe, and San Luis, Arizona; Calexico and San Ysidro, California; and Antelope Wells, and Columbus, New Mexico.

(d) * * *

(e) *Limited ports.* The following ports are designated as having inspection facilities for the entry of animals and animal products such as animal semen, animal test specimens, or hatching eggs and day old chicks which do not appear to require restraint and holding inspection facilities: Anchorage, Alaska; Denver, Colorado; Chicago, Illinois; Minneapolis, Minnesota; Great Falls, Montana; Portland, Maine; Boston, Massachusetts; Baltimore, Maryland; Jacksonville and Tampa, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Houston, and Galveston Texas; San Diego, California; Portland, Oregon; and Spokane, Tacoma, and Seattle, Washington.

* * * * *

Section 92.3(e) and 92.3(f) would be designated § 92.3(f) and 92.3(g) respectively.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, Room 817, 6505 Belcrest Road, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

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

Done at Washington, D.C., this 18th day of June 1979.

Note.—This proposed rulemaking has been reviewed under the USDA criteria established to implement E.O. 12044, "Improving Government Regulations." While this action has not been designated "significant" under those criteria, an approved Draft Impact Analysis Statement has been prepared and is available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782. 301–436–8695.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-19463 Filed 6-21-79; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

[12 CFR Part 202]

[Reg. B; Docket No. R-0203]

Equal Credit Opportunity; Extension of Comment Period

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rulemaking: extension of comment period.

SUMMARY: By notice published on April 23, 1979 (44 FR 23865), the Board of Governors of the Federal Reserve System requested comment on how the specific rules of Regulation B should apply to credit scoring practices. The agency has received a number of requests for an extension of the comment period. In light of the Board's desire to encourage public participation in this matter, the comment period is extended to August 20, 1979.

DATE: Comments must be received on or before August 20, 1979.

FOR FURTHER INFORMATION CONTACT: Delores S. Smith, Section Chief, Division of Consumer Affairs (202–452–2412), Board of Governors of the Federal Reserve System.

By order of the Board of Governors, acting through its Secretary under delegated authority, June 15, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-19563 Filed 6-21-79; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 523 and 545]

[No. 79-341]

Federal Home Loan Bank System and Federal Savings and Loan System; Proposed Reduction in Reporting Requirements

June 14, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rules.

SUMMARY: The Bank Board proposes to reduce and modify its reporting requirements for savings and loan associations, in order to lessen costs and paperwork, by collecting only such information as is deemed essential to performance of the agency's regulatory responsibilities.

DATE: Comments must be received by August 20, 1979.

ADDRESS: Send comments to Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION, CONTACT: Richard C. Pickering, Director of the Statistical Division, Office of Economic Research (202–377–6780), or Nancy L. Feldman, Assistant General Counsel (202–377–6440).

SUPPLEMENTARY INFORMATION: In order to reduce the cost and paperwork burden to member institutions of the Federal Home Loan Bank System in reporting financial data, the Federal Home Loan Bank Board proposes modifications to the reports required pursuant to § 523.15 of the regulations for the Federal Home Loan Bank System, § 563.18 of the rules and regulations for Insurance of Accounts, and §§ 545.20 and 545.22 of the rules and regulations for the Federal Savings and Loan System. This would reduce the information collected to that deemed essential to performance of the Bank Board's regulatory responsibilities.

The proposed changes would constitute a 19 percent reduction in periodic reporting requirements (semi-annual reports replaced by shortened quarterly reports), and would eliminate monthly reporting by all but a sample of approximately 1,000 associations, which latter group would complete a 70-item report. While the report forms are not proposed to be codified in the Bank Board's regulations, they are published as part of this document to provide opportunity for public comment. Reports and data collection required under the Home Mortgage Disclosure Act (Pub. L.

94–200) and the Bank Board's nondiscrimination regulations (12 CFR Parts 528 and 531) are unaffected by the proposed reduction.

The Bank Board also proposes that Federal associations be required to use the calendar year as their fiscal year for reporting purposes only; currently, they are permitted to select any 12-month period as a fiscal year for all purposes. The Bank Board believes this requirement is necessary in order to correlate monthly, quarterly and annual reports and to permit more accurate comparisons among associations. However, comment is specifically invited as to the estimated cost impact on associations as a result of such proposed change.

The proposed changes in reporting are summarized as follows:

(1) In place of the current detailed Semiannual Report of 342 items (Sections A–H) completed by each member institution for each half of its fiscal year, each institution would file a sharply reduced report (110 items) of its affairs as of the end of March, June, and September, and a more detailed report (227 items) as of the end of December. The reports would be due 20 days after the end of the period covered. Balance sheet items would be reported as of end-of-period, income and expense items reported cumulative for the calendar year-to-date, and savings and mortgage activity information reported as quarterly totals. Specific items that would be reported are detailed in Exhibit I, which also notes the relationship of these items to those currently reported.

(2) In place of the current 71-item monthly report completed by all associations and the 48-item supplement to this report completed by a sample of about 550 associations, approximately 1,000 associations would complete a 70-item report. Regular monthly reporting would not be required of other associations. The 1,000 associations that would be required to report monthly would consist of the 550 associations currently reporting the 48-item supplement plus additional associations selected in such a way as to provide an efficient stratified random sample designed to produce reasonably reliable monthly data for each Federal Home Loan Bank District. Monthly reports would continue to be due in Washington within 10 days after the end of a month. The specific items to be reported by the 1000 associations sample are shown in Exhibit II.

(3) Section J of the Semiannual Report, filed in the past as of the end of March and September, classifies investment securities and deposits by type. Section J will continue in the reduced form (from 77 to 16 items) which became effective in March, but will be required only once each year, as of the end of March (Exhibit III shows the current form). Section L of the Semiannual Report, currently filed as of March and September, provides information on savings balances by branch office. Section L similarly will continue in its present form but be filed only once a year, as of the end of September. The current Section I of the Semiannual report, which provides information on income taxes and related items for the preceding income tax year, will continue to be filed each September, but in the sharply reduced format (from 38 to 13 items) shown in Exhibit IV. The current Section K, providing information on deposit rates and account structure, will continue in its present form each March and September.

(4) The monthly report filed by a sample of 1000 associations providing information on interest rates and other characteristics of conventional home mortgage loans made and offered and the current annual report of wholly-owned service corporations, will be continued in their present form.

The proposed revised quarterly/annual reports would not take effect until 1980 and the sample monthly report until 1981, in order to permit member institutions and others to make the required changes in their record keeping and tabulation systems.

The proposed regulatory changes would: (1) Amend § 523.15 to refer to quarterly reports rather than semi-annual reports; (2) revise § 545.20(a) to require associations to use the calendar year as their fiscal year; and (3) delete § 545.22, which describes monthly reports, because these would be submitted only by a sampling of associations, and may currently be required pursuant to general reporting requirements under § 563.18.

Accordingly, the Federal Home Loan Bank Board proposes to amend Parts 523 and 545, as set forth below.

PART 523—MEMBERS OF BANKS REPORTS AND EXAMINATIONS

1. Amend the first sentence of § 523.15 to read as follows:

§ 523.15 Reports.

Each member shall make a report of its affairs at the end of march, June, September, and December, on forms prescribed by the Board * * *.

PART 545—OPERATIONS

2. Revise paragraph (a) of § 545.20 to read as follows:

§ 545.20 Accounting; records.

(a) *Accounting practices.* Each Federal association shall use such forms and follow such accounting practices as the Board may require, and shall close its books at least annually as of the end of such month(s) as the association's board of directors may designate, except that the association shall use the calendar year as its fiscal year for purposes of reporting to the Board. The date of the association's annual closing for other than reporting purposes shall be not less than 15 days or more than 3 months and 15 days before its annual meeting.

* * * * *

§ 545.22 [Rescinded effective]

3. Delete § 545.22, as set forth above.

(Sec. 17, 47 Stat. 736, as amended, 12 U.S.C. 1437; sec. 5, 48 Stat. 132, amended, 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

BILLING CODE 6720-01-M

Exhibit I

No. 79-341
Page Six

MAJOR COMPONENTS OF PROPOSED INDUSTRY CONDITIONS REPORT SYSTEM

(Item checked is to be reported on indicated report by all associations)

Item #	Item Description	Annual Report	Quarterly Report	Current Semiannual or Monthly (M) Rep. Item Number
STATEMENT OF CONDITION: ASSETS				
	Mortgage Loans and Contracts			
1.	VA	X		A 100+101
2.	FHA: 1-4 family homes	X		A 102+103
3.	FEA: Other	X		A 104+106+107+108
4.	Conventional: 1-4 family homes	X		A 110+111
5.	Conventional: Over 4 dwelling units	X		A 112
6.	Conventional: Other improved real estate	X		A 114
7.	Conventional: Developed building lots	X		A 115
8.	Conventional: Acquisition and development of land	X		A 116
9.	Conventional: Unimproved land	X		A 117
10.	Advances for borrowers' taxes and insurance	X		A 121
11.	Total conforming mortgage loans and contracts (1+ ... 10)		X	
12.	Nonconforming loans and contracts: residential	X		A 118+119-165
13.	Nonconforming loans and contracts: nonresidential	X		A 165
14.	Total nonconforming loans and contracts (12+13)		X	
15.	Accrued interest receivable on 1+ ... 14+16	X	X	A 110
16.	Mortgages, participations or mortgage-backed securities insured or guaranteed by agency or instrument of U.S.	X	X	A 171
17.	Valuation allowances on mortgage loans and contracts	X	X	A 172
	Non-Mortgage Loans			
18.	Loans on savings accounts	X	X	A 173
19.	Unsecured construction loans	X	X	A 176
20.	Improvement loans: insured	X		A 174
21.	Improvement loans: not insured	X		A 175
22.	Improvement loans: total (20+21)		X	
23.	Mobile home loans: wholesale	X		A 127
24.	Mobile home loans: retail-insured	X		A 128
25.	Mobile home loans: retail-not insured	X		A 129
26.	Mobile home loans: total (23+24+25)		X	
27.	Education loans: insured	X		A 167
28.	Education loans: not insured	X		A 168
29.	Equipping and consumer loans	X		A 169
30.	All other non-mortgage loans	X		A 131
31.	Miscellaneous non-mortgage loans (27+28+29+30)		X	
32.	Accrued interest receivable on non-mortgage loans	X	X	A 132
33.	Valuation allowance on non-mortgage loans	X	X	A 133
	Real Estate			
34.	Foreclosed real estate owned and in judgment: gross	X		A 134+135+136
35.	Depreciation allowance on foreclosed real estate	X		A 137
36.	Valuation allowance on foreclosed real estate	X		A 138
37.	Foreclosure real estate owned and in judgment: net (34-35-36)		X	
38.	Other real estate owned: gross	X		A 139+172+140
39.	Depreciation allowance on other real estate owned	X		A 141
40.	Valuation allowance on other real estate owned	X		A 142
41.	Other real estate owned: net (38-39-40)		X	

NOTE: Accrued interest receivable is net of reserve for uncollected interest and valuation allowances include other specific reserves.

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MAJOR COMPONENTS OF PROPOSED INDUSTRY CONDITIONS REPORT SYSTEM

(Item checked is to be reported on indicated report by all associations)

Item #	Item Description	Annual Report	Quarterly Report	Current Semiannual or Monthly (M) Report Item Number
	Cash and Investment Securities			
42.	Eligible for liquidity: cash and demand deposits	X		A 143
43.	Eligible for liquidity: other, including accrued interest	X		A 144+145
44.	Eligible for liquidity: total (42+43)		X	
45.	Ineligible for liquidity: cash and demand deposits	X		A 146
46.	Ineligible for liquidity: other, including accrued interest	X		A 147+148
47.	Valuation allowances on investment securities	X		A 150
48.	Ineligible for liquidity: total net (45+46-47)		X	
	Fixed Assets			
49.	Office building (land and improvements)	X		A 151
50.	Leasehold improvements	X		A 152
51.	Furniture, fixtures, equipment, automobiles, etc.	X		A 153
52.	Depreciation allowance on fixed assets	X		A 154
53.	Valuation allowance on fixed assets	X		A 155
54.	Total fixed assets: net (49+50+51-52-53)		X	
	Other Assets			
55.	Goodwill	X		A 174
56.	Valuation allowances: other assets	X		A 163
57.	Stock in FHLBank	X		A 149
58.	Stock in FNMA	X		A 170
59.	Equity investment in service corporations/subsidiaries	X	X	A 159
60.	Accounts receivable secured by pledged savings	X		A 173
61.	"Other" other assets	X		A 156+157+158+161+1(
62.	Miscellaneous other assets (55+56+57+58+60+61)		X	
63.	Total assets	X	X	A 164
	STATEMENT OF CONDITION: LIABILITIES			
	Deposits			
64.	Non-interest earning transactions accounts	X		B 101
65.	Accounts earning in excess of regular rate: denominations of $100,000 or more	X	X	B 102
66.	Accounts earning in excess of regular rate: denominations of less than $100,000	X	X	B 103
67.	Accounts earning at or below regular rate: transactions accounts	X		B 104+ new FOA
68.	Accounts earning at or below regular rate: passbook and other	X	X	B 105
69.	Transactions accounts: total (66+67)		X	
70.	FHLB advances: due in 1 year or less	X	X	B 106
71.	FHLB advances: due in more than 1 year	X	X	B 107
72.	Other borrowed money due in 1 year or less: commercial bank loans	X		B 108
73.	Other borrowed money due in 1 year or less: commercial paper	X		New
74.	Other borrowed money due in 1 year or less: reverse repurchase agreements	X		B 109
75.	Other borrowed money due in 1 year or less: other	X		B 110
76.	Other borrowed money due in 1 year or less: total (72+73+74+75)		X	
77.	Other borrowed money due in more than 1 year: mortgage on association premise	X		B 112
78.	Other borrowed money due in more than 1 year: subordinated debentures	X		B 113
79.	Other borrowed money due in more than 1 year: mortgage-backed bonds	X		B 114
80.	Other borrowed money due in more than 1 year: other	X		B 111
81.	Other borrowed money due in more than 1 year: total (77+78+79+80)		X	

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MAJOR COMPONENTS OF PROPOSED INDUSTRY CONDITIONS REPORT SYSTEM

(Item checked is to be reported on indicated report by all associations)

Item #	Item Description	Annual Report	Quarterly Report	Current Semiannual or Monthly (M) Report Item Number
	Other Liabilities			
82.	Loans in process	X	X	B 122+123
83.	Dividends/interest accrued or declared on savings accounts	X		B 116
84.	Dividends payable on permanent, reserve or guaranteed stock	X		B 118
85.	Accrued Federal income tax	X		B 119
86.	Other accrued taxes	X		B 120
87.	Advance payments by borrowers for taxes and insurance	X		B 124+125
88.	Other liabilities	X		B 117+121+126
	Deferred Credits			
89.	Unearned profit on real estate sold	X		B 129
90.	Unearned discount on loans purchased	X		B 130
91.	Other unearned discounts	X		B 131
92.	Deferred loan fees	X		B 132
93.	Deferred Federal income tax	X		B 133
94.	Deferred gain on securities	X		B 134
95.	Other deferred credits	X		B 135
96.	Total deferred credits and miscellaneous liabilities (83+ ... 95)		X	
97.	Total liabilities	X	X	B 136
STATEMENT OF CONDITION: NET WORTH				
98.	Permanent, reserve or guaranty stock	X	X	C 100
99.	Paid-in surplus	X	X	C 101
100.	Federal insurance reserve and reserves qualifying as such	X	X	C 102+103
101.	Other reserves	X	X	C 104+105
102.	Undivided profits (earned surplus) and net undistributed income	X	X	C 106+107
103.	Total net worth (98+ ... 102)	X	X	C 108
104.	Total liabilities and net worth (97+103)	X	X	C 109
INCOME AND EXPENSE STATEMENT: INCOME				
	Operating Income			
105.	Interest on mortgage loans and contracts	X	X	D 100+101
106.	Discounts on mortgage loans purchased	X	X	D 102
107.	Interest on mortgage-backed securities, etc.	X	X	D 121
108.	Interest on other loans	X	X	D 103
109.	Interest/dividends on investment securities and deposits	X	X	D 104
110.	Loan fees	X	X	D 105
111.	Loan servicing fees	X	X	D 106
112.	Other fees and charges	X	X	D 107
113.	Miscellaneous operating income	X	X	D 113
	Non-Operating Income			
114.	Net income from service corporations/subsidiaries	X	X	D 111
115.	Profit on sale of investment securities	X	X	D 115
116.	Profit on sale of mortgage loans	X	X	Part of D 116
117.	Profit on sale of non-mortgage loans	X		Part of D 116
118.	Profit on sale of foreclosed real estate owned	X		D 114
119.	Profit on sale of miscellaneous assets	X		D 117
120.	Gross income from real estate owned operations	X		D 108
121.	Net income from office building operations	X		D 109

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MAJOR COMPONENTS OF PROPOSED INDUSTRY CONDITIONS REPORT SYSTEM

(Item checked is to be reported on indicated report by all associations)

Item #	Item Description	Annual Report	Quarterly Report	Current Semi-annual or Monthly MJ Report Item Number
122.	Gross income from real estate held for investment	X		D 110
123.	Other non-operating income	X		D 118
124.	Miscellaneous non-operating income (117+ ... 123)		X	
125.	Total income (105+ ... 116+124)	X	X	D 119
126.	Total net income (125-170)	X	X	D 120
	INCOME AND EXPENSE STATEMENT: EXPENSE			
	Operating Expense			
127.	Director fees	X		E 100
128.	Officer and employee compensation	X		E 101
129.	Employee benefits	X		E 102+103
130.	Compensation total (127+128+129)		X	
131.	Directors, Officer and employee expense	X	X	E 105
132.	Advertising	X	X	E 108
133.	Commissions paid for savings accounts	X		E 109
134.	Legal expense	X		E 104
135.	Office occupancy, furniture, fixtures, equipment and auto expense	X		E 106+107
136.	Insurance and surety bond premiums	X		E 110
137.	Federal insurance premium	X		E 111
138.	Audit, tax and accounting services	X		E 112+113
139.	Supervisory examinations: Federal	X		Part of E 114
140.	Supervisory examinations: state	X		Part of E 114
141.	Consultant and management fees	X		E 115
142.	Loan expense	X		E 116
143.	Contributions	X		E 117
144.	Service fees on loans purchased	X		E 118
145.	Other operating expense	X		E 119
146.	Miscellaneous operating expense (133+ ... 145)		X	
	Interest Charges			
147.	Interest on deposits earning in excess of regular rate (net)	X		E 124
148.	Interest on deposits earning regular rate or less: transaction accounts	X		E 125
149.	Interest on deposits earning regular rate or less: passbook and other	X		E 126
150.	Accrued interest on bonus accounts	X		E 127
151.	Interest on deposits: total (147+ ... 150)		X	
152.	Interest on FHLB advances	X	X	E 129
153.	Interest on advance payments by borrowers for taxes and insurance	X	X	E 128
154.	Interest on subordinated debentures	X		E 130
155.	Interest on mortgage-backed bonds	X		E 131
156.	Interest on other borrowed money	X		E 132
157.	Interest on borrowed money except FHLB advances and advance payments (154+155+156)		X	
	Non-Operating Expenses			
158.	Provision for, and losses on, sale of investment securities	X	X	E 134
159.	Provision for, and losses on, sale of mortgage loans.	X	X	Part of E 135
160.	Provision for, and losses on, sale of non-mortgage loans	X	X	Part of E 135
161.	Provision for, and losses on, sale of foreclosed real estate	X		E 133
162.	Provision for, and losses on, sale of miscellaneous assets	X		E 136
163.	Expense on real estate held for development	X		E 120
164.	Foreclosed real estate owned expense	X		E 121
165.	Other non-operating expense	X		E 137
166.	Miscellaneous non-operating expense (161+ ... 165)		X	

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MAJOR COMPONENTS OF PROPOSED INDUSTRY CONDITIONS REPORT SYSTEM

(Item checked is to be reported on indicated report by all associations)

Item #	Item Description	Annual Report	Quarterly Report	Current Semi-annual or Monthly [illegible] Report Item Number
	Income Taxes			
167.	Federal	X		E 138
168.	State, local and other	X		E 139
169.	Total income taxes (167+168)	X	X	
170.	Total expense (130+ ... 132+146+151+ ... 153+157+ ... 160+166+169)	X	X	E 140
	SLOW LOANS, OTHER SCHEDULED ITEMS AND FORECLOSURES			
	Slow Loans			
171.	Slow VA mortgages: gross	X	X	F 100+101
172.	Slow VA mortgages: deductions	X	X	F 133+134
173.	Slow VA mortgages: net (171-172)	X	X	F 166+167
174.	Slow FHA mortgages: total - gross	X	X	F 102+ ... 107
175.	Slow FHA mortgages: total - deductions	X	X	F 135+ ... 140
176.	Slow FHA mortgages: total - net (174-175)	X	X	F 168+ ... 173
177.	Total slow insured non-mortgage loans - gross	X	X	F 115+117+120+123
178.	Total slow insured non-mortgage loans - allowable deductions	X	X	F 148+150+153+[illegible]
179.	Total slow insured non-mortgage loans - net (177-178)	X	X	F 181+183+186+[illegible]
180.	Slow conventional mortgages - total gross	X	X	F 108+ ... 114
181.	Slow conventional mortgages - total deductions	X	X	F 141+ ... 147
182.	Slow conventional mortgages - total net (180-181)	X	X	F 174+ ... 180
183.	Slow uninsured non-mortgage loans - gross	X	X	F 116+118+119+121+ ... 123
184.	Slow uninsured non-mortgage loans - deductions	X	X	F 149+151+152+154+ 155+156
185.	Slow uninsured non-mortgage loans - net (183-184)	X	X	F 182+184+185+187+ 188+189)
	Scheduled Items			
186.	Other scheduled items - total gross	X	X	F 124+ ... 128+130+ ... 132
187.	Other scheduled items - total deductions	X	X	F 157+ ... 161+163+ 164+165
188.	Other scheduled items - total net (186-187)	X	X	F 190+ ... 194+196+ 197+198
	Foreclosures During Year			
189.	Foreclosures on FHA/VA mortgages - number	X		F 200
190.	Foreclosures on FHA/VA mortgages - principal balance	X		F 204
191.	Foreclosures on conventional mortgages - number	X		F 201
192.	Foreclosures on conventional mortgages - principal balance	X		F 205
193.	Deeds in lieu of foreclosure on FHA/VA mortgages - number	X		F 202
194.	Deeds in lieu of foreclosure on FHA/VA mortgages - principal balance	X		F 206
195.	Deeds in lieu of foreclosure on conventional mortgages - number	X		F 203
196.	Deeds in lieu of foreclosure on conventional mortgages - principal balance	X		F 207
	SUPPLEMENTAL DATA			
197.	Participations sold - balance at yearend	X		G 123
198.	Participations purchased - balance at yearend	X		G 124
199.	Mortgages serviced for others - balance at yearend	X		G 125
200.	Mortgages serviced by others - balance at yearend	X		G 126
201.	Broker-originated savings - number of accounts during year	X		G 104
202.	Broker-originated savings - amount during year	X		G 112
203.	Broker-originated savings - number of accounts at yearend	X		G 118
204.	Broker-originated savings - amount at yearend	X		G 127
205.	Number of conventional mortgage loans and contracts at yearend	X		G 119

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MAJOR COMPONENTS OF PROPOSED INDUSTRY CONDITIONS REPORT SYSTEM

(Item checked is to be reported on indicated report by all associations)

Item #	Item Description	Annual Report	Quarterly Report	Current Semi-annual or Monthly (*) Report Item Number
206.	Number of FHA/VA mortgage loans and contracts at yearend	X		G 120
207.	Loans in process on residential property - balance at yearend	X		G 128
208.	GNMA pass-throughs secured by single-family homes - balance at yearend	X		G 129
209.	Participations sold to FHLMC - balance at yearend	X		G 130
210.	Participations sale certificates purchased from FHLMC - balance at yearend	X		G 131
211.	Specified assets - balance at yearend	X		G 132
212.	Variable-rate conventional single-family mortgages - balance at yearend	X		New
213.	Other non-standard conventional single-family mortgages - balances at yearend	X		New
	DEPOSITS AT YEAREND BY INSURANCE STATUS			
214.	Owned by governments or IRA/Keogh - balances of $100,000 or less - number	X		H 106
215.	Owned by governments or IRA/Keogh - balances of $100,000 or less - balance	X		H 108
216.	Owned by governments or IRA/Keogh - balances over $100,000 - number	X		H 107
217.	Owned by governments or IRA/Keogh - balances over $100,000 - balance	X		H 109
218.	All other accounts - balances of $40,000 or less - number	X		H 100
219.	All other accounts - balances of $40,000 or less - balance	X		H 103
220.	All other accounts - balance over $40,000 - number	X		H 101
221.	All other accounts - balance over $40,000 - balance	X		H 104
222.	Total deposits - number (214+216+218+220)	X		H 102
223.	Total deposits - amount (215+217+219+221)	X		H 105
	MORTGAGE ACTIVITY DURING MONTH OR QUARTER			
224.	Construction loans closed - condominiums	X	X	M 201
225.	Construction loans closed - 1-4 family	X	X	M 202+203
226.	Construction loans closed - 5 or more residential units	X	X	M 204
227.	Construction loans closed - non-residential	X	X	M 205
228.	Purchase loans closed - 1-4 family	X	X	M 206+207+208
229.	Purchase loans closed - 5 or more residential units	X	X	M 209
230.	Purchase loans closed - non-residential	X	X	M 210
231.	Land loans closed	X	X	M 211
232.	Refinancing loans closed	X	X	M 212
233.	All other loans closed	X	X	M 213
234.	Total loans closed (224+ ... 233)	X	X	M 220
235.	Loans and participations purchased	X	X	M 221
236.	Loans and participations sold	X	X	M 222
237.	Cash repayment of principal	X	X	M 223
238.	Memo: Mortgage loans and contracts delinquent 60 days or more	X	X	M 263
	COMMITMENTS			
239.	Mortgage commitments outstanding - end of period - to originate	X	X	M 303
240.	Mortgage commitments outstanding - end of period - to purchase	X	X	M 304
241.	Mortgage commitments outstanding - end of period - to sell	X	X	New
242.	Non-mortgage loans and security commitments outstanding - end of period - to purchase	X	X	M 401
243.	Non-mortgage loans and security commitments outstanding - end of period - to sell	X	X	New
	SAVINGS ACTIVITY			
244.	Interest/dividends credited during period	X	X	M 501
245.	New savings received during period	X	X	M 502
246.	Savings withdrawn during period	X	X	M 503
247.	Net savings gain (244+245-246)	X	X	M 550
248.	Check if balance sheet includes for first time assets acquired by merger or similar acquisition	X	X	M 701

Exhibit II

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Proposed Monthly Industry Condition Report To Be Completed by Approximately 1,000 Associations

ASSETS

Mortgage loans (including loans and contracts to facilitate)
Construction
1. 1-4 family homes
2. Residential property with 5 or more dwelling units.
3. Non-residential property (including farm)
Other (permanent)
4. 1-4 family homes
5. Residential property with 5 or more dwelling units.
6. Non-residential except farm and land.
7. Land except farm.
8. Farm.
9. Mortgages, participations or mortgage-backed securities insured or guaranteed by U.S.
10. Non-mortgage loans (except on savings accounts and for construction).
11. Cash, deposits and investment securities eligible as regulatory liquidity.
12. Foreclosed real estate owned and in judgment.
13. Other assets.
14. Total assets/liabilities and net worth.
15. Memo: cash and demand deposits except at FHLBs.
16. Memo: savings and time deposits except at FHLBs.

LIABILITIES AND NET WORTH

Deposits
Earning regular account rate or less.
17. Transactions (demand, payment order, NOW).
18. Other (regular accounts).
Earning more than regular rate.
19. Certificates in denominations of $100,000 or more.
20. Certificates in denominations of less than $100,000.
Borrowed money
21. Due in 1 year or less.
22. Due in more than 1 year.
23. Memo: FHLB advances included.
24. Loans in process.
25. Other liabilities.
26. Net worth.

MORTGAGE LENDING ACTIVITY

Loans closed
For construction
26. Condominiums.
27. Other 1-4 family homes.
28. Residential property with 5 or more dwelling units.
29. Non-residential property (including farm).
For purchase
30. Newly-built 1-4 family homes.
31. Previously-occupied 1-4 family homes.
33. Newly-built residential property with 5 or more dwelling units.
34. Previously-occupied residential property with 5 or more dwelling units.
35. Non-residential property except land.
36. For land and land development
For cash refinancing
37. 1-4 family homes
38. Residential property with 5 or more dwelling units.
39. Non-residential property.
For all other purposes
40 1-4 family homes.
41. Residential property with 5 or more dwelling units.
42. Non-resdential property.
43. Total loans closed.
Loans and participations purchased
44. 1-4 family homes.
45. Residential property with 5 or more dwelling units.
46. Non-residential property.
Loans and participations sold
47. 1-4 family homes
48. Residential property with 5 or more dwelling units.
49. Non-residential property.
50. Cash loan repayments.

Memo: Previously reported combination construction/permanent loans where construction was completed this month and non-cash refinancing loans closed this month.

51. 1-4 family homes.
52. Residential property with 5 or more dwelling units.
53. Non-residential property.
54. Memo: Mortgage loans and contracts delinquent 60 days or more.

FORWARD LENDING COMMITMENTS

New mortgage loan commitments made during month
To originate loans on:
55. 1-4 family homes.
56. Residential property with 5 or more dwelling units.
57. Non-residential property.
58. To purchase loans for other lenders.
Outstanding at end of month
On mortgage loans
59. To originate (excluding loans in process)
To originate (including loans in process)
60. 1-4 family homes.
61. Residential property with 5 or more dwelling units.
62. Non-residential property.
63. To purchase from other lenders.
64. To sell.
On non-mortgage loans and securities.
65. To purchase.
66. To sell.

SAVINGS ACTIVITY

67. Interest credited.
68. New savings received.
69. Savings withdrawn.
70. Memo: Indicate if balance sheet includes for the first time assets acquired by merger or similar acquisition.

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Page Fourteen

Exhibit III

Federal Home Loan Bank Board Management Information System March/September Semiannual Report SECTIONS I AND J TAXES CASH, DEPOSITS, AND INVESTMENT SECURITIES (Report in Dollars Only)	DISTRICT/DOCKET 1 6	NAME AND ADDRESS OF ASSOCIATION (Please use preprinted label)
PREPARED BY:		
PHONE NO. (Include area code)		

SECTION J: CASH, DEPOSITS, AND INVESTMENT SECURITIES (Balances on March 31, 1979)

Item		Amount (In dollars)
All Securities and Deposits Held Subject to Repurchase Agreements.	001	$
Other Securities Held and Not Subject to Repurchase Agreements: U.S. Government Obligations.	002	$
Federal Agency Obligations	003	$
State and Local Government Obligations	004	$
Bankers Acceptance	005	$
Other Investment Securities.	006	$
Cash on Hand	007	$
Demand and Time Deposits in a Federal Home Loan Bank	008	$
Demand Deposits in FDIC-Insured Commercial Banks	009	$
Demand Deposits in All Other Institutions (except a Federal Home Loan Bank or FDIC-Insured Commercial Banks)	010	$
Time and Savings Deposits in FDIC-Insured Commercial Banks	011	$
Time and Savings Deposits in All Other Institutions (except a Federal Home Loan Bank or FDIC-Insured Commercial Banks).	012	$
Loans of Unsecured Day(s) (Federal) Funds.	013	$
Other Cash Items and Accrued Interest Receivable on Securities and Deposits.	014	$
TOTAL CASH, DEPOSITS, AND INVESTMENT SECURITIES (Sum of Items 001 through 014; also must equal sum of Items 007 and 008 of the Monthly Report for the same reporting date).	015	$
Memorandum Item: Deposits in the Illinois Bank for Savings and Loan Associations (Included in Items 010 and 012)	016	$

FHLBB FORM 895
REV MARCH 1979

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Exhibit IV Page Fifteen

Federal Home Loan Bank Board Management Information System March/September Semiannual Report SECTIONS I AND J TAXES CASH, DEPOSITS, AND INVESTMENT SECURITIES (Report in Dollars Only)	DISTRICT/DOCKET 1 6	NAME AND ADDRESS OF ASSOCIATION (Please use preprinted label)
PREPARED BY:		
PHONE NO. (Include area code)		

SECTION I TAXES

Information should be from the Federal Income Tax Return for the most recent tax year for which you have filed a return. All associations must complete items 001 through 011, even if "0" to indicate zero. Items 012 and 013 are to be completed only if item 002 was answered "Yes".

		Month	Day	Year
Information for Tax Year Ended	001			
Is Information Reported on a Consolidated Basis?	002	☐ Yes	☐ No	

Item		Amount (In dollars)	Comparable 1978 Federal Income Tax Return (Form 1120) Item
Taxable Income	003	$	Page 1, Line 30
Tax-Exempt Income	004	$	Schedule M-1, Line 7
Total Tax	005	$	Page 1, Line 31
Minimum Tax on Tax Preference Items	006	$	Schedule J, Line 16
State and Local Tax Paid On: Income	007	$	The total of items 007, 008, and 009 should equal the amount reported on Page 1, Line 17
Property	008	$	
Other	009	$	
Additions to Bad Debt Reserves	010	$	Page 1, Line 15
Method of Computation (Check One): 1. Percent of Taxable Income	011		
2. Percent of Eligible Loans	011		
3. Experience	011		

Complete this section only if your tax return was filed on a consolidated basis (i.e., you have answered "Yes" at item 002).

For the association component: Taxable Income	012	$	
Total Tax	013	$	

[FR Doc. 79-19259 Filed 6-21-79; 8:45 am]
BILLING CODE 6720-01-C

FEDERAL TRADE COMMISSION

[16 CFR Part 305]

Labeling and Advertising of Consumer Appliances; Scheduling of Oral Presentation Before Commission Concerning Rule Recommended by Staff

AGENCY: Federal Trade Commission.

ACTION: Scheduling of oral presentation before Commission concerning Rule Recommended by staff.

SUMMARY: The Commission is ready to begin considering final action on its proposed statutory rule governing the labeling and advertising of consumer appliances. (43 FR 31806, July 21, 1978; 43 FR 41410, September 18, 1978; 44 FR 10076, February 16, 1979; 44 FR 32013, June 4, 1979). To provide interested parties with the fullest possible opportunity to make their views known to the Commission, oral presentations will be made at an open meeting of the Commission on June 26, 1979 at 2:00 p.m. in Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580. Invitations to participate in this proceeding have been extended to ten parties who were chosen because of their previous participation in the proceeding and because they represent a variety of industry, consumer, and governmental interests.

DATE: Oral presentations will begin at 2:00 p.m. on June 26, 1979.

ADDRESS: The presentations will take place at an open Commission meeting in Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Andrew I. Wolf, Attorney, Room 6009, Star Building, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1453.

Carol M. Thomas,

Secretary.

[FR Doc. 79-19616 Filed 6-21-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 676]

Comprehensive Employment and Training Act: Regulations Concerning Sectarian Activities Under the Act

Note.—This document originally appeared in the Federal Register for Wednesday, June 20, 1979. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See CFR notice 41 FR 32914, August 6, 1976.)

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to revise the regulation at 20 CFR § 676.71, published on April 3, 1979, at 44 FR 20028, concerning sectarian activities under the Comprehensive Employment and Training Act (CETA). The purpose of this document is to clarify when funds under the Act may be used with respect to religious elementary and secondary schools, and other religious activities.

DATES: Interested persons are invited to submit written comments on or before July 23, 1979. The primary impact of the proposed rule will be on religiously affiliated elementary and secondary schools. Since it is necessary to provide clear guidance to grantees as soon as possible, the comment period has been limited to 30 days.

ADDRESS: Written comments should be addressed to the Assistant Secretary for Employment and Training, U.S. Department of Labor, Room 5014—Patrick Henry Bldg., 601 D Street, N.W., Washington, D.C. 20213. Attention: Mr. Robert Anderson, Administrator, Office of Comprehensive Employment Development.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Anderson, at Telephone No. (202) 376-6254.

SUPPLEMENTARY INFORMATION: Final regulations implementing Titles I, II, VI, and VII of the Comprehensive Employment and Training Act (CETA), as amended by the CETA Amendments of 1978 (Pub. L. 95-524), were published at 20 CFR Parts 675-679 in the Federal Register on April 3, 1979 (44 FR 19990). Section 676.71(b) of 20 CFR Part 676 sets forth the statutory prohibitions regarding sectarian activities, and states that the Department of Labor would be publishing proposed regulations to further clarify these provisions in the near future. Sections 121(a)(2) and 123(g) of CETA (92 Stat. 1934 and 1943) establish certain limitations on the use of CETA funds in connection with religious activities. These provisions, however, do not resolve many of the questions that may arise with regard to CETA activities at religiously affiliated elementary or secondary schools. They must also be interpreted in light of the standards established by the Supreme Court under the First Amendment. In light of this, and in keeping with the remedial purpose of the statute, the following rules are being proposed.

Accordingly, it is proposed to revise section 676.71 of Chapter V of Title 20, Code of Federal Regulations, to read as follows:

§ 676.71 Sectarian activities.

(a) No funds under the Act may be used to support any religious or anti-religious activity. However, this does not preclude religious organizations from administering or operating CETA programs or from the use of the facilities of religious organizations for the operation of such programs within the limits set forth in the Act or other applicable law.

(b) Section 121(a)(2) of the Act (29 U.S.C. 823(a)(2)) provides that:

"Participants shall not be employed on the construction, operation, or maintenance of so much of any facility as is used or will be used for sectarian instruction or as a place of religious worship."

Section 123(g) of the Act (8 U.S.C. 825(g)) provides that the Secretary, by regulation, shall establish such standards and procedures for recipients of funds under the Act as are necessary to assure against program abuses including, but not limited to, the use of funds for religious or antireligious activities. Pursuant to these statutory provisions, a participant may not be employed by a religiously affiliated elementary or secondary school to perform the functions of a teacher, librarian, guidance counselor, janitor or maintenance worker, clerical worker or teacher aide, unless the participant is performing functions or working in programs such as those described in paragraphs (c) or (e) of this section. In applying this prohibition, it is the function actually to be performed by the participant that is to be regarded as controlling, rather than the technical job title given the participant. For example, it would be permissible for a participant (whatever the participant's title) to be employed as an escort to bring students safely to and from school.

(c) Religiously affiliated elementary or secondary schools, may subject to supervision by the prime sponsor, employ participants in programs such as adult education, recreation, summer

programs or other similar activities including remedial tutorial activities, provided that such programs are not a part of the regular school curriculum (including summer school), are open to the community at large, and in which the community is encouraged to participate, and provided further that such programs do not involve religious activities.

(d) A prime sponsor, or a subrecipient which is not a religious organization, may outstation a participant to a religiously affiliated elementary or secondary school to provide remedial education services which do not involve religious activities, provided that such services are not part of the regular school curriculum (including summer school), that such services also are made available to public school students in the area and that the prime sponsor has established procedures adequate to insure public supervision.

(e) Participants may be employed by a religiously affiliated elementary or secondary school in the following capacities, or performing functions characteristic of these capacities:

(1) Cafeteria work or other work directly related to the provision of food services to students including clerical, custodial or maintenance work related to such services.

(2) Diagnostic or therapeutic speech and hearing services including clerical work related to such services.

(3) Nursing or health services or any other activities relating to the health or safety of students (*e.g.* assisting on school buses or in escorting children to and from school, acting as attendance clerks or school crossing guards, removing asbestos hazards or performing other similar emergency service relating to the health or safety of students), including clerical work related to such services.

(4) Any functions (including secretarial or clerical activities) where such activities are limited to providing support services for the administration of federally funded or regulated programs made applicable to religious institutions.

(5) Functions performed with respect to the administration and grading of State-prepared examinations.

(6) Custodial child care after school hours provided the participant is not providing educational services.

(f) The Secretary may consider, on a case-by-case basis, applications for participation in programs other than those set forth in paragraphs (c), (d), and (e) of this section and may approved those applications for programs that are not inconsistent with the requirements of this section.

Signed at Washington, D.C., this 18th day of June 1979.

Ray Marshall,

Secretary of Labor.

[FR Doc. 79-19419 Filed 6-19-79; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 74]

[Docket No. 79N-0042]

Lakes of Color Additives; Termination of Proposal

AGENCY: Food and Drug Administration.

ACTION: Termination of proposal.

SUMMARY: The Food and Drug Administration (FDA) is terminating a notice of proposed rulemaking concerning lakes of color additives because of the long interval of time since the issuance of the proposal and because of the need for more information on lakes of color additives.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** of May 11, 1965 (30 FR 6490) proposing the listing of and specifications for lakes of color additives then listed under Subparts A, B, and C of Part 8 of the color additive regulations (21 CFR Part 8) (recodified to Part 74 (21 CFR Part 74) by publication in the **Federal Register** of March 22, 1977 (42 FR 15553)). The proposed regulations would have replaced the provisional regulations for lakes of color additives under former Part 9 (21 CFR Part 9) (recodified to Parts 81 and 82 (21 CFR Parts 81 and 82)). However, because of the absence of any listings for color additives in Subparts A, B, and C, the order was never finalized.

Because several colors are now listed under Subparts A, B, and C of Part 74, it is appropriate to promulgate a final order on lakes of color additives. However, because of the long interval of time since the original proposal and because several additional questions have arisen, FDA concludes that a new proposal is necessary. Published elsewhere in this issue of the **Federal Register** is a notice of intent requesting comments and information that the agency will consider in developing a new proposal for the regulation of lakes of color additives. Therefore, the proposed rulemaking in the **Federal Register** of May 11, 1965 (30 FR 6490) on this matter is no longer appropriate and is terminated.

This action is taken under the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), and (d), 74 Stat. 399-403 as amended (21 U.S.C. 376(b), (c), and (d))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Dated: June 14, 1979.

Willam F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-19313 Filed 6-21-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Part 74]

[Docket No. 79N-0043]

Lakes of Color Additives; Intent To List

AGENCY: Food and Drug Administration.

ACTION: Notice of Intent to Propose Rules.

SUMMARY: The Food and Drug Administration (FDA) announces its intention to propose regulations concerning lakes of color additives. A review of the comments on an earlier FDA proposal and the available data indicate additional information is needed before final regulations can be issued. This notice discusses the additional information that is needed and, in particular, requests comment on (1) definition and nomenclature of lakes, (2) safety of lakes, and (3) specifications for lakes. This notice also addresses comments on the earlier proposal and evaluates them for consideration as part of the new proposal on lakes.

DATE: Comments and information by August 21, 1979.

ADDRESS: Written comments and information to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION:

I. Introduction

Colors are used in three forms in the coloring of foods, drugs, and cosmetics. The principal form used in coloring

foods and, to lesser extents, drugs and cosmetics is the basic chemical, i.e., the "straight" color. A second form is created by mixing the straight color with various diluents to form a color additive mixture. The third form in which colors are used is as lakes. These are combinations in which a straight color is closely bound to a substrate to form an insoluble pigment. In § 70.3(1) of the color additive regulations (21 CFR 70.3(1)), the term "lake" is defined as "a straight color extended on a substratum by adsorption, coprecipitation, or chemical combination that does not include any combination of ingredients made by simple mixing process."

The majority of lakes marketed today are manufactured with synthetic organic colors that are subject to certification and are themselves subject to certification. The first step in their production, as discussed in more detail below, is to absorb the soluble color onto an insoluble substrate to form a coloring material, the lake of the color, that is insoluble. These colored lake particles are washed, dried, and then finely ground before marketing. The color intensity desired in the finished lake can be controlled by varying the amount of pure color employed in its preparation. The concentration of pure colors usually employed in lakes ranges from 12 to 40 percent. When dispersed in dry product mixes, the lake particles impart an evenness and uniformity of color that cannot be obtained from the organic colors in the pure crystalline state. Likewise, in dry mixes such as cake mixes pure colors will cause streaking and spotting when water is added.

For many applications, lakes offer additional advantages over pure colors. Because the color is chemically bonded to its substrate, the colored lake exhibits increased light stability (as used in cake icings and cookie fillings), increased resistance to heat degradation (as used in imitiation chocolate or butterscotch chips), and reduced color migration (as used in striped candy canes). These properties permit improved color control through thermal processing and can extend color shelflife if the product is exposed to natural or artificial lighting.

Lakes were not permitted in food, drug, and cosmetic applications until 1959 when FDA began certifying them for use as primary colorants. Before 1959, only pure colors could be used in food, drugs, and cosmetics. In 1964, 5 years after lakes were permitted for use, only 7.5 percent of all colors certified were certified lakes. By 1978, this percentage had increased to 25.

FD&C lakes are currently used in numerous food products including cake mixes, breakfast drinks, colored salt or sugar, processed cheese, pet foods, and desserts. FD&C and D&C lakes are used in coloring the coatings of ingested drug tablets. In cosmetics, FD&C, D&C, and Ext. D&C lakes are used as primary colorants in lipsticks, rouges, soap, face powders, and nail lacquers.

In the manufacture of FD&C lakes, the first step of the laking process generally involves the production of an alumina slurry. The production may be accomplished by the careful precipitation of hydrated alumina from an aluminum sulfate solution by the addition of a sodium carbonate solution or sodium hydroxide. An aqueous solution of the dye is then mixed with the resulting alumina slurry to give a partially precipitated, or "laked," product as some of the water-soluble dye is adsorbed onto the alumina. The laking is completed by the addition of aluminum chloride, resulting in the production of the aluminum salt of the dye that is strongly adsorbed on the alumina particles.

Much the same process can be accomplished with D&C lakes using other substrata and salt forms to produce pigments insoluble in water or oil. In addition, D&C lakes may be produced from one or a number of colors to yield a variety of shades. The concentration of the straight color can also be varied to produce the desired shade.

Lakes are currently regulated under Parts 81 and 82 of the color additive regulations (21 CFR Parts 81 and 82). They are permitted for use within the specific restrictions prescribed for the various colors that they may contain. All lakes are now produced with colors that are subject to certification. FD&C lakes are required to be manufactured from previously certified colors, while D&C and Ext. D&C lakes may be made from either previously certified or uncertified batches of colors. However, each of these types of lakes must be certified before it may be used in food, drugs, or cosmetics.

To establish "permanent" regulations for lakes, a notice was published in the Federal Register of May 11, 1965 (30 FR 6490) proposing the listing of and specifications for lakes of color additives listed under Subparts A, B, and C of Part 74 (21 CFR Part 74) (formerly Part 8 (21 CFR Part 8), before recodification published in the Federal Register of March 22, 1977 (42 FR 15553)). Five comments were received which recommended changes in the proposal. However, because of the absence of any listings for color additives in Subparts A, B, and C of Part 74 at that time, the order was never finalized, and the provisional regulations for lakes under Parts 81 and 82 have remained in effect.

In recent years, several colors have become "permanently" listed under Subparts A, B, and C of Part 74, and the issuance of a final order on the lakes proposal would now appear appropriate. However, because of the long time interval since the original proposal and because several additional questions have arisen, a new proposal is appropriate. Elsewhere in this issue of the Federal Register, the agency is terminating the original proposal and in this notice is requesting information that will be considered in the development of a new proposal for the regulation of lakes. The information may be submitted by current petitioners as amendments to existing color additive petitions that propose the use of lakes, or in the form of a new petition in the format outlined in § 71.1 (21 CFR 71.1). Because of the issuance of the earlier proposal, FDA concluded that it should provide public notice concerning the need for additional data. In addition, as part of the development of a new lakes proposal, the five comments submitted in response to the original proposal and discussed below will be considered.

II. Comments on Original Proposal

1. Three of the five comments on the original lakes proposal recommended revising the proposed regulations for Subparts B and C to provide for the use of one or more previously certified color additives in the preparation of lakes for drug and cosmetic use.

The agency concludes that this recommendation has merit and will be considered further in the development of the new proposal on lakes.

2. One of the comments recommended revising the specifications for lakes of color additives to provide that the soluble chlorides and sulfates (as sodium salts) and moisture be not greater than the proportion that is related by percent to the permitted level in the pure colors, as long as the level of acceptability is at least 3 percent.

FDA believes that, although the suggested revision concerning the presence of soluble chlorides and sulfates is reasonable, specification for soluble chlorides and sulfates may not be necessary. Therefore, the agency is considering deleting such a requirement in the new lakes proposal (see Part III. C. of this document, "Development of a Lakes Proposal—Specifications").

3. The same comment requested that specifications for ratios of "uncombined intermediates/pure color" and "subsidiary colors/pure color" in lakes be not greater than the ratios permitted in the specifications for the pure color additive, as long as the level of acceptability is at least 0.2 percent.

The agency concludes that this proposed revision is unacceptable because it could result in a lake having a higher percentage of impurities relative to the color content than would be permitted in the parent straight color. For example, if a pure color contained intermediates or subsidiaries in the maxium amount allowable (say 0.3 percent), then a lake containing 50 percent of the color would presumably contain 0.15 percent. But with the proposed revision, the lake could contain up to 0.2 percent, which would be an amount higher proportionally than is permitted in the pure color. Unless the safety of higher levels of intermediates and subsidiary colors can be assured, the suggested revision will not be considered further.

4. Another comment suggested that, instead of establishing new categories, FDA classify lakes as color additive mixtures and list permitted substrates in appropriate sections as diluents for color additive mixtures.

This revision is directly related to the definition of a lake discussed below (see Part III. A., "Development of a Lakes Proposal—Definition and Nomenclature"). FDA does not agree that all lakes should be classified as color additive mixtures but does find that some apparently are closer to being simple mixtures than to what has been described as a lake. The suggested revision, therefore, will be considered in combination with the information requested below on the definition of a lake.

5. The same comment also proposed to reduce fees for certifying lakes and to simplify the label declaration for lakes in color additive mixtures by simplifying the label requirements for color additive mixtures.

FDA advises that the suggested revisions are not acceptable because the agency believes that the current fees for certification of lakes are appropriate and that the current method for labeling of color additive mixtures is necessary to provide for their safe use.

III. Development of a Lakes Proposal

There are three general areas of concern in the development of a new proposal for the regulation of lakes: (A) Definition and nomenclature, (B) safety, and (C) specifications. As discussed below, the agency is requesting information and comment on each of these three areas for consideration in the issuance of a new proposal on lakes.

A. *Definition and Nomenclature*

1. As noted above, the term "lake" refers to a substance formed by the chemical or physical interaction (adsorption, chelation, salt formation, etc.) of a straight color with an appropriate substratum and does not include any combination of ingredients made by a simple mixing process. A review of the various processes that are used to make what are referred to as lakes had disclosed some exceptions to this definition. The initiation of the formation of a lake generally occurs with the precipitation of a water—soluble dye in the presence of the substratum. In certain instances with (1) dyes that are insoluble metal salts and (2) dyes that are sparingly soluble in water and that lack salt-forming functional groups, the extension of the color on the substratum is more similar to a mixing process with little, if any, resulting chemical interaction. Although these types of substances, where there is little or no interaction, have generally been known by the industry as "extended toners," the materials have been classified and treated as "lakes" under the color additive regulations.

FDA requests comment and information concerning the continuation of the current definition of lakes or the possibility of dividing the differing types of pigments discussed above into specific categories with separate provisions and specifications for each. In the absence of comments to the contrary, the agency intends to exclude mixtures such as the extended toners from the definition of lakes.

2. The various substrata and procedures that may be used in producing lakes are described separately in §§ 82.51 *Lakes (FD&C)*, 82.1051 *Lakes (D&C)*, and 82.2051 *Lakes (Ext. D&C)* (21 CFR 82.51, 82.1051, and 82.2051). The agency is considering additional changes in the identifications given in these sections of the regulations and specifically requests comment on the following possible changes:

(i) One modification would provide for lakes formed by interaction between the substratum and nonsalt colors. Currently, lakes may be prepared only from colors that are salts.

(ii) When lakes are formed by interaction with colors that are salts, allowance would be provided for some simultaneous incorporation of the nonsalt form of the color and vice versa.

(iii) Although the current regulations permit the use of calcium or aluminum as the metallic cation used in the preparation of FD&C lakes, calcium FD&C lakes have not been submitted for certification. Because of this lack of interest by manufacturers, the agency is considering the deletion of calcium as one of the metallic cations permitted in FD&C lakes.

(iv) For FD&C lakes, FDA requests comment on the following definition, which would incorporate revisions (i) through (iii) above: "A lake is designated FD&C if made by combining one or more previously certified FD&C colors with the basic aluminum cation in the presence of the substratum hydrated alumina."

3. The agency also requests comments on a system of nomenclature for lakes because of several problems with the current system:

(i) D&C lakes may have an identical designation but differ in actual composition because of differences in the substrata. For example, the name of a lake prepared by extending D&C Green No. 5 upon titanium dioxide is "D&C Green No. 5—Sodium Lake." Currently, the same name is given to a lake prepared by extending D&C Green No. 5 upon calcium carbonate.

(ii) Lakes identical in composition may have different designations. For example, the aluminum salt of D&C Red No. 9 extended on alumina would be identical to the aluminum salt of D&C Red No. 8 extended on alumina because the parent straight colors differ only in that one is a sodium salt and the other is a barium salt; the lake designation, however, would differ, with one being "D&C Red No. 8—Aluminum Lake," and the other "D&C Red No. 9—Aluminum Lake."

(iii) No provision exists for naming lakes prepared from colors with no salt-forming groups.

The agency requests comment and suggestions concerning a system of nomenclature for lakes that will resolve problems such as those discussed above. In the absence of any comments, the agency intends to require that the nomenclature for lakes specifically identify the form of the color that is used as well as the substratum.

B. *Safety*

1. To ensure safety, the specifications for "intermediates" and "subsidiary colors" must be established for lakes prepared from uncertified colors or colors produced in situ. As discussed below, such specifications may also be necessary for lakes prepared from previously certified colors if there is a

possibility for significant deterioration of the colors during the laking process. In these cases, the proportionality of intermediates and subsidiaries should relate to those levels observed in the pure certified colors for which specifications and regulations have been published. The agency, therefore, is considering the following guidelines:

Percent of pure dye in lake	Allowable amounts of intermediates and subsidiaries—given as a percentage of the amount allowable in the pure color
More than 75	100
50 to 75	75
25 to 50	50
25	25

For example, these guidelines would apply for FD&C Yellow No. 5, which has a specification of 1.0 percent for subsidiary dyes, as follows:

Percent of FD&C Yellow No. 5 in lake	Allowable amounts of subsidiaries in lake (percent)
More than 75	1.0
50 to 75	0.75
25 to 50	0.50
25	0.25

2. The agency is concerned about the safety data and identification of some substrata used for lakes:

(i) Although talc is regulated in several instances as a food additive and also for drug use, there has been some concern about the asbestos content of talc and its safety following ingestion. FDA published a proposal in the Federal Register of September 28, 1973 (38 FR 27076) that would have required talc to be free of asbestos fiber to the maximum extent practicable. After receiving comments on the proposal, the agency concluded that a prohibition of asbestos-containing talc as a food or food additive or in drugs or drug ingredients was unwarranted due to lack of sufficient data (see the Federal Register of March 14, 1975 (40 FR 11865)). The data on whether the presence of asbestos as a contaminant posed any health hazard from these uses of talc were inconclusive. Additionally, adequate analytical methods were not available for measuring the level of asbestos in talc. The agency is still not aware of any data that would support the establishment of specifications for asbestos in talc. Of course, talc used for lakes should be as free of asbestos as possible under good manufacturing practice.

(ii) Rosin and clay are currently used as substrata in D&C and Ext. D&C lakes. However, these substrata are not well defined chemically. Because there may be great differences in the composition of either of these materials as they occur in nature, standard specifications for the clay and rosin used in the formulations of lakes should be established. These specifications should control the composition of the materials that can be used. The agency, therefore, is requesting the submission of suggested standard specifications for rosin and clay used in the production of D&C and Ext. D&C lakes.

Comment on the merit of establishing specifications for the remaining substrata is also requested. Such specifications might be by reference to another food or color additive regulation involving the substratum. For example, specifications for calcium carbonate used in lakes could reference § 73.1070, which contains specifications for calcium carbonate used in drugs.

C. *Specifications*

1. Problems have arisen in the spectrophotometric method for the determination of the pure dye content in lakes. In this method of analysis, the colors in the lakes are solubilized under certain conditions and the spectra recorded. The spectra are then compared to "standard" spectra of the colors in order to determine the percent pure color in the lake. A problem arises in that it is not clear that the current standard absorptivity values for each dye were determined under the same conditions being used for the solubilization of the dye in the lake. Therefore, the FDA requests submission of available methods for the spectrophotometric determination of pure color content in lakes.

2. The agency is considering not requiring specifications for intermediates and subsidiary colors in lakes prepared from previously certified colors. If previously certified colors are used in the preparation of lakes, the percent of intermediates and subsidiary colors in the lakes, based on pure dye content, should presumably be at levels proportional to those in the original batch of pure dye. The agency, however, is concerned about the absence of data demonstrating the stability of previously certified colors during the laking process. If significant deterioration of the color were to occur, the percentage of intermediates or subsidiary colors, based on pure dye content, could be at levels higher than in the original batch. If data are submitted demonstrating the stability of previously certified colors during the laking process, the FDA intends to delete the specifications for intermediates and subsidiary colors for lakes when prepared from certified batches of colors.

3. Satisfactory methods for the determination of total intermediates in lakes have not been developed. Current methods detect only "free" intermediates and cannot detect those that, like the dye, are "laked." The lack of methodology for total intermediates in lakes does not pose a problem for lakes produced from previously certified batches of colors if there is no degradation of the color during the laking process. In this case, the color used to produce the lake is a discrete batch that can itself be analyzed for total intermediates.

Likewise, no problem occurs in cases in which the lake is produced from a finished batch of color, albeit uncertified. However, many lakes are produced in situ, such that the color never appears as a discrete unit in the process. In these cases, the processing of the lake proceeds directly from the original synthesis of the color to the formation of its lake with no interruption in the manufacturing process. Excessive levels of intermediates could be used during the process, become "laked," and, therefore, escape detection during the certification process because of the absence of methodology for determining total intermediates in lakes. High levels of such "laked" intermediates may then present a health hazard if they become available to the body following ingestion or other uses. Additional problems encountered with the analysis of intermediates include interference from substrata (benzoate and rosin) and decomposition of the pure color during analysis. The problem is further complicated in attempting to analyze for intermediates in lakes containing mixtures of color additives. The agency is therefore requesting:

(i) The submission of methods of analysis for the determination of total intermediates in lakes prepared from a single color and in lakes prepared from mixtures of colors. If suitable methodology for total intermediates cannot be developed, an alternative approach to addressing the problem of possible high levels of "laked" intermediates would be to present data demonstrating that the "laked" intermediates do not become available from the use of the lake. Without appropriate data to allay the concerns over "laked" intermediates, it may be necessary to require that all lakes be produced from previously certified batches of colors or, at least, from discrete batches of colors.

(ii) The submission of methods of analysis for the determination of total intermediates in lakes using benzoate or

rosin as the substratum. Without acceptable methodology, it may be necessary to delete these as acceptable substrata.

4. Although methods for the determination of subsidiary colors in lakes of individuals color additives are available, they are not efficient and can be time consuming. Furthermore, methods are not available for the determination of subsidiaries in lakes formed from mixtures of colors. The agency is therefore requesting the submission of all available methods which have been developed for the analysis of subsidiary color in lakes, including subsidiaries in lakes of color additive mixtures.

5. The agency is aware that residues of chemicals occasionally used in the laking process, such as citrate, acetate, and various surfactants, may be present in the final product. Accordingly, FDA requests comment on the probability and/or amount of these types of residues incorporated into the finished lake.

6. Because of the difficulty in analysis and because of lack of health hazard, the agency is considering deleting specifications for soluble chlorides and sulfates in all types of lakes. FDA requests comment on the possible deletion of those specifications.

7. The following additional minor changes in the originally proposed specifications are being considered:

(i) Inclusion of a specification for mercury in FD&C, D&C, and Ext. D&C lakes;

(ii) Revision of the specification for "inorganic matter soluble in hydrochloric acid" to "matter insoluble in hydrochloric acid"; and

(iii) A separate specification for insoluble matter in FD&C Red No. 3 and other colors where the dye is insoluble in hydrochloric acid.

IV. Summary of Information Requested

The agency anticipates that a satisfactory response to the questions discussed in detail above will permit the preparation of a notice of proposed rulemaking concerning color additive lakes. The proposed rules will be restricted in their coverage to the extent that data are not submitted or are otherwise insufficient to support the safety of particular aspects of the use of lakes. For clarity's sake, the primary questions and types of information for which responses are being sought are summarized below. All responses to these questions or others mentioned above should be supported by appropriate data.

A. Definition and nomenclature.—1. Comments and information are requested concerning the continuation of the present definition of lakes. In what particular ways should the definition be changed and why?

2. Should the definition for lakes be revised to reflect the use of colors as toners or extended toners? Should these be considered to be lakes or should they be exempted from consideration as lakes; if not as lakes, how should they be regulated under the color additive amendments?

3. What specific changes should be made in defining how lakes are made? What processes should continue to be permitted or added? What processes should be deleted?

4. Comments and information are requested on the nomenclature that should be used to identify lakes.

B. Safety.—1. What specifications should be established for intermediate and subsidiary colors? How should these relate to the levels considered acceptable on the basis of toxicological tests? Are the guidelines proposed above for establishing limits on intermediates and subsidiary colors satisfactory?

2. What should be the data requirements for substrata as they relate to safety?

3. What specifications should be established for the naturally occurring substrata that would provide the strictest degree of chemical definition for these substances?

C. Specifications for color additive lakes.—1. Methods with appropriate validation data are requested for the determination of pure color content in lakes.

2. What specifications should be established for lakes that are produced from previously certified colors?

3. Methods for the determination of total intermediates in lakes should be submitted. These methods should be applicable to all types of lakes.

4. Should there be concern for total intermediates in lakes or should allowances be made for the presence of "laked" intermediates on the basis that they are not bioavailable?

5. What specifications should be established for lakes?

6. All available methods for the analysis of subsidiary colors in lakes should be submitted with appropriate validation data.

Interested persons may, on or before August 21, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this notice of intent to propose regulations. Four copies of all comments should be submitted, except that individuals may submit single copies of comments, identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday. Comments and information that are considered trade secrets or otherwise confidential may be submitted (with those portions considered trade secret clearly identified as such) to Petitions Control Branch (HFF-334), Division of Food and Color Additives, Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

Dated: June 14, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-19314 Filed 6-21-79; 8:45 am]

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[21 CFR Parts 184, 186]

Acetic Acid, Ammonium Acetate, Sodium Acetate, and Sodium Diacetate; Proposed GRAS Status

Correction

In FR Doc. 79-10109 appearing at page 19430 in the issue for Tuesday, April 3, 1979, make the following corrections:

(1) On page 19433, in the middle column, in § 184.1721, subparagraph (d) should read as follows:

"(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 0.007 percent for breakfast cereals as defined in § 170.3(n)(4) of this chapter; 0.5 percent for fats and oils as defined in § 170.3(n)(12) of this chapter; 0.6 percent for grain products and pastas as defined in § 170.3(n)(23) of this chapter and for snack foods as defined in § 170.3(n)(37) of this chapter; 0.12 percent for jams and jellies as defined in § 170.3(n)(28) of this chapter and for meat products as defined in § 170.3(n)(29) of this chapter; 0.2 percent for soft candy as defined in § 170.3(n)(38) of this chapter; and 0.05 percent for soup and soup mixes as defined in § 170.3(n)(40) of this chapter and for sweet sauces as defined in § 170.3(n)(43) of this chapter."

(2) On page 19433, in the last column, in § 186.1005, in subparagraph (a), in the 7th line, "systhesis" should be corrected to read "synthesis".

(3) On page 19433, in the last column, in § 186.1005, in subparagraph (a), in the

8th line, "systhetic" should be corrected to read "synthetic".

BILLING CODE 1505-01-M

[21 CFR Part 184]

[Docket No. 78N-0369]

Whey, Whey Products, and Hydrogen Peroxide; Affirmation of Gras Status as Direct Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to affirm the generlly recognized as safe (GRAS) status of whey and whey products as direct human food ingredients, and of hydrogen peroxide for use as an antimicrobial agent in cheesemaking and whey processing. The safety of these ingredients has been evaluated under a safety review of petitions submitted to the agency. The proposal would list the substances as direct human food substances affirmed as GRAS.

DATES: Comments by August 21, 1979.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: Under the procedures established in § 170.35 (21 CFR 170.35), Foremost-McKesson, Inc., Crocker Plaza, One Post St., San Francisco, CA 94104, submitted a petition (GRASP 3G0011) proposing the affirmation of delactosed whey, demineralized whey, and delactosed-demineralized whey as generally recognized as safe (GRAS) for use in foods. A subsequent petition by the Whey Products Institute, to establish common or usual names for whey and modified whey products, made it evident that additional safety information from other whey processors was needed to determine the proper regulatory status for these products before common or usual names could be adopted for the ingredients. In the Federal Register of December 17, 1975 (40 FR 58485), FDA requested submission of additional GRAS affirmation petitions and safety data for modified whey products produced by other processors. As it stated in that notice, the agency intended to make a class determination as to whether sufficient safety data were available to affirm the GRAS status of these products, and to establish common or usual names for the products if the data were available.

In response to the above notice, FDA received nine additional petitions. The petitioners and the GRAS numbers assigned to their petitions are as follows:

GRASP petition number	Petitioner
6G0063	Frank Thomas, Greenwood, WI 54437.
6G0065	Dean Foods Co., 1126 Kilburn Ave., Rockford, IL 61101.
6G0068	Stauffer Chemical Co., Westport, CT 06880.
6G0070	Western General Dairies, Inc., 195 West 7200 South, Midvale, UT 84047.
6G0071	Purity Cheese Co., P.O. Box 27, Mayville, WI 53050.
6G0073	Borden, Inc., 180 E. Broad St., Columbus, OH 43215.
6G0075	Land O'Lake, Inc., P.O. Box 116, Minneapolis, MN 55440.
6G0076	Kraftco Corp., 135 S. LaSalle St., Chicago, IL 60603.
6G0078	Tetroid Co., Inc., Hamilton, NY 13346.

In the making of cheese, most of the protein, nearly all of the fat, and some of the minerals in milk become components of the cheese. Most of the carbohydrate and the remainder of the protein, fat, and minerals become components of whey. The casein protein becomes the major component of cheese, while the lactalbumin, which is not acted upon by the rennet or other enzymes involved in the cheesemaking process, remains with the whey. Except for the curd or precipitated state of the casein, the components of the cheese and the whey, reconstituted, would be the same as those for milk. Thus, the only known sources of concern in the manufacture of the various whey products would be the possible introduction or concentration of toxic substances during the processing, or selective concentration of ingredients in the manufacture of whey products.

For many years, whey, condensed whey, and dried whey, or components derived from them, have been used to nutritionally supplement processed foods. Nutritional applications are similar to those for which nonfat dry milk is utilized. Whey proteins are recognized as having high nutritional value as measured by their protein efficiency ratios (PER) in animal feeding studies.

In recent years, additional desirable functional and nutritional characteristics have been imparted to whey products from which portions of one or more selected components have been removed. Rat feeding studies show that removal of large portions of the minerals and the lactose from whey results in a protein product that is higher in nutritional value than casein and compares favorably with egg. The initial petition referred to some published studies in which patients suffering from renal insufficiency ingested the protein product and were either sustained or improved, as measured by reduction in blood urea nitrogen and creatinine levels. Six of seven comments received in response to the published notice of filing of this petition (3G0011) directed their remarks to the virtue of such treatment regimes. The seventh comment highly recommended the use of whey protein in baby formulas.

The earliest methods used to recover whey protein involved heat denaturing and acid precipitation. This resulted in protein that had nutritive value but, because it was denatured or insoluble in water, lacked certain physical characteristics, i.e., "blendability," necessary for diversification of its nutritional applications. Later, many other methods were devised to produce soluble whey protein concentration. These methods removed whey ingredients such as minerals and lactose by a variety of procedures such as dialysis, electrodialysis, precipitation, ion exchange, filtration, ultrafiltration, chemical extraction, or a combination of two or more of these methods. However, the method(s) used to concentrate the protein or to vary the concentrations of the other ingredients resulted in whey products of varied composition.

Examination of the petitions indicates that two manufacturers use precipitation procedures to isolate whey protein. One of these manufacturers uses heat to denature the protein, and separates the protein from the liquid permeate by the use of a centrifugal decanter and filtration. The other processor utilizes a cation exchange resin column to acidify the whey and uses heat and metered addition of polymeric phosphates to precipitate the protein, which is then recovered by centrifugation. In the first process, the protein is denatured and insoluble in water. However, in the second process, the protein is not denatured and can be made water soluble by neutralization of the phosphated protein with either calcium or sodium hydroxide.

Four processors utilize ultrafiltration techniques in which the whey stream is directed, under pressure, against membranes composed of polymeric materials approved for such use by FDA regulations. This process permits salts, lactose, and low molecular-weight nitrogenous compounds to pass through the membrane with the liquid permeate,

while retaining the protein. The liquid permeate is further processed to remove the lactose, usually by vacuum concentration of the solids and crystallization of the lactose. In each process, the fluid whey undergoes certain clarifying procedures and pH adjustments before the ultrafiltration phase. The whey is pasteurized before ultrafiltration in some processes and after ultrafiltration in others.

Two whey processors utilize ion exchange resins, followed by removal of lactose, to produce a demineralized-delactosed whey with a high protein concentration. The clarified whey is cooled and passed over columns or through tanks containing cation exchange resins, and then over similarly arranged anion exchange resins. Ninety-percent demineralization can reportedly be accomplished with this method. The resins used are approved for food use in § 173.25(a) (21 CFR 173.25(a)). Lactose is removed by vacuum and heat concentration of the demineralized whey, which is then subjected to crystallization and centrifugation to produce a demineralized, delactosed whey product.

One processor utilizes a filtration technique to produce whey products with varying levels of protein content. In this process, the clarified whey is subjected to the usual method for removing lactose. The partially delactosed whey is then passed through a molecular sieve resin (gel filtration) by which high molecular weight molecules are separated from those of lower molecular weights. Thus, this separation results in one whey product with a high level of protein and a permeate containing little protein but most of the mineral salts and lactose.

The final reported process utilizes electrodialysis as a demineralizing technique. In the process, the whey stream is passed between membranes that separate it from potable water streams. Through the imposition of a direct electrical potential, the mineral salts pass through the membranes into the water streams. The water streams are removed and discarded. The electrodialysis is continued until the desired reduction in mineral salts is reached. One processor removes the lactose before electrodialysis, while another removes it afterwards. Each processor uses hydrogen peroxide for bacterial control during the whey processing and adds catalase to remove the peroxide residues from the final product.

Whey and whey products have been marketed for a number of years, and questions of safety have not been raised. However, the derivation of whey products is such that it raises the question of whether toxic elements in milk might be selectively bound to proteins in the whey fraction. Thus, the absolute values of metallic components in the whey products must be considered in affirming GRAS status. Should the concentration of the elements occur, relatively high dietary intake of whey protein products could result in a significant increase in exposure to these elements. Accordingly, FDA has obtained specific analytical data showing that the whey products do not selectively concentrate the metals arsenic, cadmium, copper, lead, mercury, selenium, and zinc, and also that the proposed use of whey proteins will not significantly increase the levels of these elements in the diet. These data are on file with the Hearing Clerk, FDA.

Orotic acid is a natural component of cow's milk and, therefore, whey. Concern has been expressed about it becoming more concentrated during the processing of whey into whey products. A feeding study in rats, in which the diet contained high levels or orotic acid, resulted in fatty livers. This effect may be due to the inability of the rat to metabolize the orotic acid. Analysis of rat milk shows very little orotic acid content. Human milk is similar in this respect, but there is no evidence that orotic acid in cow's milk is responsible for any adverse effects in humans. The levels of orotic acid in the final whey products produced by the manufacturing procedures described above are no higher than would be expected in nonfat milk solids. The analytical method for orotic acid by Metz (Ref. 1) is suitable for the determination of low levels of this substance in whey.

Lysinoalanine (LAL) is a unique amino acid that has been found in protein foods. Exposure of the protein to conditions of high alkalinity and heat favors the formation of LAL. However, this amino acid can be formed during the cooking of meat, eggs, and other protein-containing foods under nonalkaline conditions. Articles in the scientific literature report the formation of kidney lesions, termed nephrocytomegalia, in rats when the rats were fed diets containing alkaline-treated, industrial-grade soy protein (Refs. 2 and 3). DeGroot et al. have demonstrated that LAL was responsible for these lesions in the rat (Ref. 4). As a result, concern was expressed as to the effect of LAL when ingested by humans, even though subsequent studies failed to produce these kidney lesions when LAL-supplemented diets were fed to Swiss mice, golden Syrian hamsters, New Zealand white rabbits, Japanese quail, beagle dogs, or rhesus monkeys (Refs. 4 and 5). Analysis of the modified whey products, made by the processing procedures disclosed in the submitted petitions, revealed the presence of measurable quantities of LAL in only 5 of the 42 samples tested. The LAL levels ranged from 120 to 270 parts per million (ppm) of the protein content. LAL can be formed during the cooking of protein-containing foods and as much as 300 ppm has been found in a fried egg. Thus, it has always been a component of the human diet. No evidence exists that the ingestion of LAL-containing foods is toxic to humans; however, the suggestion has been made that the formation of LAL may be an explanation for the decrease in nutritive quality of some processed foods.

Hydrogen peroxide has been listed in § 182.1366 (21 CFR 182.1366) as GRAS for use as a bleaching agent. Although no technical effect is indicated, hydrogen peroxide is also listed in § 133.113 (21 CFR 133.113) as an optional ingredient during the cheesemaking process. Section 133.113 provides that milk may be treated with hydrogen peroxide solution in an amount that does not exceed 0.05 percent of the weight of the milk. This use is followed by the addition of a suitable catelase preparation to eliminate the hydrogen peroxide. A similar sequential use has been requested by two of the petitioners for hydrogen peroxide and catalase in whey processing, essentially for the express purpose of its antimicrobial activity. The proposed maximum level of hydrogen peroxide for this purpose is 0.04 percent (400 ppm), which is less than the level used in cheese processing. This use is also followed by the use of catalease to eliminate the residual hydrogen peroxide. It has been shown that the use of hydrogen peroxide in this manner results in a greatly reduced bacterial count in the final whey product when compared to those whey products obtained through the same process without hydrogen peroxide use.

However, because hydrogen peroxide, at levels of 2 percent, can produce alteration of whey or milk proteins (Ref. 6), its permitted use in milk used to make Swiss cheese was suspected as the basis for excessive amounts of histamine found in a Swiss cheese made by a domestic firm. Ingestion of this cheese by restaurant patrons in two different cities resulted in episodes of food poisoning. Subsequent investingations, however, did not confirm a correlation between hydrogen peroxide and histamine in the cheese.

The two petitioner firms that use hydrogen peroxide as an antimicrobial agent in the processing of whey have analyzed their products for the presence of histamine. One firm, using the fluorometric method of Lerke and Bell (Ref. 7) could not detect histamine in three production samples of modified wheys that had been treated with 270, 270, and 400 ppm of hydrogen peroxide during the processing times of 11.5, 6.75, and 9.75 hours, respectively. The second firm, using the same analytical method, could not detect histamine in three samples each of two modified whey products. The detection limit of this analytical method was determined to be 100 ppm of histamine.

Although hydrogen peroxide is not GRAS for general use as an antimicrobial agent, this use in whey processing has been evaluated as part of these petitions. The Commissioner concludes that hydrogen peroxide may be affirmed as GRAS for this use pending a general safety review of this ingredient. The Commissioner is therefore proposing a GRAS regulation affirming this use, without proposing to change current § 182.1366 for use of hydrogen peroxide as a bleaching agent. The GRAS status of hydrogne peroxide as a bleaching agent will be reevaluated in the near future as part of the agnecy's GRAS review program.

The agency examined the petitions and comments received as a result of the December 17, 1975 notice in the **Federal Register** for names and definitions for the various whey products. From the descriptions of the various processes involved in making the whey products, the agency concluded that ordinary whey is sold and utilized as liquid whey, concentrated whey, or dried (dry) whey. The other treated whey products are dry in their final commercial form. The following are the names and definitions proposed for consideration in this regulatory action on the various whey products:

1. *Whey.* Whey is the liquid substance obtained by separating the coagulum from milk, cream, or skim milk, as in cheesemaking. Whey obtained from a cheesemaking procedure where a significant amount of loctose is converted to lactic acid is known as acid whey. Whey obtained from a cheesemaking procedure where there is insignificant conversion of lactose to lactic acid is known as sweet whey (meets maximal titratable acidity and alkalinity of ash requirements as set out in § 135.110(b) (21 CFR 135.110(b))). The pH of the whey, sweet or acid, may be adjusted by the addition of safe and suitable pH adjusting ingredients.

2. *Concentrated whey.* Concentrated whey is the liquid substance obtained by partial removal of water from whey, while leaving all other constituents in the same relative proportions as in whey. The whey solids must be not less than 40 percent. The percent of solids, i.e., "concentrated whey (——% solids)," must be declared on the label of the finished whey product.

3. *Dried (dry) whey.* Dried (dry) whey is the dry substance obtained by the removal of water from whey, while leaving all other constituents in the same relative proportions as in whey.

4. *Dried (dry) reduced lactose whey.* Dried (dry) reduced lactose whey is the dry substance obtained by the selective removal of lactose from whey, followed by the removal of water. The percentage of lactose removed must be not less than 25 percent and the loctose content of the finished product must not exceed 60 percent on a solids basis. The percent of lactose present on a solids basis, i.e., "dried (dry) reduced lactose whey (——% loctose)," must be declared on the label of the finished whey product.

5. *Dried (dry) reduced Minerals whey.* Dried (dry) reduced minerals whey is the dry substance obtained by the selective removal of at least 50 percent of the minerals from whey, followed by the removal of water. The finished product must contain not more than 7 percent ash on a solids basis. The percent of minerals present on a solids basis, i.e., "dried (dry) reduced minerals whey (——% minerals)," must be declared on the label of the finished whey product.

6. *Dried (dry) whey protein concentrate.* Dried (dry) whey protein concentrate is the dry substance obtained by the removal of sufficient nonprotein constituents from whey so that the finished product contains at least 30 percent protein on a solids basis, followed by the removal of water. the percent of protein present on a solids basis, i.e., "dried (dry) whey protein concentrate (——% protein)," must be declared on the label of the finished whey product.

The submitted petitions have presented data that demonstrate no selective concentration of heavy metals or orotic acid of milk in the processed whey products. The products have also been examined for potential concentration of lysinoalanine and histamines. Furthermore, the components of the processing equipment that come in contact with the whey have been approved for such use through appropriate food additive regulations. Therefore, after a comprehensive review of all the data regarding the preparation and uses of the varius whey products, and the uses of hydrogen peroxide during their preparation, the Commissioner finds that:

1. Whey, concentrated whey, and dried (dry) whey are eligible for GRAS status based upon their common use in food in the United States before January 1, 1958.

2. Although dried (dry) reduced lactose whey, reduced minerals whey, and whey protein concentrate are not eligible for GRAS status based upon their common ues in food in the United States before January 1, 1958, the ingredients are eligible for GRAS status because of the publication of sufficient safety data supporting the uses requested.

3. Hydrogen peroxide is eligible for GRAS status based upon its common use in food in the United States before January 1, 1958.

4. The substances are safe for the food uses requested by the petitioners.

5. The substances perform the functional effects claimed by the petitioners.

6. No concentration in heavy metals is permitted for whey and whey products by comparison with milk on a solids basis. A total heavy metal specification of 10 ppm is, however, adopted as a quality control measure to ensure that there is no gross contamination of the final product.

Accordingly, the Commissioner concludes, in accordance with § 184.1(b)(1) (21 CFR 184.1(b)(1)), that the uses and levels of use of hydrogen peroxide and of the various whey products set forth in the petitions are GRAS.

This proposed action does not affect the present use of whey, whey products, and hydrogen peroxide for pet food or animal feed.

The following references are on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, and may be seen in that office from 9 a.m. to 4 p.m., Monday through Friday:

References

1. Metz, R. J., "The Assay of Non-fat Milk Solids by the Determination of Orotic Acid in Milk Chocolate and in the Milk," *Analyst*, 97:866–871, 1972.

2. Woodard, J. C. and M. R. Alvarez, "Renal Lesions in Rats Fed Diets Containing Alpha Protein," *Archives of Pathology*, 84:153–162, 1967.

3. Woodard, J. C. and D. D. Short, "Toxicity of Alkali-Treated Soyprotein in Rats," *Journal of Nutrition*, 103:569–574, 1973.

4. DeGroot, A. P., P. Slump, V. J. Feron, and L. van Beek, "Effects of Alkali-Treated Protein: Feeding Studies with Free and Protein-bound Lysinoalanine in Rats and Other Animals," *Journal of Nutrition*, 106:1527–1538, 1976.

5. DeGroot, A. P. et al., "Severe Alkali Treatment of Proteins," *in* "Evaluation of Proteins for Humans," Edited by C. E. Bodwell, Avi Publishing Co., Westport, CT, p. 270.

6. Cooney, C. M. and C. V. Morr, "Hydrogen Peroxide Altération of Whey Proteins in Whey and Concentrated Whey Systems," *Journal of Dairy Science*, 55(5):567–573, 1972.

7. Lerke and Bell, "A Rapid Fluorometric Method for the Determination of Histamine in Canned Tuna," *Journal of Food Science*, 41:1282, 1976.

The Commissioner has carefully considered the environmental effects of this proposal and, because the action would not significantly affect the quality

of the human environment, has concluded that an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Part 184 be amended by adding new §§ 184.1366, 184.1979, 184.1979a, 184.1979b, and 184.1979c to read as follows:

§ 184.1366 Hydrogen peroxide.

(a) Hydrogen peroxide (H_2O_2, CAS Reg. No. 7722–84–1) is also referred to as hydrogen dioxide. It is made by the electrolytic oxidation of sulfuric acid or a sulfate to persulfuric acid or a persulfuric acid salt with subsequent hydrolysis and distillation of the hydrogen peroxide formed; by decomposition of barium peroxide with sulfuric or phosphoric acid; by hydrogen reduction of 2-ethylanthroquinone followed by oxidation with air to regenerate the quinone and produce hydrogen peroxide; or by electrical discharge through a mixture of hydrogen, oxygen, and water vapor.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972),[1] which is incorporated by reference.

(c) The ingredient is used as an antimicrobial agent as defined in § 170.3(o)(2) of this chapter.

(d) The ingredient is used at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level of use in milk during cheesemaking of 0.05 percent of the weight of the milk, and of 0.04 percent of the weight of the whey in the holding tank before processing. In either case, the residual hydrogen peroxide is removed by using a suitable catalase preparation.

(e) This regulation is issued before general evaluation of the use of this ingredient in order to affirm as GRAS the specific use named.

§ 184.1979 Whey.

(a)(1) *Whey.* Whey is the liquid substance obtained by separating the coagulum from milk, cream, or skim milk in cheesemaking. Whey obtained from a cheesemaking procedure, where a significant amount of lactose is converted to lactic acid, is known as acid whey. Whey obtained from a cheesemaking procedure where there is insignificant conversion of lactose to lactic acid is known as sweet whey (sweet whey has a maximum titratable acidity of not more than 0.16 percent, calculated as lactic acid, and an alkalinity of ash, not more than 225 milliliters of 0.1*N* HCl per 100 grams). The pH of the whey, sweet or acid, may be adjusted by the addition of safe and suitable pH adjusting ingredients.

(2) *Concentrated whey.* Concentrated whey is the liquid substance obtained by partial removal of water from whey, while leaving all other constituents in the same relative proportions as in whey. The whey solids must be not less than 40 percent. The percent of solids, i.e., "concentrated whey (——% solids)," must be declared on the label of the finished whey product.

(3) *Dried (dry) whey.* Dried (dry) whey is the dry substance obtained by the removal of water from whey, while leaving all other constituents in the same relative proportions as in whey.

(b) The ingredient meets the following specifications:

(1) The approximate analysis of whey, on a dried basis, based on analytical methods in the referenced sections of Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC), 12th Ed. (1975),[2] which is incorporated by reference, is:

Protein, 11 to 15 percent (sec. 16.036).
Fat, 0.2 to 1.5 percent (secs. 16.181 and 16.182).
Ash, 7.1 to 12.5 percent (sec. 16.035).
Lactose, 61 to 75 percent (sec. 16.053).
Water, 3.5 to 7.5 percent (sec. 14.002).

(2) Limits of impurities are:

Heavy metals (as lead), Not more than 10 parts per million (0.001 percent), as determined by the method described in the Food Chemicals Codex, 2d Ed. (1972), pp. 920–921,[1] which is incorporated by reference.

(3) The whey must be derived from milk that has been pasteurized, or the whey and/or modified whey product must be subjected to pasteurization techniques or its equivalent before use in foods.

(c) The ingredient is used as a dough strengthener as defined in § 170.3(o)(6) of this chapter, flavoring agent or adjuvant as defined in § 170.3(o)(12) of this chapter, formulation aid as defined in § 170.3(o)(14) of this chapter, humectant as defined in § 170.3(o)(16) of this chapter, nutrient supplement as defined in § 170.3(o)(20) of this chapter, stabilizer and thickener as defined in § 170.3(o)(28) of this chapter, surface-active agent as defined in § 170.3(o)(29) of this chapter, and texturizer as defined in § 170.3(o)(32) of this chapter.

(d) The ingredient is used at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice in the use of whey, calculated as dry whey, results in a maximum level, as served, of 6.0 percent in baked goods and baking mixes as defined in § 170.3(n)(1) of this chapter, 6.0 percent in nonalcoholic beverages and beverage bases as defined in § 170.3(n)(3) of this chapter, 20.0 percent in dairy product analogs as defined in § 170.3(n)(10) of this chapter, 66.0 percent in plant protein products as defined in § 170.3(n)(33) of this chapter, 20.0 percent in soft candy as defined in § 170.3(n)(38) of this chapter, and up to 10.0 percent in all other food categories.

(e) The label on the package containing the finished whey substance must disclose the source (sweet or acid) and form (concentrated, dried) of the whey (i.e., "—— whey," "concentrated —— whey," or "dried (dry) —— whey," the blank to be filled in with the appropriate source term).

§ 184.1979a Dried (dry) reduced lactose whey.

(a) Dried (dry) reduced lactose whey is the dry substance obtained by the selective removal of lactose from whey, followed by the removal of water. The percentage of lactose removed must be not less than 25 percent and the lactose content of the finished product must not exceed 60 percent on a solids basis. Removal of the lactose is accomplished by concentrating the whey to from 40 to 60 percent total solids by evaporation of the water. Gradual cooling of the concentrate will precipitate the lactose, which is removed by centrifugation.

(b) The ingredient meets the following specifications:

(1) The approximate analysis of dried (dry) reduced lactose whey, based on analytical methods in the referenced sections of Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC), 12th Ed. (1975),[2] which is incorporated by reference, is:

Protein, 12 to 20 percent (sec. 16.036). Fat, 1 to 1.5 percent (secs. 16.181 and 16.182).
Ash, 8 to 12 percent (sec. 16.035). Lactose, Not more than 60 percent (sec. 16.053). Water, 3 to 4 percent (sec. 14.002).

(2) Limits of impurities are:

Heavy metals (as lead), Not more than 10 parts per million (0.001 percent), as determined by the method described in the Food Chemicals Codex, 2d Ed. (1972), pp. 920–921,[1] which is incorporated by reference.

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave., NW., Washington, DC 20037.

[2] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044.

(3) The whey must be derived from milk that has been pasteurized, or the whey and/or modified whey product must be subjected to pasteurization techniques or its equivalent before use in foods.

(c) The ingredient is used as an emulsifier and emulsifier salt as defined in § 170.3(o)(8) of this chapter, flavoring agent or adjuvant as defined in § 170.3(o)(12) of this chapter, humectant as defined in § 170.3(o)(16) of this chapter, nutrient supplement as defined in § 170.3(o)(20) of this chapter, surface-active agent as defined in § 170.3(o)(29) of this chapter, and texturizer as defined in § 170.3(o)(32) of this chapter.

(d) The ingredient is used at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice in the use of dried (dry) reduced lactose whey results in a maximum level, as served, of 6.0 percent in nonalcoholic beverages and beverages bases as defined in § 170.3(n)(3) of this chapter, 20.0 percent in dairy product analogs as defined in § 170.3(n)(10) of this chapter, 25.0 percent in plant protein products as defined in § 170.3(n)(33) of this chapter, 20.0 percent in soft candy as defined in § 170.3(n)(38) of this chapter, and up to 10.0 percent in all other food categories.

(e) The percent of lactose present on a solids basis, i.e., "dried (dry) reduced lactose whey (——% lactose)," must be declared on the label of the finished whey product. The percent of lactose must be declared in 5-percent increments, expressed as a multiple of 5 not greater than the actual percentage of lactose in the product.

§ 184.1979b Dried (dry) reduced minerals whey.

(a) Dried (dry) reduced minerals whey is the dry substance obtained by the selective removal of a portion of the minerals from whey, followed by the removal of water. The finished product must not contain more than 7 percent ash on a solids basis. Dried (dry) reduced minerals whey is produced by passing the fluid whey stream through chambers or columns containng ion exchange resins. It is also made by electrodialysis in which the concentrated whey (20 to 30 percent solids) is circulated between membrane pairs that have potable water passing over the opposite sides of the membranes. With the direct imposition of an electrical potential, mineral salts pass through the membranes into the potable water and are discarded. In addition, mineral removal can be accomplished by the use of ultrafiltration techniques. The degree of demineralization can be increased by serial passages through each apparatus used.

(b) The ingredient meets the following specifications:ge a22jn2.030

(1) The approximate analysis of dried (dry) reduced minerals whey, based on analytical methods in the referenced sections of Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC), 12th Ed. (1975),[2] which is incorporated by reference, is:

Protein, 12 to 24 percent (sec. 16.036). Fat, 1 to 1.5 percent (secs. 16.181 and 16.182). Ash, Not more than 7.0 percent (sec. 16.035). Lactose, 68 to 74 percent (sec. 16.053). Water, 3 to 5 percent (sec. 14.002).

(2) Limits of impurities are:

Heavy metals (as lead), Not more than 10 parts per million (0.001 percent), as determined by the method described in the Food Chemicals Codex, 2d Ed. (1972), pp. 920–921,[1] which is incorporated by reference.

(3) The whey must be derived from milk that has been pasteurized, or the whey and/or modified whey product must be subjected to pasteurization techniques or its equivalent before use in foods.

(c) The ingredient is used as a flavoring agent of adjuvant as defined in § 170.3(o)(12) of this chapter, nutrient supplement as defined in § 170.3(o)(20) of this chapter, surface-active agent as defined in § 170.3(o)(29) of this chapter, and texturizer as defined in § 170.3(o)(32) of this chapter.

(d) The ingredient is used at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice in the use of dried (dry) reduced minerals whey results in a maximum level, as served, of 6.0 percent in baked goods and baking mixes as defined in § 170.3(n)(1) of this chapter and up to 10.0 percent in all other food categories.

(e) The percent of minerals present on a solids basis, i.e., "dried (dry) reduced minerals whey (% minerals)," must be declared on the label of the finished whey product. The percent of minerals must be declared in 2-percent increments, expressed as a multiple of 2 not greater than the actual percentage of minerals in the product.

§ 184.1979c Dried (dry) whey protein concentrate.

(a) Dried (dry) whey protein concentrate is the dry substance obtained by the removed of sufficient nonprotein constituents from whey so that the finished product contains at least 30 percent protein on a solids basis, followed by the removal of water. Dried (dry) whey protein concentrate is produced by the use of a combination of the delactosing and demineralizing procedures described in §§ 184.1979a and 184.1979b.

(b) The ingredient meets the following specifications:

(1) The approximate analysis of dried (dry) whey protein concentrate, based on analytical methods in the referenced sections of Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC), 12th Ed. (1975),[2] which is incorporated by reference, is:

Protein, Minimum 30 percent (sec. 16.036). Fat, 1 to 3 percent (secs. 16.181 and 16.182). Ash, Not more than 7.0 percent (sec. 16.035). Lactose, Not more than 60 percent (sec. 16.053). Water, 3 to 4 percent (sec. 14.002).

(2) Limits of impurities are:

Heavy metals (as lead), Not more than 10 parts per million (0.001 percent), as determined by the method described in the Food Chemicals Codex, 2d Ed. (1972), pp. 920–921,[1] which is incorporated by reference.

(3) The whey must be derived from milk that has been pasteurized, or the whey and/or modified whey product must be subjected to pasteurization techniques or its equivalent before use in foods.

(c) The ingredient is used as a flavoring agent or adjuvant as defined in § 170.3(o)(12) of this chapter, formulation aid as defined in § 170.3(o)(14) of this chapter, humectant as defined in § 170.3(o)(16) of this chapter, nutrient supplement as defined in § 170.3(o)(20) of this chapter, and texturizer as defined in § 170.3(o)(32) of this chapter.

(d) The ingredient is used at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice in the use of dried (dry) whey protein concentrate results in a maximum level, as served, of 20.0 percent in dairy product analogs as defined in § 170.3(n)(10) of this chapter, 50.0 percent in plant protein products as defined in § 170.3(n)(33) of this chapter, 20.0 percent in soft candy as defined in § 170.3(n)(38) of this chapter, and 10.0 percent in all other foods.

(e) The percent of protein on a solids basis, i.e., "dried (dry) whey protein concentrate (% protein)," must be declared on the label of the finished whey product. The percent of protein must be declared in 5-percent increments, expressed as a multiple of 5 not greater than the actual percentage of protein in the product.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in foods under conditions different from

those proposed in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed in this document will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act (21 U.S.C 342), and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on the sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR Part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before August 21, 1979, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order.

Dated: June 14, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–19315 Filed 6–21–79; 8:45 am]

BILLING CODE 4110–03–M

[21 CFR Part 345]

[Docket No. 78N–0024]

Vitamin and Mineral Drug Products for Over-the-Counter Human Use; Proposed Rulemaking; Extension of Time for Comments and Reply Comments

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; Extension of comment periods.

SUMMARY: The Food and Drug Administration (FDA) extends to July 16, 1979, the comment period and to September 14, 1979, the reply comment period on the proposal to establish conditions for the safety, effectiveness, and labeling of over-the-counter (OTC) vitamin and mineral drug products. The action is being taken to allow more time for the collection and assessment of data to provide more meaningful comments on the issue.

DATE: Written comments by July 16, 1979, and reply comments by September 14, 1979.

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 16, 1979 (44 FR 16126), FDA proposed to establish conditions for the safety, effectiveness, and labeling of vitamin and mineral durg products for over-the-counter (OTC) human use. The proposed rule, based on the recommendations of the Advisory Review Panel on Vitamin, Mineral, and Hematinic Drug Products, is part of the ongoing review of OTC drug products conducted by the agency. Interested persons were given until June 14, 1979 to comment on the proposal and until July 16, 1979 for reply comments.

In response to the proposal, the firm of Bass, Ullman and Lustigman, on behalf of the National Association of Pharmaceutical Manufacturers and the National Nutritional Foods Association, requested a 30-day extension of the comment period and a 60-day extension of the reply comment period. Another request, on behalf of the Council for Responsible Nutrition asked for a 45-day extension of the comment period. The requests for extension of the comment period were to develop a response that would focus attention on the controversial issues in the proposal in an attempt to remove these areas of controversy to the maximum extent feasible and to permit time to obtain member consensus on the issues, respectively. The request for an extension of the reply comment period was based on delays experienced by the firm in obtaining copies of relevant comments.

The agency has carefuly considered the requests and notes that an unusually large number of comments have been received in response to the proposal. The number received has been in excess of 1,800 and represents the largest number of comments received in response to any proposal on OTC drug products. The agency, therefore, considers an extension of the comment and reply comment periods appropriate. The agency believes, however, that a 30-day extension of the comment period should provide sufficient time for all interested persons to develop meaningful comments on this proposal.

Accordingly, the comment period is extended to July 16, 1979, and the reply comment period is extended to September 14, 1979. Comments may be seen in the office of the Hearing Clerk, Food and Drug Administration, at the address noted above, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 14, 1979.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–19104 Filed 6–15–79; 12:05 pm]

BILLING CODE 4110–03–M

[21 CFR Part 510]

[Docket No. 78N–0206]

Records and Reports on New Animal Drugs and Antibiotics That Were Approved Before June 20, 1963

Correction

In FR Doc. 79–9842 appearing on page 19438 in the issue for Tuesday, April 3, 1979, an incorrect date was given in the heading. The correct date appears in the heading above.

Also, in the middle column, under the heading, "SUMMARY", the following correction should be made: In the 9th line, substitute the word "to" for the word, "of".

Finally, in the last column, at the end of the document, the docket number given is incorrect. The correct docket number appears in the heading above.

BILLING CODE 1505–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[24 CFR Part 1917]

[Docket No. FI-5579]

Proposed Flood Elevation Determinations for the Town of Bloomsburg, Columbia County, Pa. Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

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

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Bloomsburg, Pennsylvania. Send comments to: Honorable Allen Remley, Mayor of Bloomsburg, Town Hall, Bloomsburg, Pennsylvania 17815.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Bloomsburg, Columbia County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Susquehanna River	Downstream Corporate Limits.	476
	Upstream Corporate Limits	480
Fishing Creek	Conrail	477
	Pennsylvania State Route 44.	478
	Railroad Street (Upstream)	485
	Interstate Route 80	496
Kinney Run	Fifteenth Street	478
	Pennsylvania Route 487	479
	Old Berwick Road	480
	Upstream Corporate Limits	480

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19230 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

[1] The functions of the Federal Insurance Administration Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive order 12127 (44 FR 19367, April 3, 1979).

[24 CFR Part 1917]

[Docket No. FI-4251]

Proposed Flood Elevation Determinations for the Town of Chesterton, Porter County, Ind. Under the National Flood Insurance Program; Correction

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Correction of proposed rule.

SUMMARY: The notice published on June 27, 1978, at 43 FR 27858 in the **Federal Register**, and in the *Chesterton Tribune* on June 20 and June 21, 1978, describing the Downstream Corporate Limits listed under Peterson Ditch as being 699 feet, should be corrected to read 639 feet.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: June 14, 1979.

Gloria M. Jimenez

Federal Insurance Administrator.

[FR Doc. 79-19220 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

[1] The function of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency for Reorganization Plan No. 3 of 1978 (43 FR 41942, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[24 CFR Part 1917]

[Docket No. FI-5575]

Proposed Flood Elevation Determinations for the Town of Clay, Onondaga County, N.Y. Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

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

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Clerk's Office, Municipal Building, 4483 Route 31, Clay, New York.

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Send comments to: Mr. Ernest Casale, Town Supervisor, Town of Clay, Municipal Building, 4483 Route 31, Clay, New York 13041. Attention: Mr. James Keefe, Commissioner of Planning.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determination of base (100-year) flood elevations for the Town of Clay Onondaga County, New York, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4 (a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Seneca River	Downstream corporate limits	368
	Approximately 3.6 miles upstream of State Route 31.	371
Oneida River	Confluence with Seneca River.	368
	Upstream corporate limits	374
Mud Creek	Confluence with Oneida River.	370
	Just upstream of State Route 481.	374
Big Ben Cut	Confluence with Oneida River.	369
	Divergence with Oneida River.	369
Willow Stream	Confluence with Seneca River.	371
	Just upstream of Gaskin Road.	371
	Just upstream of State Route 57.	378
	Just upstream of Conrail	379

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 Fr 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19226 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5095]

Proposed Flood Elevation Determinations for the Village of Coal Valley, Rock Island County, Ill., Under the National Flood Insurance Program; Correction

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 44 FR 7156 of the **Federal Register** of February 6, 1979.

EFFECTIVE DATE: February 6, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

The following:

Source of Flooding	Location	Elevation in feet, national geodetic vetical datum
Coal Creek Tributary...	188 feet downstream of U.S. Highway 150.	628

Should be corrected to read:

Coal Creek Tributary...	188 feet upstream of U.S. Highway 150.	628

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3, of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Issued: June 12, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19219 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-01-M

[24 CFR Part 1917]

[Docket No. FI-5570]

Proposed Flood Elevation Determinations for DeKalb County, Ga., Under the National Flood Insurance Program.

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

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

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at DeKalb County Courthouse, 556 North McDonough, Decatur, Georgia.

Send comments to: Mr. Walter B. Russell, Jr., Chairman, DeKalb County Commission, DeKalb County Courthouse, 556 North McDonough, Decatur, Georgia 30030.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for DeKalb County, Georgia, in accordance with section 110 of the Flood Disaster

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South River	Downstream County Limits (200 feet*).	663
	Klondike Road (upstream side).	681
	Flatbridge Road (2000 feet*).	695
	Snapfinger Road (upstream side).	707
	Confluence with Snapfinger Creek.	728
	Flakes Mill Road**	739
	Waldrop Road**	757
	Pantherville Road**	761
	Interstate 285 (200 feet*)	776
	West Side Place (upstream side).	782
	Moreland Avenue**	786
Crooked Creek (Tributary to South River).	Browns Mill Road (downstream side).	683
	Browns Mill Road (upstream side).	690
	Berline Drive**	699
	South Goddard Road (upstream side).	715
Tributary "A" Crooked Creek (Tributary to South River).	Confluence with Crooked Creek (Tributary to South River).	705
	South Goddard Road**	749
Pole Bridge Creek	Confluence with Stephenson Creek.	690
	Browns Mill Road**	690
Stephenson Creek	Browns Mill Road (downstream side).	690
	Browns Mill Road (upstream side).	707
	South Goddard Road**	707
	North Goddard Road (40 feet*).	745
Clarks Creek	Hearn Road**	725
	Lombard Road (25 feet*)	731
	Amsler Road (50 feet*)	776
Corn Creek	Confluence with Clark's Creek.	736
	Flakes Mill Road**	752
Snapfinger Creek	Dogwood Farm Road (25 feet*).	732
Panther Branch	Snapfinger Road (downstream side).	762
	Snapfinger Road (upstream side).	767
	Rock Springs Road (125 feet*).	787
	Thompson Mill Road**	801
	Minola Road**	837
South River Tributary "A".	LeHigh Boulevard (downstream side).	775
	LeHigh Boulevard (upstream side).	816
	Flat Shoals Road (upstream side).	828
	Wesley Chapel Road (40 feet*).	884
Conley Creek	River Road**	748
	Ellingwood Road (300 feet***).	770
	Boulder Crest Road (250 feet*).	775
	Conley Road**	806
	Southern Railroad**	811
	Moreland Drive (downstream side).	822
Cobbs Creek	Flat Shoal Road**	757
	Rainbow Drive**	793
	Interstate 20 (upstream side).	798
	Interstate 285 (40 feet*)	804
	Snapfinger Road**	853
	Glendwood Road (30 feet***).	872
	Brookfield Land**	883
	Alverada Way (100 feet***)	907
	Midway Road**	924
	Beach Drive (30 feet*)	931
	Memorial Drive (30 feet*)	944
Shoal Creek	Interstate 285**	762
	Rainbow Drive**	798
	Interstate 20 (50 feet*)	816
	Tony Drive (70 feet*)	823
	McAfee Road (upstream side).	860
	Glenwood Road (40 feet***)	879
	White Oak Drive (80 feet*)	885
	Memorial Drive (40 feet***)	901
	Midway Road (upstream side).	928
Creek A, Shoal Creek.	Tony Drive (50 feet***)	860
East Fork Middle Branch.	Midway Road (100 feet*)	938
Shoal Creek	Columbia Drive (upstream side).	952
Fowler Branch	Snapfinger Road (upstream side).	822
	Glenwood Road (30 feet*)	873
Cobbs Creek Tributary "A".	Brookfield Lane (40 feet*)	884
	Sherry Dale Lane (30 feet*)	898
	Cornwall Road (50 feet***)	939
Blue Creek	Oakvale Road**	760
	Panthersville Road**	760
	River Road (60 feet***)	769
	River Road (50 feet*)	774
	Bouldercrest Road (upstream side).	836
	Sautee Terrace (50 feet*)	873
Dolittle Creek	Clifton Springs Road (200 feet*).	765
	Flat Shoals Road (50 feet*)	799
	Tilson Circle (30 feet*)	874
	Pinewood Drive**	883
	McAfee Road (upstream side).	917
	Barberrie Lane (40 feet***)	926
	Atlanta City Limits	936
Doless Creek	Clifton Springs Road (upstream side).	763
	Interstate 285 (50 feet*)	779
	Flat Shoals Road (upstream side).	818
	Interstate 20 (40 feet*)	849
Dolittle Creek, East Branch "B".	Pinewood Drive (90 feet*)	882
	McAfee Road**	920
West Branch Dolittle Creek.	Confluence with Dolittle Creek.	789
	Upstream Limit of Detailed Study.	812
Sugar Creek	Interstate 285**	769
	Mary Lou Lane (200 feet*)	797
	Brannen Road (60 feet*)	862
	Interstate 20 (upstream side).	879
	Fayetteville Road (100 feet*).	893
	Glenwood Avenue**	915
East Branch "A" Sugar Creek.	Confluence with Sugar Creek	891
	Upstream Limit of Detailed Study.	907
East Branch "B" Sugar Creek.	Glenwood Avenue (downstream side).	915
	Upstream Limit of Detailed Study.	926
Intrenchment Creek	Constitution Road (600 feet*)	785
	Key Road (90 feet*)	797
	East Custer Avenue (50 feet*).	856
	Moreland Avenue (200 feet***).	861
North Branch Intrenchment Creek.	Eastland Road (50 feet*)	860
	Skyhaven Drive (Downstream side).	891
Swift Creek	Confluence with Yellow River	723
	Rock Chapel Road**	758
	Rodgers Lake Road**	810
	Upstream Limit of Detailed Study.	861
Tributary "A" Swift Creek.	Confluence with Swift Creek	758
	Georgia Railroad (downstream side).	803
	Rodgers Lake Road (upstream side).	872
Tributary "A" Swift Creek.	Georgia Railroad (upstream side).	810
Tributary "A"	Maddox Road (downstream side).	843
Stone Mountain Creek	Rock Chapel Road (upstream side).	748
	Rock Bridge Road (200 feet*).	761
	North Deshon Road (downstream side).	72
	Steward Mill Road (upstream side).	790
	Stonewall Jackson Drive/ Dam (upstream side).	843
	Hugh Howell Road**	843
	Lilburn Stone Mountain Road (150 feet*).	844
	Silverhill Road*	855
	McCurdy Road**	925
Crooked Creek	South Deshon Road**	769
	Stephenson Road (300 feet*)	783
	Alford Road (50 feet*)	798
	Oakleaf Drive (downstream side).	889
Crooked Creek Tributary "A".	Mystery Valley Golf Course Drive (50 feet*).	839
	Shadow Rock Drive (downstream side).	917
Tributary A, Stone Mountain Creek.	Confluence with Stone Mountain Creek.	770
	North Deshon Road (upstream side).	822
	Upstream Limit of Detailed Study.	846
Little Stone Mountain Creek.	Stone Mountain Parkway**	843
	Old Stone Mountain Road (75 feet*).	888
	Lilburn Stone Mountain Road (upstream side).	937
	Gunstock Drive (30 feet*)	961
South Fork Peachtree Creek.	Briarcliff Road (50 feet***)	836
	Houston Mill Road (upstream side).	872
	Candle Lake Bridge and Dam (30 feet*).	878
	Seaboard Coast Line Railroad (120 feet*).	884
	Willivee Drive**	901
	Lawrenceville Highway 29 (upstream side).	915
	Valley Brook Road (upstream side).	924
	McLendon Drive (upstream side).	932
	Casa Drive (100 feet*)	942
	Montreal Road (120 feet*)	954

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Brockett Road (100 feet*)	975
	Idlewood Road (upstream side).	996
	Greer Circle**	1021
Peavine Creek	Old Briarcliff Road (300 feet*).	838
	Oxford Road (downstream side).	861
	North Decatur Road**	866
	Clifton-Oxford Road (upstream side).	882
	Vickers Drive (130 feet*)	890
	Durant Falls Drive (downstream side).	922
	Decatur city Limits	930
South Fork Peavine Creek.	Confluence with Lullwater Creek.	867
	Clifton Road (upstream side).	893
	Ponce De Leon Avenue**	904
Lullwater Creek	Confluence with South Fork Peavine Creek.	867
	Lullwater Road (downstream side).	889
	Decatur City Limits	890
Parkwood Park Tributary.	Conventry Road (downstream side).	931
	Coventry Road (upstream side).	942
	Scott Boulevard (downstream side).	952
Burnt Fork Creek	Downstreammost crossing of Seaboard Coast Line Railroad (downstream side).	891
	North Druid Hills Road (upstream side).	915
	Pangborn Road (downstream side).	957
	Riderwood Drive (downstream side).	964
	Frazier Road (50 feet*)	980
	Hudson Road**	988
	Montreal Circle (500 feet*)	995
	Interstate 285**	1012
North Fork Peachtree Creek.	Buford Highway**	827
	Corporate Boulevard**	839
	Days Inn Road**	852
	Century Boulevard**	855
	Shallowford Road (downstream side).	875
	Flowers Road (South)**	882
North Fork Peachtree Creek (Continued).	Frontage Road (upstream side).	895
	Perimeter Road-Interstate 285 (downstream side).	898
	Northcrest Road (upstream side).	907
	Pleasantdale Road (downstream side).	912
Henderson Mill Creek.	Confluence with Peachtree Branch.	894
	Henderson Creek Road (upstream side).	907
	Henderson Mill Road (downstream side).	921
Peachtree Branch	Confluence with Henderson Mill Creek.	894
	Henderson Mill Road**	907
Nancy Creek	Evergreen Drive (upstream side).	853
	Johnson Ferry Road (upstream side).	860
	Ashford-Dunwoody Road (downstream side).	870
	North Shallowford Road (130 feet*).	929
	North Peachtree Road (upstream side).	934
	Interstate 285**	936
	Tilly Mill Road (downstream side).	952

*Upstream from centerline.
**At centerline.
***Downstream form centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: June 12, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19218 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5580]

Proposed Flood Elevation Determinations for the Township of South Centre, Columbia County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA. [1]

ACTION: Proposed rule.

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

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Township Building, Old Berwick Road, Bloomsburg, Pennsylvania.

Send comments to: Mr. Paul A. Edwards, Chairman of the Township of South Centre, 6550 2nd Street, Bloomsburg, Pensylvania 17815.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or toll-free line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of South Centre, Columbia County, Pensylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River	Downstream Corporate Limits.	483
	Interstate Route 80	488
	Legislative Route 19103	489
	Upstream Corporate Limits	490
Tributary #11 to Susquehanna River.	Old Berwick Road (Upstream).	485
	Conrail (Upstream)	494
	U.S. Route 11 (Upstream)	495
	Private Bridge (Downstream)	503
	Township Route 459 (Downstream).	528
	Abandoned Bridge (Upstream).	532
Tributary #12 to Susquehanna River.	Confluence with Susquehanna River.	486
	Private Bridge (Upstream)	494
	Foot Bridge	508
	U.S. Interstate Route 80 (Upstream).	522
	Conrail (Upstream)	523
	U.S. Route 11 Northbound Lane (Upstream).	525
	U.S. Route 11 Southbound Lane (Upstream).	525
	Shaffers Hollow Road (Upstream).	536

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

[1] The functions of the Federal Insurance Administration Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Issued: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19231 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5572]

Proposed Flood Elevation Determinations for the Town of Greensburg, St. Helena Parish, La., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Greensburg, St. Helena Parish, Louisiana.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Greensburg, Louisiana.

Send comments to: Mayor Clarence Speed, P.O. Box 160, Greensburg, Louisiana.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Greensburg, St. Helena Parish, Louisiana, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Joseph Branch	Just upstream of Highway 43	185
	Just downstream of Highway 10.	180
Ward Line Canal	Approximately 400 feet downstream of Highway 37.	190
	Approximately 150 feet downstream of Lindsey Street.	187
	Approximately 100 feet downstream of Sitman Street.	181

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: June 12, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19222 Filed 6-21-79; 8:45 am]

BILLING CODE 4120-23-M

[24 CFR Part 1917]

[Docket No. FI-5571]

Proposed Flood Elevation Determinations for the City of Paducah, McCracken County, Ky.; Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Paducah, McCracken County, Kentucky.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Engineering Department, City Hall, 5th and Washington Streets, Paducah, Kentucky.

Send comments to: Mayor Murphy or Mr. Wayne Upshaw, City Engineer, City Hall, P.O. Box 2267, Paducah, Kentucky.

FOR FURTHER INFORMATION: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Paducah, McCracken County, Kentucky, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Just upstream of Jefferson Street.	338
Cross Creek	Confluence with Island Creek	330
	Just upstream of Ervin Cobb Drive.	340
	Just upstream of 25th Street.	341
Island Creek	Just upstream of Fourth Street.	330
	Just downstream of Bridge Street.	330
Crooked Creek	Just upstream of Buckner Lane.	372
	Just upstream of Pecan Drive	384

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: June 12, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

FR Doc. 79-19221 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5567]

Proposed Flood Elevation Determinations for the Town of Paradise Valley, Maricopa County, Ariz., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Paradise Valley, Maricopa County, Arizona.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Town Engineer. Send comments to: Mr. Oscar Butt, Town Manager of Paradise Valley, 325 North Invergordon Road, Paradise Valley, Arizona 85253.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or toll-free line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Paradise Valley, Maricopa County, Arizona in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regualtions, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Indian Bend Wash	Scottsdale Road	1,299
	Northern Avenue	1,301
	Golf Drive	1,303
	Invergordon Road	1,321
	Double Tree Ranch Road	1,333
	56th Street	1,346
	Shea Boulevard Bridge	1,357
Berneil Channel	Double Tree Ranch Road	1,326
	Mountain View Road	1,335
	Scottsdale Road	1,335
Echo Canyon Wash	Confluence w/Arizona Canal	1,251
	Stanford Drive	1,263
	McDonald Drive	1,308
	Valley Vista Lane (Downstream).	1,318
	Valley Vista Lane (Upstream)	1,320
	Tatum Boulevard	1,322

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: June 13, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19215 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5577]

Proposed Flood Elevation Determinations for the Town of Porum, Muskogee County, Okla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Porum, Muskogee County, Oklahoma.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a

[1] The functions of the Federal Insurance Administration Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Office of Councilman Pulse, City Hall, P.O. Box 69, Porum, Oklahoma. Send comments to: Mayor A. W. Henderson or Councilman James Pulse, City Hall, P.O. Box 69, Porum, Oklahoma 74455.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581, or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Porum, Muskogee County, Oklahoma.

In accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Porum Creek	Just upstream of Ute Avenue	568
	Just downstream of Cherokee Avenue.	576
	Approximately 80 feet downstream of Seneca Avenue.	583

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: June 12, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19228 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5573]

Proposed Flood Elevation Determinations for the City of Royalton, Morrison County, Minn., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information of comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Royalton, Morrison County, Minnesota.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Royalton, Minnesota. Send comments to: The Honorable Donald J. Justin, Mayor, City of Royalton, City Hall, Royalton, Minnesota 56373.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determination of base (100-year) flood elevations for the City of Royalton, Morrison County, Minnesota, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Platte River	Downstream corporate limits	1,074
	Just downstream of Center Street.	1,076
	Just upstream of Center Street.	1,077
	Upstream corporate limits	1,080

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19224 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[24 CFR Part 1917]

[Docket No. FI-5101]

Proposed Flood Elevation Determinations for the City of Springfield, Hampden County, Mass., Under the National Flood Insurance Program; Correction

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Correction of proposed rule.

SUMMARY: The notice published on February 6, 1979, at 44 Fr 7160 in the Federal Register, and in the *Springfield Daily News* on February 16, 1979, and February 23, 1979, describing North Branch Parkway Culvert listed under North Brook as being 177 feet upstream should be corrected to read 177 feet downstream.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19223 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5569]

Proposed Flood Elevation Determinations for the Town of St. Lucie Village, St. Lucie County, Fla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations are listed below for selected locations in the Town of St. Lucie Village, St. Lucie County, Florida.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 2705 Old Dixie Highway, St. Lucie Village, Florida.

Send comments to: Mayor W. C. Eckler, Chamberlin Boulevard, St. Lucie Village, Florida 33450.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) elevations for the Town of St. Lucie Village, St. Lucie County, Florida, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128 and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entitites. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Indian River	Intersection of Torpey Road and Hagen Drive.	7
	Intersection of Yacht Lane and North Indian River Drive.	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Excutive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: June 13, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19217 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5568]

Proposed Flood Elevation Determinations for the City of Tempe, Maricopa, Ariz., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Tempe, Maricopa County, Arizona.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Engineering Department, 31 East 5th Street, Tempe, Arizona 85281. Send

[1] The function of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency for Reorganization Plan No. 3 of 1978 (43 FR 41942, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[1] The functions of the Federal Insurance Administration Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

comments to: Mr. Ken MacDonald, City Manager of Tempe, 31 East 5th Street, Tempe, Arizona 85251.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Tempe, Maricopa County, Arizona in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Salt River	Downstream Corporate Limits.	1,135
	Upstream Mill Avenue	1,156
	Downstream Scottsdale Road.	1,164
	700 feet upstream, Hayden Road.	1,174
	Upstream Corporate Limits	1,186

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: June 13, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19216 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5574]

Proposed Flood Elevation Determinations for the Village of Terrytown, Scotts Bluff County, Nebr., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Terrytown, Scotts Bluff County, Nebraska.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Terrytown, Nebraska. Send comments to: Mrs. Barbara Carpenter, Chairman, Village Board of Trustees, Apartment 16, Terry Boulevard, Gering, Nebraska 69341.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determination of base (100-year) flood elevations for the Village of Terrytown, Scotts Bluff County, Nebraska, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Platte River	2,000 feet downstream of State Highway 71.	3,874
	Downstream corporate limit at State Highway 71.	3,875
	Just upstream of Avenue I	3,880
	Upstream corporate limit	3,881

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: June 13, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19225 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5576]

Proposed Flood Elevation Determinations for the City of Upper Arlington, Franklin County, Ohio, Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly

Footnotes continued on next page

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Upper Arlington, Franklin County, Ohio.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 3600 Tremont Road, Columbus, Ohio 43221. Send comments to: The Honorable Richard Moore, Mayor, City of Upper Arlington, 3600 Tremont Road, Columbus, Ohio 43221.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determination of base (100-year) flood elevations for the City of Upper Arlington, Franklin County, Ohio, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Scioto River	Just upstream of Conrail	740
	Just upstream of Trabue Road.	743
	Just downstream of Julian Griggs Dam.	751
	Just upstream of Julian Griggs Dam.	769
	About 2.4 miles upstream of Fishinger Road.	772

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19227 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5578]

Proposed Flood Elevation Determinations for the Town of Wister, LeFlore County, Okla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Wister, LeFlore County, Oklahoma.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Highland Avenue, Wister, Oklahoma. Send comments to: Mayor William L. Free, City Hall, P.O. Box 347, Wister, Oklahoma or Mr. Maurice Hammonds, 90 First State Bank, Wister, Oklahoma 74966.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581, or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Wister, LeFlore County, Oklahoma.

In accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Caston Creek	Approximately 1500 feet downstream of U.S. Highway 270.	465
	Approximately 600 feet upstream of U.S. Highway 270.	466

Footnotes continued from last page

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mountain Creek	Approximately 200 feet upstream of St. Louis-San Francisco Railroad.	475
	Highland Avenue extended	480
Rock Creek	Approximately 200 feet downstream of U.S. Highway 271.	474
	Just downstream of Bayless Street.	482

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: June 12, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-19229 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-23-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 Agencies; Proposed Designations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed rule.

SUMMARY: The Equal Employment Opportunity Commission proposes to amend its regulations which designate certain State and local agencies to handle employment discrimination charges filed with the Commission, by adding an agency which has requested additional deferral designation as provided under the authority of Title VII of the Civil Rights Act of 1964, as amended. The proposal would authorize the agency to process charges against private employers deferred to it by the Commission.[1]

DATES: Comments must be received by July 9, 1979.

ADDRESS: Comments should be sent to Equal Employment Opportunity Commission, Office of Field Services (State and Local), 2401 E Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Dorothy D. Howze, telephone 202–634–6894, Equal Employment Opportunity Commission (State and Local), 2401 E Street, N.W., Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: Pursuant to 1601.71 Title 29, Chapter XIV of the Code of Federal Regulations as revised and published in the **Federal Register**, 42 FR 55388, October 14, 1977, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that the agency listed below be designated as a "706 Agency," 1601.70(a).

The purpose for such designation is as follows: First, that the agency receive charges deferred by the Commission pursuant to Secs. 706 (c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; second, that the Commission accord "substantial weight" to the final findings and orders of the agency pursuant to Sec. 706(b) of Title VII of the Civil Rights Act of 1964, as amended. The proposed designation of the agency listed below is hereby published to provide any person or organization not less than 15 days within which to file written comments with the Commission as provided for under 1601.71(1). At the expiration of the 15 day period, the Commission may effect designation of the agency by publication of an amendment to 1601.74(a). The proposed "706 Agency" is as follows:

South Carolina Human Affairs Commission

Written comments pursuant to this notice must be filed with the Commission on or before July 9, 1979.

Signed at Washington, D.C., this 19th day of June, 1979.

For the Commission:

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

[FR Doc. 79-19481 Filed 6-21-79; 8:45 am]

BILLING CODE 6570-01-M

[1] Note that in 41 FR 156, August 11, 1976, it was erroneously proposed that the instant agency (South Carolina Human Affairs Commission) be designated to accept charges for all employers, both public and private. Instead, the notice should have proposed to designate the South Carolina Human Affairs Commission to accept charges for public employers only.

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

[29 CFR Part 2520]

Rules and Regulations for Reporting and Disclosure

AGENCY: Department of Labor.

ACTION: Proposed rulemaking.

SUMMARY: This document contains a proposed regulation which, if adopted, would require that insurance company financial reports be filed with the Department of Labor (the Department) only upon request, in lieu of the present requirement that such reports be filed with the annual report of certain employee benefit plans. The proposed regulation is part of the Department's effort to reduce the administrative and cost burdens imposed by the reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974 (the Act).

DATE: Written comments must be received by the Department on or before August 21, 1979.

ADDRESSES: Interested persons are invited to submit written comments concerning the proposal contained in this document to "Insurance Company Financial Reports," Room N–4461, Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. All such submissions will be open to public inspection at the Public Document Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Wayland Coe, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C. 20216, 202–523–8805. This is not a toll free number.

SUPPLEMENTARY INFORMATION: Section 103(e) of the Act provides, in part, that administrators of employee benefit plans affording benefits which are insured in whole or in part, and for which the insurance company, insurance service or similar organization does not maintain separate experience records, shall include a copy of the financial report of the insurance company, insurance service or similar organization with the annual report of the plan filed with the Secretary of Labor (the Secretary).

Section 104(a)(3) of the Act authorizes the Secretary by regulation to exempt any welfare benefit plan from all or part of the reporting and disclosure requirements of Title I of the Act if he finds that such requirements are inappropriate as applied to welfare benefit plans. Section 110 of the Act authorizes the Secretary to prescribe an alternative method for satisfying any requirement of Part 1, Title I of the Act with respect to a pension benefit plan if he determines that the use of the alternative method meets certain statutory criteria.

The Department's experience to date demonstrates that the infrequent need for information contained in financial reports of insurance companies, insurance service or similar organizations does not justify a requirement that such financial reports

be filed on an annual basis. It appears to the Department that adequate disclosure to plan participants and beneficiaries and adequate reporting to the Department can be accomplished by requiring the filing of individual financial reports of such companies or organizations only upon request of the Department. The elimination of the requirement to file such reports on an annual basis should, in the view of the Department, decrease the costs of complying with the Act without adversely affecting the interests of plan paticipants.

Accordingly, under the authority of section 104(a)(3), 110, and 505 of the Act, the Department proposes to amend part 2520 of Chapter XXV of Title 29 of the Code of Federal Regulations by adding a new section 2520.104–47 as set forth below.

Subpart D—Provisions Applicable to Both Reporting and Disclosure Requirements

§ 2520.104–47 Limited exemption and alternative method of compliance for filing of insurance company financial reports.

An administrator of an employee benefit plan to which section 103(e)(2) of the Act applies shall be deemed in compliance with the requirement to include with its annual report a copy of the financial report of the insurance company, insurance service or similar organization: *Provided*, That the administrator files a copy of such report within 45 days of receipt of a written request for such report by the Secretary of Labor.

Signed at Washington, D.C., this 15th day of June, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 79–19417 Filed 6–21–79; 8:45 am]

BILLING CODE 4510–29–M

PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Ch. XXVI]

Improving Quality of Regulations; Semiannual Agenda of Significant Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Semiannual agenda of regulations.

SUMMARY: The Pension Benefit Guaranty Corporation publishes its semiannual agenda of significant regulations under development. This agenda was developed under the President's Executive Order 12044 (43 FR 12661, March 24, 1978).

ADDRESS: Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general contact Judith Goldstein, Special Counsel, Office of the General Counsel, 202–254–4895.

For information about any particular item on the agenda, contact the person designated for each regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on improving government regulations (Executive Order 12044, 43 FR 12661 (March 24, 1978)), each Executive Agency is required to publish semiannually an agenda of significant regulations under development or scheduled to be reviewed by the agency. The Pension Benefit Guaranty Corporation ("PBGC") published its first semiannual agenda on December 22, 1978 (43 FR 59942), setting forth nine significant regulations then under development. (For the reasons set forth in PBGC's Statement of Policy and Procedures implementing the Executive Order (43 FR 58237 (December 13, 1978)), the PBGC does not plan to schedule any regulations for review until some time in 1980.) Since that time, the PBGC has determined that one additional regulation that was not included on the first agenda, because it was not then considered a "significant" regulation, should properly be designated a "significant" regulation and listed on the agenda. That regulation is listed as a new item no. 10 on the agenda set forth below. The PBGC has not begun developing any new significant regulations since the last agenda, and accordingly this agenda contains only that one new item and a status report on the nine original items. Interested members of the public with questions or comments concerning these regulations are invited to write or telephone the PBGC contact designated for each regulation. The PBGC's mailing address is 2020 K Street, N.W., Washington, D.C. 20006.

1. Notification Requirements for Reportable Events and Establishment of New Reportable Events

Status. Several policy and legal issues have arisen during the process of drafting the final regulation. Most of these issues have been resolved and drafting is continuing.

PBGC Contact. Mr. David Weingarten, Attorney, Office of the General Counsel, 202–254–3010.

2. Proposed Rules for Determining and Collecting Employer Liability

Status. Specifications for the proposed regulation have been developed by PBGC staff and drafting of the regulation has begun.

PBGC Contact. Mr. Morris Getzels, Attorney, Office of the General Counsel, 202–254–7224.

3. Proposed Rules for Establishing Prospective Interest Rates for Valuing Plan Benefits (Proposed Amendment to Interim Regulation on Valuing Plan Benefits)

Status. Specifications for the proposal have been developed by PBGC staff and drafting will begin shortly.

PBGC Contact. Ms. Nina Hawes, Attorney, Office of the General Counsel, 202–254–4895.

4. Proposed Rules Governing the Reversion of Excess Plan Assets

Status. Specifications for the proposed regulation have been developed by PBGC staff and drafting will begin shortly.

PBGC Contact. Ms. Renae Hubbard, Attorney, Office of the General Counsel, 202–254–4895.

5. Proposed Rules on the Allocation of Employer Liability Among Employers in a Multiple Employer or Multiemployer Plan

Status. Specifications for the proposed regulation are being developed by PBGC staff.

PBGC Contact. Mr. William Seals, Attorney, Office of the General Counsel, 202–254–4895.

6. Proposed Rules for Multiemployer Mergers, Spinoffs and Transfers of Assets or Liabilities Under Section 208 of ERISA

Status. Specifications for the proposed regulation are being developed by PBGC staff.

PBGC Contact. Mr. Mark Blank, Attorney, Office of the General Counsel, 202–254–3010.

7. Rules for Determining Plan Sufficiency and for Terminating Sufficient Plans

Status. Initially, the PBGC planned to issue this regulation concurrently with the final amendment to its Notice of Intent to Terminate regulation (see item no. 10 below). However, because development of the latter is far behind development of the Sufficiency regulation, the PBGC has revised its plans, and drafting of the final Sufficiency regulation is now in process.

PBGC Contact. Ms. Joan Segal, Attorney, Office of the General Counsel, 202–254–3010.

8. Rules for Valuing and Allocating Group Insurance Contracts (Amendments to the Allocation of Assets and Valuation of Plan Assets Regulations)

Status. As noted in the previous agenda, PBGC plans to issue part of this regulation as a final rule and simultaneously to issue proposed amendments to the regulation. PBGC staff is currently developing the specifications for both the final regulation and the proposed amendments.

PBGC Contact. Mr. Gary Ford, Attorney, Office of the General Counsel, 202–254–4895.

9. Proposed Rules for Distinguishing Between a Single Plan and an Aggregate of Single Plans

Status. The specifications for the proposed regulation are being developed by PBGC staff.

PBGC Contact. Mr. David Levin, Attorney, Office of the General Counsel, 202–254–4895.

10. Proposed Amendments to the Notice of Intent to Terminate Regulation

Description. Section 4041(a) of the Employee Retirement Income Security Act of 1974 ("ERISA") requires the plan administrator of a terminating pension plan covered under Title IV of ERISA to file with PBGC a notice that the plan is to be terminated at least 10 days prior to the proposed termination date. Part 2604 of the PBGC's regulations implements this statutory provision and includes a list of information that must be submitted as part of the Notice of Intent to Terminate. In order to complete the processing of a plan termination, it is routinely necessary for PBGC to obtain information in addition to that which must be submitted pursuant to Part 2604 (e.g. participant data schedules). Therefore, PBGC proposes to amend Part 2604 to require the submission of this information as part of the Notice of Intent to Terminate.

Terminating pension plans may also want to obtain a determination of tax qualification from the Internal Revenue Service ("IRS"), and this requires the submission of various information to IRS. In addition, section 4043(b)(8) of ERISA and section 6058(b) of the Internal Revenue Code ("Code") require notification to the PBGC and IRS, respectively, of pension plan mergers, consolidations, and transfers of assets or liabilities to another plan. PBGC and IRS propose to issue a new IRS/PBGC Form 5310 that will be used for all of these filings, and to institute a new procedure, referred to as "one-stop service", whereby the filing of this Form with one agency will also satisfy the requirements to file with the other agency. PBGC, therefore, proposes to amend Part 2604 to provide that the Notice of Intent to Terminate will be filed on IRS/PBGC Form 5310.

Need. The new information which would have to be submitted under this proposal as part of the Notice of Intent to Terminate is needed in order for PBGC to process a plan termination. Requiring the submission of this information with the Notice will eliminate the need for PBGC to go back to the plan administrator for this information after the Notice has been submitted and will thus shorten the time needed to process a case.

The filing requirements under Part 2604 and the IRS filing requirements for terminating plans that wish to obtain a determination of tax qualification, and the notification requirements under ERISA section 4043(b)(8) and Code section 6058(b), require some pension plans to make duplicative filings with the two agencies. The promulgation of IRS/PBGC Form 5310 and the institution of "one-stop service" will eliminate the need for duplicative filings and will simplify and lessen the filing requirements for a pension plan dealing with both PBGC and IRS.

Legal Basis. ERISA sections 4002(b)(3) and 4041(a); 29 U.S.C. 1302(b)(3) and 1341(a).

Regulatory Anaylysis. Not required.

PBGC Contact. Mr. William Seals, Attorney, Office of the General Counsel, 202–254–4895.

Issued in Washington, D.C., this 19th day of June 1979.

Matthew M. Lind,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 79–19561 Filed 6–21–79; 8:45 am]

BILLING CODE 7708–01–M

POSTAL SERVICE

[39 CFR Part 111]

Express Mail Metro Service, Additional Metropolitan Areas

AGENCY: Postal Service.

ACTION: Notice of additional expansion of temporary implementation for Express Mail Metro Service.

SUMMARY: Pursuant to prior notices in the **Federal Register** on April 19, 1979 (44 FR 23396), June 8, 1979 (44 FR 33068), and on June 15 (44 FR 34497), the Postal Service hereby gives notice that temporary implementation of Express Mail Metro Service will be expanded to include the metropolitan areas of Cincinnati, Ohio; Dallas/Ft. Worth, Texas; Milwaukee, Wisconsin; and Philadelphia, Pennsylvania.

Notice 77, *Express Mail Metro Service Directory*, for the selected metropolitan areas may be obtained at participating post offices.

EFFECTIVE DATE: July 2, 1979 and until such time as the Postal Rate Commission submits a recommended decision to the Governors of the Postal Service and resultant action is taken (39 U.S.C. 401, 403, 404, 3621, 3623, 3641).

W. Allen Sanders

Acting Deputy General Counsel.

[FR Doc. 79–19501 Filed 6–21–79; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 52 and 81]

[FRL 1255–1]

Nevada Plan Revison: Air Quality Control Region Redesignation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: On March 23, 1979, the Governor of Nevada, under section 107(e) of the Clean Air Act, as amended, submitted for EPA approval the redesignation of the Nevada portion (Clark County) of the Clark-Mohave Interstate Air Quality Control Region (AQCR) as an intrastate AQCR. The intended effect of this redesignation, which the EPA now proposes to approve, is to improve management of the air resources in southern Nevada and to be consistent with and in support of the redesignation action by the Governor of Arizona. The EPA invites public comment on this redesignation, especially as to its consistency with the Clean Air Act.

DATE: Comments may be submitted on or before July 23, 1979.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division Air Technical Branch Regulatory Section (A–4–2), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105. Copies of the proposed redesignation and the EPA's Evaluation Report are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, 201 South Fall Street, Carson City, NV 89710.
District Health Department of Clark County, 625 Shadow Lane, Las Vegas, NV 89106.
Arizona Department of Health Services, 1740 West Adams Street, Phoenix, AZ 85007.
Mohave County Health Department, 305 West Beale, Kingman, AZ 86401.
Yuma County Health Department, 201 Second Avenue, Yuma, AZ 85364.
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, (415) 556–2938.

SUPPLEMENTARY INFORMATION:

Background

Under section 107 of the Clean Air Act, as amended, the Clark-Mohave Interstate AQCR was designated by the Administrator. This AQCR is described in 40 CFR 81.80 as including all of the Clark County, Nevada, and Mohave and Yuma Counties, Arizona.

The Governor of Arizona, in a letter dated January 26, 1979, requested that the AQCR's in Arizona be redesignated to conform to the boundaries of the Arizona Planning Districts. This request included the redesignation of the Clark-Mohave Interstate AQCR to an intrastate AQCR consisting of Mohave and Yuma Counties. With the exception of the Clark-Mohave Interstate AQCR, the EPA will address the Arizona redesignations in a separate **Federal Register** notice.

Proposed Redesignation

In a letter dated March 23, 1979, the Governor of Nevada requested the EPA's approval of his redesignation of the Nevada portion (Clark County) of the Clark-Mohave Interstate AQCR as an intrastate AQCR.

As stated by Governor List, the redesignation will further improve management of the air resources in southern Nevada. The Governor also states that the provisions of section 126 of the Clean Air Act are adequate to protect the citizens of each state from air pollution from new sources located in the other state. Thus the redesignation of Clark County as an intrastate AQCR is expected to have no adverse effect upon interstate air pollution within the present Clark-Mohave Interstate AQCR.

As a result of this redesignation, minor revisions would be made to the *Code of Federal Regulations* (CFR). In 40 CFR Part 81, the name and description of the AQCR in § 81.80 would be revised, and a new AQCR would be added. In 40 CFR § 52.121 and § 52.1471 (Classification of regions), and in 40 CFR § 52.130 (Source surveillance) the name of the AQCR would be changed.

The EPA proposes to approve this redesignation because it meets the requirements of subsection 107(e) of the Clean Air Act, as amended, which requires, in effect, that the redesignation be for purposes of improved air quality management. In addition, the Governor of Arizona has consented to the proposed redesignation, as required by subsection 107(e).

The subject of this notice is considered to be "nonsignificant", because the purpose of the proposal is the promotion of more efficient and effective air quality management, and because its effects would be administrative in nature. No new requirements would be imposed, nor would any requirements be withdrawn. For these reasons, a 30-day public comment period is deemed sufficient.

Public Comments

Under sections 107 and 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove this redesignation as a revision to the SIP. The Regional Administrator hereby issues this notice setting forth this redesignation as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the EPA Region IX Office. Comments received within 30 days of publication of this notice will be considered, and will be made available for public inspection at the EPA Region IX Office and at the EPA Public Information Reference Unit.

Because this redesignation is a non-regulator SIP revision that will not affect the program for attainment or maintenance of the National Ambient Air Quality Standards, a public hearing is not required.

The Administrator's decision to approve or disapprove the proposed revision to the SIP will be based on the comments received and on a determination as to whether the AQCR redesignation meets the requirements of sections 107 and 110(a)(2) of the Clean Air Act, as amended, and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

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". EPA has reviewed the revision being acted upon in this notice and has determined that it is a specialized revision not subject to the procedural requirements of Executive Order 12044.

(Sections 107, 110 and 301(a) of the Clean Air Act, as amended [42 U.S.C. §§ 7404, 7410, and 7601(a)].)

Dated: June 14, 1979.

Paul DeFalco, Jr.,

Regional Administrator.

[FR Doc. 79-19455 Filed 6-21-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

[FRL 1251-4]

Proposed Approval of an Administrative Order Issued by Ohio Environmental Protection Agency to Diamond Crystal Salt Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to Diamond Crystal Salt Company. The Order requires the Company to bring air emissions from its four coal-fired boilers in Akron, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is the invite public comment on U.S. EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before July 23, 1979.

ADDRESSES. Comments should be submitted to Director, Enforcement Divison, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected

and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Cynthis Colantoni, Enforcement Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353–2082.

SUPPLEMENTARY INFORMATION: Diamond Crystal Salt Company operates four coalfired boilers at Akron, Ohio. The Order under consideration addresses emissions form these boilers, which are subject to OAC 3745–17–07 and OAC 3745–17–10. The regulations limit the emissions of particulate matter and visiable emissions, and are part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulations by July 1, 1979 through the installation of a baghouse system.

Because this Order has been issued to a major source of particulate matter emissions and visible emissions and permits a delay in compliance with the applicable regulations, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal Enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Ohio SIP.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will publish in the Federal Register the Agency's final action on the Order in 40 CFR Part 65.

Authority (42 U.S.C. 7413, 7601.)

Dated: June 1, 1979.

John McGuire,

Regional Administrative.

In the matter of DIAMOND CRYSTAL SALT CO., 2065 Manchester Road, Akron, Ohio 44314; Order.

The Director of Environmental Protection (hereinafter "Director"), hereby makes the following Findings of Fact and, pursuant to Section 3704.03 (S) and (I) and 3704.031 of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, issues the following Orders which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act:

Findings of Fact

1. The Diamond Crystal Salt Company (hereinafter "Diamond Crystal") operates air contaminant sources described below, which serve its facility located at 2065 Manchester Road, Akron, Ohio 44314:

Description of Sources

a. Source Number 1677010027B001, described by the facility as Boiler Number 3, is a Connelly CIM–22 coal-fired boiler, rated at approximately 43 million BTU per hour, originally installed in 1923.

b. Source Number 1677010027B002, described by the facility as Boiler Number 4, is a Connelly CIM–22 coal-fired boiler, rated at approximately 42 million BTU per hour, and originally installed in 1923.

c. Source Number 1677010027B003, described by the facility as Boiler Number 5, is a Connelly CIM–22 coal-fired boiler, rated at approximately 43 million BTU per hour, and originally installed in 1923.

d. Source Number 1677010027B004, described by the facility as Boiler Number 6, is a Connelly CIM–22 coal-fired boiler, rated at approximately 43 million BTU per hour, and originally installed in 1923.

Note.—Sources B001, B002, B003, and B004 are breached into one stack.

2. In the course of operation of said sources B001, B002, B003, and B004, air contaminants are emitted in violation of OAC 3745–17–07 and OAC 3745–17–10.

3. Diamond Crystal is unable to immediately comply with OAC 3745–17–07 and OAC 3745–17–10.

4. Potential emissions of particulate matter from sources B001, B002, B003, and B004 are approximately 1,052 tons per year; therefore, Diamond Crystal constitutes a major source under Section 302(j) of the Clean Air Act, as amended.

5. The compliance schedule set forth in the Order below requires compliance with OAC 3745–17–07 and OAC 3745–17–10 as expeditiously as practicable.

6. Implementation by Diamond Crystal of the interim requirements contained in the Orders below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

7. It is technically and economically unreasonable to require Diamond Crystal to install and operate a continuous opacity monitoring system on the boilers prior to achieving compliance with the Orders specified below, since Diamond Crystal is currently unable to comply with the requirements of OAC 3745–17–07 pertaining to visible emissions, no data would be produced which is not already known, and therefore, no purpose would be served.

8. The Director's determination to issue the Orders set forth below is based upon his consideration of reliable, probative and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

Orders

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Section 3704.03 (S) and (I) and 3704.031 of the Ohio Revised Code in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401, *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act:

1. Diamond Crystal shall bring sources B001, B002, B003, and B004, located at 2065 Manchester Road, Akron, Ohio 44314, into final compliance with OAC 3745–17–07 and OAC 3745–17–10 by installation of a baghouse system no later than July 1, 1979.

2. Compliance with Order 1 above shall be achieved by Diamond Crystal in accordance with the following schedule on, or before, the dates specified:

Submit final control plans. January 22, 1979.
Purchase orders issued. February 26, 1979.
Begin construction. March 19, 1979.
Complete construction. June 11, 1979.
Testing of equipment (if determined necessary by the Akron Regional Air Pollution Control Agency). June 25, 1979.
Achievement of final compliance with OAC 3745–17–07 and OAC 3745–17–10. July 1, 1979.

3. Pending achievement of compliance with Order 1 above, Diamond Crystal shall comply with the following interim requirements which are determined to be reasonable and to be the best practicable system of emission reduction, and which are necessary to ensure compliance with OAC 3745–17–07 and OAC 3745–17–10 insofar as Diamond Crystal is able to comply with them during the period this Order is in effect in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim requirements shall include:

a. Diamond Crystal shall immediately use coal with an analysis of less than or equal to 15.0 percent ash, less than or equal to 6.0 percent sulfur, greater than or equal to 11,500 BTU per pound of coal as is, in order to minimize emissions from B001, B002, B003, and B004.

b. Diamond Crystal shall immediately institute a regular maintenance program to minimize emissions from B001, B002, B003, and B004.

4. Within five (5) days after the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order 2 above, Diamond Crystal shall submit a progress report to the Akron Regional Air Pollution Control Agency. The person submitting these reports shall certify whether each increment of progress has been achieved and the date it was achieved. Said reports shall include a summary of Diamond Crystal's status of compliance with the interim requirements specified in Order 3 above.

5. If determined necessary by the Akron Regional Air Pollution Control Agency, Diamond Crystal shall conduct emission tests on B001, B002, B003, and B004 to verify compliance with Order 1 above. Such tests shall be conducted no later than the date specified in the compliance schedule in Order 2 above in accordance with procedures approved by the Director. Written notification of intent to test shall be provided to the Akron Regional Air Pollution Control Agency thirty (30) days prior to the testing date. Test results shall be submitted to the Akron Regional Air Pollution Control Agency by July 31, 1979.

6. Diamond Crystal is hereby notified that unless it is exempted under Section 120(a)(2)(B) or (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order 1 above by July 1, 1979, may, depending on the applicability of Section 120, result in a requirement to pay a noncompliance penalty under Section 120 of the Clean Air Act, as amended.

These Orders will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Dated: April 25, 1979.

James F. McAvoy,

Director, Environmental Protection.

Waiver

The Diamond Crystal Salt Company agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. The Diamond Crystal Salt Company hereby waives the right to appeal the issuance or terms of the attached Findings and Orders to the Environmental Board of Review, and it hereby waives any and all rights it might have to seek judicial review of said Findings and Orders either in law or equity. The Diamond Crystal Salt Company also waives any and all rights it might have to seek judicial review of any approval by U.S. EPA of the attached Findings and Orders or to seek a stay of enforcement of said Findings and Orders in connection with any judicial review of Ohio's air implementation plan or portion thereof.

Dated: February 15, 1979.

N. J. Galecki,

Plant Manager.

[FR Doc. 79-19555 Filed 6-21-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Parts 66 and 67]

[FRL 1254-6]

Assessment and Collection of Noncompliance Penalties; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of Public Comment Period.

SUMMARY: On March 21, 1979, EPA proposed regulations providing for the assessment and collection of noncompliance penalties under Section 120 of the Clean Air Act (44 FR 17309). In this proposal EPA provided a 90-day public comment period and stated that all comments had to have been received on or before June 19, 1979, in order to be considered in the final rulemaking. Subsequently, on June 15, EPA proposed two minor amendments to its original proposal, and provided the public with 30 days in which to comment on these two issues (44 FR 34524).

EPA has received numerous requests to permit the public additional time in which to comment on the March 21, **Federal Register** proposal. EPA has considered these requests carefully, and has decided that an extension of time until July 3, 1979, is warranted. Because of the strict deadlines imposed by the Act, however, no further extension of the public comment period will be granted.

The extension of time announced today in no way affects the separate comment period provided for in EPA's proposal of June 15. Again, comments on the June 15 proposal may be submitted until July 16, 1979. These comments must be limited to the two issues discussed therein. However, comments on any other aspect of EPA's proposed rulemaking of March 21, now will be considered if they are postmarked or received on or before July 3, 1979.

DATE: Comments by July 3, 1979.

ADDRESSES: Questions or comments on this proposal should be directed to the Director, Division of Stationary Source Enforcement, EN-341, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert Homiak, Attorney-Advisor, Division of Stationary Source Enforcement, Environmental Protection Agency (202) 755-2581.

Marvin Durning,

Assistant Admininstrator for Enforcement.

[FR Doc. 79-19617 Filed 6-21-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 100]

[FRL 1255-8]

Judicial Review Under Clean Water Act; Races to the Courthouse

AGENCY: Environmental Protection Agency.

ACTION: Supplement to Notice of Proposed Rulemaking.

SUMMARY: On June 4, 1979, EPA proposed a rule under the Clean Water Act to provide greater fairness in "races to the courthouse." EPA is today raising an additional issue for public comment.

DATE: The public comment period on the proposed racing rule ends on August 3, 1979.

FOR FURTHER INFORMATION CONTACT: Richard G. Stoll, Jr., Office of General Counsel (A-131), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (202) 755-0760.

SUPPLEMENTARY INFORMATION: EPA proposed a "race to the courthouse" regulation under the Clean Water Act on June 4, 1979 at 44 FR 32006. EPA's proposal was that a nationally-applicable rule would generally be considered issued for purposes of judicial review at 1 p.m., eastern time, one week after the rule's publication in the **Federal Register.**

In support of its proposal, EPA stated that "mail delivery of the **Federal Register** is a day or two later in other parts of the country [outside Washington, D.C.]." EPA said the one-week rule would assure that "interested parties in all parts of the country have had an opportunity to be made fully aware of the contents of EPA's rule." 44 FR 32007.

EPA has recently received, however, a letter from a group in Bellevue, Washington, which questions EPA's assumptions. (Letter appears below). The group asserts that its **Federal Register** mail delivery is typically seven to ten days later than the publication date. **Federal Register** personnel have confirmed to EPA that delays of this magnitude are common in many parts of the country.

Accordingly, EPA hereby requests those commenting on the June 4 racing proposal to consider the possibility of a longer period before a race is triggered. EPA would appreciate comments as to what the appropriate waiting period should be.

Dated: June 19, 1979.

Joan Z. Bernstein,

General Counsel.

Northwest Pulp & Paper Association

June 13, 1979

Richard G. Stoll, Jr., Office of General Counsel (A-131), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Re: Judicial review under Clean Water Act: Races to the courthouse (44 FR 32006, June 4, 1979).

Dear Mr. Stoll: These comments were submitted on behalf of the Northwest Pulp

and Paper Association (NWPPA) and the eleven pulp and paper companies which it represents in the states of Alaska, Oregon and Washington. The NWPPA is a small environmental trade association which is designed to meet the technical, legislative and public information needs of our member companies in regard to regional issues. As such, the NWPPA is rarely involved in rulemaking at the national level and is even more rarely involved in litigation. However, the NWPPA does monitor proposed regulations as they appear in the **Federal Register** and would like to express some reservations in regard to the above referenced regulations.

The purpose of the proposed regulations is to establish the time of issuance for EPA regulations which are reviewable under Section 509(b) of the Clean Water Act. The proposed rule would establish that final regulations are "issued" at 1:00 pm eastern time on the date which is one week after publication in the **Federal Register**. The background information in the **Federal Register** states that this time period should be adequate since mail delivery of the **Federal Register** is a *day or two* later in other parts of the country.

We would like to point out that mail delivery of the **Federal Register** does not occur a day or two later in other parts of the country. Mail delivery is typically seven to ten days later. For example, the presently proposed rule was published in the June 4 **Federal Register**; however we did not receive that issue until June 12.

We are also concerned that the assumption that **Federal Registers** arrive in all parts of the nation within a day or two will influence the amount of time allowed by EPA and other federal agencies for responding to other types of filing and informational requirements. For example, the U.S. Department of Energy published a **Federal Register** notice on January 8, 1979 (44 FR 1770) which required certain corporations, including those which produce paper and allied products, to file information on energy consumption by January 29, 1979. NWPPA received that **Federal Register** notice on January 19, which left us very little time to inform our members of the requirement and for our members to respond.

Again, our comments are limited to those situations where the time allowed to respond to a federal agency requiement is based on the assumption that **Federal Registers** arrive in all parts of the nation within a day or two. Otherwise the time typically allowed for notice and comment in the rulemaking process is adequate to compensate for vagaries in the postal service.

Thank you for your consideration in this matter.

Sincerely,

A. Llewellyn Matthews,

Governmental Affairs Coordinator.

[FR Doc. 79-19554 Filed 6-21-79; 8:45 am]

BILLING CODE 6560-01-M

Notices

Federal Register
Vol. 44, No. 122
Friday, June 22, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Child Nutrition Program; Income Poverty Guidelines for Determining Eligibility for Free and Reduced-Price Meals and Free Milk

Correction

In FR Doc. 79–18529 appearing at page 34618 in the issue for Friday, June 15, 1979, make the following corrections:

(1) On page 34618, in the middle column, in the first paragraph of the document, in the 10th line, the citation "(7 CFR Part 220)" should be corrected to read "(7 CFR Part 210)".

(2) On page 34618, in the middle column, in the first paragraph of the document, in the 10th line, insert "School Breakfast Program (7 CFR Part 220)" between the corrected citation "(7 CFR Part 210)" and the words "Child Care".

BILLING CODE 1505-01-M

Rural Electrification Administration

Arkansas Electric Cooperative Corp., Little Rock, Ark.; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $321,000,000, to Arkansas Electric Cooperative Corporation, of Little Rock, Arkansas. These loan funds will be used to finance a 35 percent ownership interest in Arkansas Power and Light Company's Independence Power Plant Units 1 and 2 (two 700 MW (net) coal fired units).

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loans funds from Mr. Harry L. Oswald, Manager, Arkansas Electric Cooperative Corporation, P.O. Box 9469, Little Rock, Arkansas 72219.

In order to be considered, proposals must be submitted on or before July 23, 1979 to Mr. Oswald. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Arkansas Electric Cooperative Corporation and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

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

Joseph Vellone,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 79-19247 Filed 6-21-79; 8:45 am]

BILLING CODE 34104-15-M

Cooperative Power Association, Minneapolis, Minn.; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notices is hereby given that the Administrator of REA will consider (a) providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $20,775,000 to Cooperative Power Association of Minneapolis, Minnesota, and (b) supplementing such a loan with an insured REA loan at 5 percent interest in the approximate amount of $9,000,000 to this cooperative. These loans will be used to finance a project consisting of 228 miles of transmission line and related facilities and general system improvements.

Legally organized lending agencies capable of making, holding, and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the enineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. T. V. Lennick, Manager, Cooperative Power Association, 3316 West 66th Street, Minneapolis, Minnesota 55435.

In order to be considered, proposals must be submitted on or before July 23, 1979 to Mr. Lennick. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Cooperative Power and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administation.

Copies of REA Bulletin 20–22 are available from the Director, Information Services Division Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

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

Joseph Vellone,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 79-19249 Filed 6-21-79; 8:45 am]

BILLING CODE 3410-15-M

Corn Belt Power Cooperative, Humboldt, Iowa; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will (a) consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $10,782,000 to Corn Belt Power Cooperative of Humboldt, Iowa, and (b) supplementing such a loan with an insured REA loan at 5 percent interest in the approximate amount of $3,379,000 to this cooperative. These loans will be used to finance the construction of 193 miles of transmission line and related facilities and general system improvements.

Legally organized lending agencies capable of making, holding, and servicing the loan proposed to be guaranteed may obtain engineering and economic information on the proposed project including the proposed schedule for loan advances to Corn Belt and projected financial forecast data relating to Corn Belt's operations from Mr. George W. Toyne, Manager, Corn Belt Power Cooperative, P.O. Box 508, Humboldt, Iowa 50548.

In order to be considered, proposals must be submitted on or before July 23, 1979 to Mr. Toyne. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Corn Belt and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

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

Joseph Vellone,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 79-19248 Filed 6-21-79; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulation

Notice is hereby given that, during the week ended CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the applicaiton. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after after the original applicaiton was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No.	Description
June 11, 1979	35802	Holland Amerika Lijn, N.V., c/o Mark Pestronk, Esq., Boros & Garofalo, P.C., 1120 Connecticut Avenue, N.W., Suite 460, Bender Building, Washington, D.C. 20036. Application of Holland Amerika Lijn, N.V. requests the Board pursuant to Section 402 of the Act for approval of the transfer to Holland Amerika Lijn, N.V. of the foreign air direct carrier permit issued to Holland-Amerika Lijn, N.V. Answers due on July 9, 1979.
June 15, 1979	35597	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33159. Revised Application of National Airlines, Inc. pursuant to section 401 of the Act for a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following markets: (Pursuant to Order 79-6-6) Between the terminal point Las Vegas, Nevada, and the terminal point New York (JFK), New York. Answers due July 12, 1979.
June 15, 1979	35598	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33159. Revised Application of National Airlines, Inc. pursuant to section 401 of the Act for a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following markets: (Rejected pursuant to Order 79-6-6) Between the terminal point Dallas/Fort Worth, Tex., and the terminal point Los Angeles, Calif. Answers due July 12, 1979.
June 15, 1979	35599	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33159. Revised Application of National Airlines, Inc. pursuant to section 401 of the Act for a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following markets: (Rejected pursuant to Order 79-6-6) "Between the terminal point Albuquerque, New Mexico, and the terminal point Las Vegas, Nevada. Between the terminal point Albuquerque, New Mexico, and the terminal point Los Angeles, California. Between the terminal point Albuquerque, New Mexico, and the terminal point Salt Lake City, Utah." Answers due July 12, 1979.
June 15, 1979	35600	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33159. Revised Application of National Airlines, Inc. pursuant to section 401 of the Act for a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following markets: (Rejected pursuant to Order 79-6-6) Between the terminal point Memphis, Tennessee, and the terminal point Denver, Colorado. Between the terminal point Memphis, Tennessee, and the terminal point Houston, Texas. Answers due July 12, 1979.
June 15, 1979	35601	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33159. Revised Application of National Airlines, Inc. pursuant to section 401 of the Act for a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following markets: (Rejected pursuant to Order 79-6-6) Between the terminal points Dallas/Fort Worth, Tex., and the terminal point Phoenix, Ariz. Answers due July 12, 1979.
June 15, 1979	35602	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33159. Revised Applicaiton of National Airlines, Inc. pursuant to section 401 of the Act for a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following markets: (Rejected pursuant to Order 79-6-6) Between the terminal point Honolulu, Hawaii, and the terminal point San Diego, Calif. Between the terminal point Denver, Colo., and the terminal point Honolulu, Hawaii. Answers due July 12, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-19540 Filed 6-21-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-6-101]

Nonstop Authority Between Philadelphia and Los Angeles, Ontario, Long Beach, San Francisco, Oakland, San Jose, Las Vegas, and Reno

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-6-101.

SUMMARY: The Board is proposing to grant nonstop authority between Philadelphia, on the one hand, and Los Angeles, Ontario, Long Beach, San Francisco, Oakland, San Jose, Las Vegas and Reno, on the other and among the last eight points, to Evergreen and Ozark and any other fit willing and able applicant whose fitness can be established by officially noticeable data. the complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than July 19, 1979, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than July 5, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 35851, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Steve Farbman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., Washington, D.C., 20428, (202) 673-5842.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: Ozark, Evergreen, American, the Philadelphia parties and the Las Vegas parties.

The complete text of Order 79-6-101 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-6-101 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 14, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-19538 Filed 6-21-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-6-106; Docket 35852]

Service to Ontario; Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-6-106 (Service to Ontario Show-Cause Proceeding), Docket 35852.

SUMMARY: The Board is instituting a show-cause proceeding to award authority to serve Ontario, California from any domestic or overseas point to any fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file and serve upon all parties listed below no later than August 3, 1979, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than July 10, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 35852, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Jacob Goldberg, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6067.

SUPPLEMENTARY INFORMATION: Objections should be served upon the Governor, State of California, California Public Utilities Commission, Mayor, City of Los Angeles, and Mayor, City of Ontario, California.

The complete text of Order 79-6-106 is available from our Distribution Section Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-6-106 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 15, 1979

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-19539 Filed 6-21-79; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Louisiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Louisiana Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 2:00 p.m. on July 20, 1979, at the Capitol House, Room #1021, 201 Lafayette Street, Baton Rouge, Louisiana 70801.

Persons whishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, Heritage Plaza, 418 South Main, San Antonio, Texas 78204.

The purpose of this meeting is to plan and followup on the Block Grant hearing.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 19, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-19464 Filed 6-21-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

List of Names and Addresses of Bona Fide Motor-Vehicle Manufacturers

AGENCY: U.S. Department of Commerce, Industry and Trade Administration, Bureau of Domestic Business Development.

ACTION: List of Names and Addresses of Bona Fide Motor-Vehicle Manufacturers.

SUMMARY: In accordance with headnote 2 to Subpart B, Part 6, Schedule 6 of the Revised Tariff Schedules of the United States (19 U.S.C. 1202) and 15 CFR Part 315 (39 FR 2080; January 18, 1974), the following is a list of the names and addresses of bona fide motor-vehicle manufacturers, as determined by the Deputy Assistant Secretary for Domestic Business Development, Department of Commerce, and the effective date for each such determination. Each determination shall be effective for the 12-month period beginning on the determination date shown following the name and address of each manufacturer. From time to time this list will be revised, as may be appropriate, to reflect additions, deletions, or other necessary changes.

EFFECTIVE DATE: May 1, 1979.

FOR FURTHER INFORMATION CONTACT: Thomas C. Meehan, Commodity Industry Specialist, Transportation Equipment Program, 377–4817.

U.S. Bona Fide Motor Vehicle Manufacturers List, May 1, 1979, With Date of Certification

Adams International Truck Co., Inc., 116 Carroll Street, P.O. Box 1556, Thomasville, Georgia 31792, January 18, 1979.

Adolph Truck Equipment, Inc., 1701 Fairfax Trfwy., Kansas City, Kansas 66115, January 1, 1979.

Allentown Brake & Wheel Service, Inc., R.D. 3, P.O. Box 2088, Allentown, Pennsylvania 18001, October 19, 1978.

Allied Truck Equipment, 4524 Clyde Park Avenue, Grand Rapids, Michigan 45909, January 1, 1979.

American La France, Div. of A–T–O, Inc., 100 East La France Street, Elmira, New York 14902, July 8, 1978.

American Motors Corporation, 27777 Franklin Road, Southfield, Michigan 48034, January 1, 1979.

American Trailer, Inc., 1500 Exchange Avenue, Oklahoma City, Oklahoma 73126, January 1, 1979.

American Trailer Service, Inc., 2814 North Cleveland Avenue, St. Paul, Minnesota 55113, January 18, 1979.

AM General Corporation, 14250 Plymouth Road, Detroit, Michigan 48232, April 1, 1979.

Amthor's Welding Service, Inc., 307 State Route 52 East, Walden, New York 12586, July 9, 1978.

Harold G. Anderson Equip. Corp., One Anderson Drive, Albany, New York 12205, October 4, 1978.

Antietam Equipment Corporation, P.O. Box 91, Hagerstown, Maryland 21740, January 1, 1979.

Artic Enterprises, Inc., P.O. Box 635, Thief River Falls, Minnesota 56701, August 1, 1978.

Arkansas Trailer Mfg., Inc., P.O. Box 4056, Asher Ave. Station, 32nd & Elm Street, Little Rock, Arksansas 72204, January 1, 1979.

Arrow Trailer & Equipment Co., 140 North Dirksen Parkway, Springfield, Illinois 62702, April 1, 1979.

Ateco Equipment, Inc., 1241 Rodi Road, Turtle Creek, Pennsylvania 15145, April 1, 1979.

ATTEX, Inc., 870 West Main Street, East Palestine, Ohio 44413, August 1, 1978.

Automated Waste Equipment Co., Inc., 328 4th Street, Trenton, New Jersey 08638, September 1, 1978.

Automotive Service Company, 111–113 North Waterloo, Jackson, Michigan 49204, January 18, 1979.

B.E.C.-Truck Equipment, Inc., 3209 Vestal Parkway E., Vestal, New York 13850, March 6, 1979.

Bethlehem Fabricators, Inc., 1700 Riverside Drive, P.O. Box 70, Bethlehem, Pennsylvania 18015, January 20, 1979.

Allan U. Bevier, Inc., 1201 Ridgely Street, Baltimore, Maryland 21230, April 1, 1979.

Blue Bird Body Company, P.O. Box 937, Fort Valley, Georgia 31030, January 18, 1979.

Boone Heavy Duty Trailer, Inc., Route 20 (east), Palmer, Massachusetts 01069, January 1, 1979.

Boyertown Auto Body Works, Inc., Boyertown, Pennsylvania 19512, September 1, 1978.

Brake & Equipment Co., Inc., 1801 North Mayfair Road, Milwaukee, Wisconsin 53226, January 1, 1979.

Brake Service & Parts, Inc., 170 Washington Street, Bangor, Maine 04401, January 18, 1979.

Bristol-Donald Company, Inc., Bristol-Donald Manufacturing Corp., 50 Roanoke Avenue, Newark, New Jersey 07105, January 1, 1979.

Brown Cargo Van Inc., 807 East 29th Street, Lawrence, Kansas 66044, April 30, 1979.

Bus Andrews Equipment, Sales & Service, Inc., 2828 E. Kearney Street, Springfield, Missouri 65803, January 1, 1979.

Bush Hog Loadcraft, P.O. Box 431, Brady, Texas 76825, January 1, 1979.

Caelter Industries, Inc., Purdy Avenue, Watertown, New York 13601, April 1, 1979.

The Carnegie Body Company, 9500 Brookpark Road, Cleveland, Ohio 44129, January 1, 1979.

Champion Carriers, Inc., 2321 E. Pioneer Drive, Irving, Texas 75061, October 20, 1978.

Champion Home Builders Company, 5573 E. North Street, Dryden, Michigan 48428, August 1, 1978.

Checker Motors Corporation, 2016 N. Pitcher Street, Kalamazoo, Michigan 49007, January 1, 1979.

Cherry Valley Tank, Div., Inc., 75 Cantiague Road, Westbury, New York 11590, April 1, 1979.

Chrysler Corporation, CIMS 416–16–06, Chrysler Center, 12000 Oakland Avenue, Highland Park, Michigan 48288, January 18, 1979.

B. M. Clark Company, Inc., Route 17, P.O. Box 185, Union, Maine 04862, January 14, 1979.

D. W. Clark Road Equipment, Inc., 448 E. Brighton Avenue, Syracuse, New York 13205, May 1, 1978.

Clark Truck Equipment Company, 6621 Academy Parkway West, N.E., Albuquerque, New Mexico 87103, January 1, 1979.

Fred Clemett and Co., Inc., 2020 Lemoyne Street, Syracuse, New York 13211, July 1, 1978.

Commercial Truck & Trailer, Inc., 313 N. State Street, Girard, Ohio 44420, January 1, 1979.

Consolidated Utility Equipment Service, Inc., Caldwell Drive, Amherst, New Hampshire 03031, April 30, 1979.

Cook Body Company, 3701 Harlee Avenue, Charlotte, North Carolina 28208, October 22, 1978.

Correct Manufacturing Corp., London Road Extension, Delaware, Ohio 43015, July 1, 1979.

Cortez Enterprises, Inc., 777 Stow Street, Kent, Ohio 44240, February 1, 1979.

Crenshaw Corporation, 1700 Commerce Road, Richmond, Virginia 23224, July 1, 1978.

Crown Coach Corporation, 2428 East 12th Street, Los Angeles, California 90021, March 20, 1979.

Daleiden Auto body & Mfg. Corp., 425 E. Vine Street, Kalamazoo, Michigan 49001, January 12, 1979.

Darby Equipment Company, P.O. Box 5698, Longview, Texas 76501, January 1, 1979.

Dealers Truck Equipment Co., Inc., 2460 Midway Street, P.O. Box 31435, Shreveport, Louisiana 71130, January 1, 1979.

Dealers Truckstell Sales, Inc., 653 Beale Street, P.O. Box 502, Memphis, Tennessee 38101, January 1, 1979.

Decker Tank Co., Div. of Chet Decker Auto Sales, 300 Lincoln Avenue, Hawthorne, New Jersey 07506, November 3, 1978.

John Deere Horicon Works of Deere & Company, 220 E. Lake Street, Horicon, Wisconsin 53032, June 1, 1978.

Downs Clark, P.O. Drawer 1386, Brownwood, Texas 76801, January 19, 1979.

Dunham Manufacturing Co., Inc., P.O. Box 430 Minden, Louisiana 71055, January 1, 1979.

Duralite Truck Body and Container Corporation, 1300 Bush Street, Baltimore, Maryland 21230, December 31, 1979.

Dutec, Inc., 60 Lumber Street, Hopkinton, Massachusetts 01748, January 15, 1979.

Eastern Tank Corporation, 290 Pennsylvania Avenue, Paterson, New Jersey 07503, January 1, 1979.

Eggimann Motor & Equipment Sales Inc., 1813 W. Beltline Hwy., Madison, Wisconsin 53713, January 1, 1979.

Eight Point Trailer Corporation, 6100 E. Washington Blvd., Los Angeles, California 90040, January 18, 1979.

Equipment Industries, 100 Pavonia Avenue, Jersey City, New Jersey 07032, January 1, 1979.

Equipment Service, Inc., 40 Airport Road, Hartford, Connecticut 06114, April 1, 1979.

E. & R. Trailer Sales, Inc., RFD #1, Middle Point, Ohio 45863, January 1, 1979.

E. D. Etnyre and Company, 200 Jefferson Street, Oregon, Illinois 61061, October 1, 1978.

Euclid, Inc., 2221 St. Clair Avenue, Cleveland, Ohio 44117, August 1, 1978.
Ewell Equipment Company, 307 N. Timberland Drive, Lufkin, Texas 75901, February 1, 1979.
Excalibur Automobile Corporation, 1735 South 106th Street, Milwaukee, Wisconsin 53214, May 22, 1979.
Fasino's Power Brake Inc., 291 Jay Street, Rochester, New York 14608, January 1, 1979.
Fifth Wheel, Inc., Box 15706, Tulsa, Oklahoma 74115, January 1, 1979.
Ford Motor Company, The American Road, Dearborn, Michigan 48121, January 18, 1979.
F&P Truck & Trailer Equip. Div., 254–266 Central Avenue, Newark, New Jersey 07103, October 12, 1978.
FWD Corporation, 150 East 12th Street, Clintonville, Wisconsin 54920, January 1, 1979.
Peter Garafano & Son, Inc., 264 Wabash Avenue, Paterson, New Jersey 07503, June 4, 1978.
Garnon Truck Equipment Co., 1617 Peninsula Drive, Erie, Pennsylvania, 16505, January 1, 1979.
General Motors Corporation, 3044 West Grand Blvd., Detroit, Michigan 48202, January 19, 1979.
General Truck Equipment & Trailer Sales, 5310 Broadway Avenue, Jacksonville, Florida 32205.
Gooch Brake and Equipment Co., 506 Grand Avenue, Kansas City, Missouri 64106, January 6, 1979.
Granning Service Corporation, 2471 Wyoming Avenue, Dearborn, Michigan 48121 January 1, 1979.
The Greyhound Corporation, Greyhound Tower, Phoenix, Arizona 85077 (doing business through), Motor Coach Industries, Inc., Pembina, North Dakota 58271 & Transportation Manufacturing Corporation, Roswell, New Mexico 88201, August 1, 1978.
Grumman Flxible Corporation, 970 Pittsburgh Drive, Delaware, Ohio 43015, January 1, 1979.
Hackney and Sons, 400 Hackney Avenue, Washington, North Carolina 27889, January 1, 1979.
Hallenberger, Inc., 5716 Boonville Hwy, P.O. Box 5085, Evansville, Indiana 47715, January 1, 1979.
Harley-Davidson Motor Co., Inc., 3700 West Juneau Avenue, Milwaukee, Wisconsin 53201, April 1, 1979.
Harris Truck and Trailer Sales, Inc., 2145 Independence, Cape Girardeau, Missouri 63701, January 1, 1979.
Harvel Truck Equipment, Inc., 1000 E. 8th Street, Los Angeles, California 90021, January 1, 1979.
Heil Equipment Company of Philadelphia Inc., 1223 Ridge Pike, Conshohocken, Pennsylvania 19428, January 1, 1979.
Hendrickson Manufacturing Co., P.O. Box 249, Burr Ridge, Illinois 60521, January 1, 1979.
The Hess & Eisenhardt Company, 8959 Blue Ash Road, Cincinnati, Ohio 45242, January 9, 1979.
Hews Body Company, 190 Rumery Street, South Portland, Maine 04106, January 18, 1979.
Hill Equipment Co., Inc., Route 7, Box 5089, Benton, Arkansas 72015, January 1, 1979.
O. G. Hughes & Sons, Inc., 4816 Rutledge Pike, P.O. Box 6277, Knoxville, Tennessee 37914, January 1, 1979.
Huntington Brake Service, Inc., 448 E. Jericho Tpke, Huntington Station, New York 11746, January 1, 1979.
Illinois Auto Central, Inc., 4700 South Central Avenue, Chicago, Illinois 66038, January 1, 1979.
Indiana Truck & Trailer, 2017 Hwy. 41 North, Evansville, Indiana 47727, January 1, 1979.
International Harvester Company, 401 North Michigan Avenue, Chicago, Illinois 60611, January 18, 1979.
Iroquois Manufacturing Co., Inc., Richmond Road, Hinesburg, Vermont 05461, July 1, 1978.
Isometrics, Inc., 1402 N. Scales Street, Reidsville, North Carolina 27320, March 31, 1979.
Jeep Corporation, 27777 Franklin Road, Southfield, Michigan 48034, January 1, 1979.
Kaffenbarger Welding Co., 10100 Ballentine Pike, New Carlisle, Ohio 45344, January 1, 1979.
Kawasaki Motors Corporation, 2009 E. Edinger Avenue, Santa Ana, California 92711, January 1, 1979.
Kencar Equipment Company, 1906 Lakeview Avenue, Dayton, Ohio 45408, January 19, 1979.
Leland Equipment Company, 7777 E. 42nd Place South, P.O. Box 45128, Tulsa, Oklahoma 74145, January 18, 1979.
Long Trailer Service, Inc., P.O. Box 5105, Greenville, South Carolina 29606, January 1, 1979.
Mack Trucks, Inc., P.O. Box M, Allentown, Pennsylvania 18105, January 1, 1979.
Maday Body & Equipment Corp., 575 Howard Street, Buffalo, New York 14206, January 1, 1979.
Madison Truck Equip. Inc., 2410 S. Stoughton Road, Madison, Wisconsin 53716, October 22, 1978.
Manning Equipment, Inc., 1200 Westport Road, P.O. Box 23229, Louisville, Kentucky 40223, April 16, 1979.
Mark Body Division, Core Industries, 50625 Richard W. Blvd., Mt. Clement, Michigan 48045, March 21, 1979.
Maxon Industries, Inc., 1960 E. Slauson Avenue, Huntington Park, California 90255, August 16, 1978.
Middlehauff, Inc., 1615 Ketcham Avenue, Toledo, Ohio 43608, January 18, 1979.
Mid West Truck Equipment Sales Corporation, 4041 No. Brush College Road, Decatur, Illinois 62521, February 22, 1979.
M & M Equipment, Inc., Plaza Heights, W. Lebanon, New Hampshire 03784, March 14, 1979.
Moline Body Company, 222—52nd Street, Moline, Illinois 61265, January 6, 1979.
Monon Trailer (a Div. of Evans Transportation Co.), P.O. Box 655, Monon, Indiana 47959, April 8, 1979.
Moore and Sons, Inc., P.O. Box 30091, Memphis, Tennessee 38130, January 1, 1979.
Morgan Trailer, Box 258 Joanna Road, Morgantown, Pennsylvania 19543, January 1, 1979.
Motor Truck Equipment Corporation, 2950 Irving Blvd., P.O. Box 47385, Dallas, Texas 75247, January 1, 1979.
Mutual Wheel Company, 2345—4th Avenue, Moline, Illinois 61265, February 20, 1979.
Nabors Trailer, Inc., P.O. Box 979, Mansfield, Louisiana 71052, January 1, 1979.
Neil's Automotive Service, Inc., 167 E. Kalamazoo Avenue, Kalamazoo, Michigan 49007, January 1, 1979.
Nelson Manufacturing Company, Route 1, Box 90, Ottawa, Ohio 45875, January 1, 1979.
The Ness Company, P.O. Box 365, York, Pennsylvania 17405, January 1, 1979.
New Method Equipment Co., 707 27th Avenue, S.W., P.O. Box 4638, Cedar Rapids, Iowa 52407, January 1, 1979.
Novi Manufacturing Company, P.O. Box 324, Novi, Michigan 48050, November 1, 1978.
Ohio Body Manufacturing Co., Northern Main Street, New London, Ohio 44851, January 1, 1979.
Ohio Truck Equipment, Inc., 4100 Rev Drive, Cincinnati, Ohio 45232, January 1, 1979.
Olson Bodies, Inc., 600 Old Country Road, Garden City, New York 11530, November 1, 1978.
Olson Trailer & Body Builders Co., 2740 South Ashland Avenue, P.O. Box 2445, Green Bay, Wisconsin 54306, January 18, 1979.
Omaha Standard Inc., 2401 W. Broadway, Council Bluffs, Iowa 51501, January 31, 1979.
Oshkosh Truck Corporation, 2307 Oregon Street, Oshkosh, Wisconsin 54901, January 18, 1979.
Ottawa Truck Division, Gulf & Western Manufacturing Co., 415 Dundee Street, Ottawa, Kansas 66067, January 1, 1979.
Outboard Marine Corporation, 100 Sea Horse Drive, Waukegan, Illinois 60085, January 18, 1979.
PACCAR, Inc., d.b.a Kenworth Truck Company, Peterbilt Motors Company, P.O. Box 1518, Bellevue, Washington 98009, January 18, 1979.
Palmer Spring Company, 355 Forest Avenue, Portland, Maine 04101, January 18, 1979.
Peabody Galion Corporation, 500 Sherman Street, Galion, Ohio 44833, November 1, 1978.
Peerless Division, Royal Industries, Inc., 18205 S.W. Boones Ferry Road, Tualatin, Oregon 97062, January 8, 1979.
Perfection Equipment Co., 5100 West Reno—Box 75540, Oklahoma City, Oklahoma 73107, January 12, 1979.
Petroleum Equipment & Supply Co., Inc., 321 Forbes Avenue, New Haven, Connecticut 06512, September 28, 1978.
Phoenix Manufacturing, Inc., 375 West Union Street, Nanticoke, Pennsylvania 18634, February 20, 1979.
Polar Manufacturing Co., Route 1, Holdingford, Minnesota 56340, September 31, 1978.
C. E. Pollard Company, 13575 Auburn Avenue, Detroit, Michigan 48223, July 27, 1978.

Power Brake Service & Equipment Company, 1022 Carnegie Avenue, Cleveland, Ohio 44115, January 1, 1979.
Premier Inc., 4709 West 6th Street, Indianapolis, Indiana 46268, April 25, 1979.
Progress Industries, Inc., 400 East Progress Street, Arthur, Illinois 61911, October 1, 1978.
PSI Mobile Products, Inc., 25 Rutledge, Mt. Clements, Michigan 48043, June 30, 1979.
Quality Truck Equipment Co., Route 66 By-Pass & Mercer Ave., P.O. Box 102, Bloomington, Illinois 61701, November 15, 1978.
Recreative Industries, Inc., 60 Depot Street, Buffalo, New York 14206, July 13, 1978.
Remke Western, 713 West Pennway at Summit Streets, Kansas City, Missouri 64108, December 10, 1979.
Rhode Island Petroleum Equip. Co., 464 Broadway, Pawtucket, Rhode Island 02860, July 31, 1979.
Rowland Truck Equipment Inc., 2900 N.W. 73rd Street, Miami, Florida 33147, November 19, 1978.
R/S Truck Body Company, Inc., P.O. Box 420, Allen, Kentucky 41601, January 1, 1979.
Ryder Truck Rental, P.O. Box 5, Red Hill, Pennsylvania 18076, January 1, 1979.
Ryder Truck Rental, 2770 Bluff Road, Indianapolis, Indiana 46225, January 1, 1979.
Sanitary Equipment Co., Inc., P.O. Box 836, Orange, Connecticut 96477, March 17, 1979.
Schien Body and Equipment Co., Inc., North on University, Carlinville, Illinois 62626, January 18, 1979.
Scientific Brake and Equipment Co., 314 W. Genesee Avenue, Saginaw, Michigan 48602, January 19, 1979.
Scorpion, Inc., Box 300, Crosby, Minnesota 56441, April 29, 1979.
Scruggs-Drake Equipment, Inc., North Twenty-Second and Olive, Decatur, Illinois 62525, January 1, 1979.
Sharpsville Steel Equip. Co., 6th & Main Streets, Sharpsville, Pennsylvania 16150, January 2, 1979.
Smith-Moore Body Company, Inc., P.O. Box 27287, Richmond, Virginia 23261, January 18, 1979.
Somerset Welding & Steel, Inc., P.O. Box 628, Somerset, Pennsylvania 15501, January 1, 1979.
South Florida Engineers, Inc., 5911 E. Buffalo Avenue, P.O. Box 11927, Tampa, Florida 33680, July 2, 1978.
Splitt's Welding, RD #5, Steel City, Bethlehem, Pennsylvania 18015, May 21, 1979.
Spring Valley Dodge, Inc., 19 South Main Street, Spring Valley, New York 10977, April 1, 1979.
Steffen, Inc., 623 West 7th Street, Sioux City, Iowa 51103, November 4, 1978.
Superior Lima Division, Sheller-Globe Corporation, 1200 E. Kibby Street, Lima, Ohio 45802, March 20, 1979.
George Swanson & Son, Inc., 5400 Marshall, Arvada, Colorado 80002, November 1, 1978.
Thiokol Corporation, Logan Division, 2503 North Main Street, Logan, Utah 84321, January 15, 1979.
Three R. Industries, Inc., 80380 Scotch Settlement Road, Romeo, Michigan 48065, March 31, 1979.
Timpte, 5075 East 74th Avenue, Commerce City, Colorado 80022, January 1, 1979.
Traffic Transport Engineering, Inc., 28900 Goddard Road, Romulus, Michigan 48174, January 1, 1979.
Transport Equipment Company, 3400–6th Avenue, South, P.O. Box 3817, Seattle, Washington 98124, January 18, 1979.
Triangle Fleet Service, 801 Coliseum Blvd. West, Fort Wayne, Indiana 46808, January 11, 1979.
Truck Equipment Co., 2900 Wheeler, P.O. Box 837, Fort Smith, Arkansas 72901, January 1, 1979.
Truck Equipment Company, Inc., 1911 S.W. Washington Street, Peoria, Illinois 61602, January 18, 1979.
Truck Equipment, Inc., 680 Potts Avenue, Green Bay, Wisconsin 54304, January 18, 1979.
Truck Equipment, Inc., 1560 N.E. 44th Avenue, P.O. Box 3265, Des Moines, Iowa 50316, January 1, 1979.
Truck Equipment Service Co., 800 Oak Street, Lincoln, Nebraska 68521, January 1, 1979.
Truck Parts & Equipment, Inc., 4501 West Esthner, Wichita, Kansas 67209, November 11, 1978.
Union City Body Company, Inc., 1015 West Pearl Street, Union City, Indiana 47390, August 15, 1978.
Unit Rig & Equipment Company, P.O. Box 3107, Tulsa, Oklahoma 74101, January 1, 1979.
Universal Go Tract of Georgia Ltd., Suite 2, 5020 South Atlanta Road, Smyrna, Georgia 30080, May 31, 1979.
U.S. Truck Body Co., Inc., 37–21 24th Street, Long Island City, New York 11101, March 30, 1979.
Varniman International, Inc., 30 Central Avenue, Farmingdale, New York 11735, January 1, 1979.
Vernon Blvd. Truck Equip., Inc., 32–03 Vernon Blvd., Long Island City, New York 11106, June 1, 1978.
Volkswagen of America Inc., 27621 Parkview Blvd., Warren, Michigan 48092, October 11, 1978.
Walter Motor Truck Company, School Road, Voorheesville, New York 12186, April 29, 1979.
Ward School Bus Manufacturing, Inc., Highway 65, South, Conway, Arkansas 72032, April 19, 1979.
D. P. Way Corporation, P.O. Box 09336, 3822 W. Elm Street, Milwaukee, Wisconsin 53209, December 31, 1979.
Wayne Corporation, An Indian Head Company, P.O. Box 1449, Industries Road, Richmond, Indiana 47374, October 31, 1978.
Wayne Engineering Corporation, P.O. Box 648, Cedar Falls, Iowa 50613, January 1, 1979.
Westinghouse Air Brake Company, Construction & Mining Equipment Group, 2300 N.E. Adams Street, Peoria, Illinois 61639, February 1, 1979.
Weston Equipment Company, Inc., 130 Railroad Hill Street, Waterbury, Connecticut 06708, January 3, 1979.
White Motor Corporation, 35129 Curtis Boulevard, Eastlake, Ohio 44094, January 18, 1979.
Winnebago Industries, Inc., P.O. Box 152, Forest City, Iowa 50436, March 19, 1979.
Wyman's Inc., Box 541, Montpelier, Vermont 05602, July 1, 1978.

Robert E. Shepherd.

Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 79-19495 Filed 6-21-79; 8:45 am]
BILLING CODE 3510-25-M

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 Wednesday, July 18, 1979, at 9:00 a.m. in Room 3708, Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade 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 matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral 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 charactersitics 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 6, 1978, 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.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the Federal Register on September 14, 1978 (43 FR 41073).

For further information, contact Ms. Margaret A. Cornejo, Policy Planning Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–377–2583.

Dated: June 19, 1979.

Lawrence J. Brady,

Acting Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 79-19546 Filed 6-21-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Service, NOAA.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94–265), has established a Scientific and Statistical Committee (SSC) which will meet to examine and provide recommendations to the Council on the biological and socioeconomic aspects of the inclusion of Blackfin Tuna (*Thunnus atlanticus*) and Little Tunny (*Euthynnus alletteratus*) in the proposed fishery management plan (FMP) for Coastal Migratory Pelagics.

DATES: The meeting will convene on Thursday, July 5, 1979, at 1 p.m. and will adjourn on Friday, July 6, 1979, at approximately 12 noon. The meeting is open to the public.

ADDRESS: The meeting will take place at the Virgin Islands Hotel, St. Thomas, U.S. Virgin Islands.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council Suite 1108, Banco de Ponce Building Hato Rey, Puerto Rico 00918 Telephone: (809) 753–4926.

Dated: June 18, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-19432 Filed 6-21-79; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council's, Shrimp Steering Committee; Public Meeting

AGENCY: National Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), has established a Shrimp Steering Committee which will meet to discuss the development of a work plan as required by Executive Order 12044 for the shrimp fishery.

DATES: The meeting will convene on Thursday, June 28, 1979, at 1 p.m. and adjourn at approximately 4 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the East Carolina University, in the Willis Building.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571–4366.

Dated: June 19, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-19541 Filed 6-21-79; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1979; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1979 a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: June 22, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On April 6, 1979 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (44 FR 20737) of proposed addition to Procurement List 1979, November 15, 1978 (43 FR 53151).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following service is hereby added to Procurement List 1979:

SIC 7349

Janitorial Service, Federal Building, 511 N.W. Broadway, Portland, Oregon.

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 79-19450 Filed 6-21-79; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1979; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1979 a commodity to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 25, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1979, November 15, 1978 (43 FR 53151):

Class 8105

Bag, Pilot Relief, 8105–00–992–9469.

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 79–19451 Filed 6–21–79; 8:45 am]

BILLING CODE 6820–33–M

CONSUMER PRODUCT SAFETY COMMISSION

Product Safety Advisory Council; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Meeting: Product Safety Advisory Council.

SUMMARY: This notice announces a meeting of the Product Safety Advisory Council on Monday, July 9, 1979, from 9 a.m. to 5 p.m. and Tuesday, July 10, 1979, from 9 a.m. to 3:45 p.m. The meeting will be held at 1111 18th Street, NW, Washington, DC 20207, Third Floor Conference Room.

FOR FURTHER INFORMATION CONTACT: Catherine Bolger, Office of the Secretary, Suite 300, 1111 18th Street, NW, Washington, DC 20207, 202/634–7700.

SUPPLEMENTAL INFORMATION: The Product Safety Advisory Council was established by section 28 of the Consumer Product Safety Act, which provides that the Commission may consult with the Council before prescribing a consumer product safety rule or taking other action under the Act.

The proposed agenda for the July 9–10 meeting includes issues relating to Federal/State/Local cooperation, CPSC's chronic hazards program, and emerging priorities activities. For further information on the order of the agenda, contact Ms. Bolger at the address and telephone number noted above.

The meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentation to the Product Safety Advisory Council should notify the Office of the Secretary (see address above) by July 3, 1979. The notification should list the name of the individual who will make the presentation, the person, the company, group or industry on whose behalf the presentation will be made, the subject matter, and the approximate time requested. Time permitting, these presentations and other statements from the audience to members of the Council may be allowed by the presiding officer.

Dated: June 19, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79–19499 Filed 6–21–79; 8:45 am]

BILLING CODE 6355–01–M

COUNCIL ON WAGE AND PRICE STABILITY

Establishment of Price Advisory Committee

The Council on Wage and Price Stability has determined that establishing a Price Advisory Committee is necessary and in the public interest in connection with the performance of duties imposed by law upon the Council. The committee is being established for the purpose of advising the Council about the implementation of the voluntary price standards. The committee will provide expert advice to the Director of the Council with respect to administration of the price standards, proposed changes to or clarifications of the price standards, and technical matters such as computation methods and assembling or price data.

The committee is being chartered for one year and will terminate at the end of that period unless the Director of the Council determines that renewal or extension of the committee is justified. The committee will be established 15 days from the date of this announcement. The designated Federal employee for this committee is Jack Triplett, Assistant Director, Office of Price Monitoring. For further information, contact Sally Katzen, General Counsel, Council on Wage and Price Stability (456–6285).

Barry Bosworth,

Director, Council on Wage and Price Stability.

Council on Wage and Price Stability

Charter for the Price Advisory Committee

(1) *The Official Designation.* This advisory committee shall be designated as the Price Advisory Committee.

(2) *The Objective and Scope.* The function of the committee is to provide expert advice to the Director of the Council on Wage and Price Stability (Council) on matters relating to the formulation and administration of appropriate price standards. These include, but are not limited to: Reviewing proposed price standards for efficacy in promoting anti-inflation policy; advising on the clarity and implementation of the standards; advising the Council about reporting forms that may be necessary for monitoring the price standards (including questions of reporting burden, clarity of instructions, and other matters); advising on technical computation methods that may be necessary, either for reporting or for determining compliance with the standards; and advising on appropriate criteria for exceptions to the standards. In addition, this committee will assist the Council in assembling price data for various sectors of the economy.

(3) *Duration of the Committee.* The committee will continue for one year, unless the Director of the Council terminates the committee earlier, or extends it, in accordance with need and the public interest.

(4) *Official to Whom the Committee Reports.* The committee shall report to the Director of the Council or a Council employee designated by the Director of the Council.

(5) *Agency Responsibility for Providing Support.* The Council shall provide the support for the committee. Within the Council, the Office of Price Monitoring will furnish primary support.

(6) *Description of duties.* The duties and responsibilities of the committee are solely advisory in nature, and are further described in paragraph (2) above. The committee members will not

have access to confidential information received by the Council.

(7) *Estimated Annual Operating Costs.* The committee will require and expenditure of approximately $6,000 (one-sixth a man-year) in Fiscal Year 1979.

(8) *Estimated Number and Frequency of Meetings.* (a) The committee shall meet from time to time as the Director of the Council determines.

(b) The members of the committee may be polled by the Director of the Council without being in formal session as the Director determines is necessary.

(9) *Membership.* Membership on the committee will be limited to twelve members. Members will be drawn from major industry segments of the economy whose performance under the wage and price standards is being monitored by the Council. Appointments shall be for a period of one year and may be renewed by the Director of the Council if he determines that renewal is justified.

(10) *Chairperson of the Committee.* The chairperson of the committee shall be the Director of the Council or a Council employee designated by the Director of the Council.

(11) *Approval of Charter.*

Advisory Committee Management Officer
Date filed: ————.

[FR Doc. 79-19548 Filed 6-21-79; 8:45 am]

BILLING CODE 3175-01-M

Establishment of Wage Advisory Committee

The Council on Wage and Price Stability has determined that establishing a Wage Advisory Committee is necessary and in the public interest in connection with the performance of duties imposed by law upon the Council. The committee is being established for the purpose of advising the Director of the Council about the implementation of the voluntary pay standard. The committee will advise the Council with regard to such issues as changes in work rules that affect productivity and computations of the value of benefits. The committee will also be asked to help identify parts of the pay standard that need clarification.

The committee is being chartered for one year and will terminate at the end of that period unless the Director of the Council determines that renewal or extension of the committee is justified. The designated Federal employee for this committee is Sean Sullivan, Assistant Director, Office of Pay Monitoring.

In an effort to obtain a balanced input of advice, the membership of the committee will be made up of representatives of management and of workers. These members will be chosen based on their ability to represent a large cross section of those affected by the anti-inflation program. The committee will be established 15 days from the date of this announcement. For further information contact Sally Katzen, General Counsel, Council on Wage and Price Stability (456-6286).

Barry Bosworth,

Director, Council on Wage and Price Stability.

Council on Wage and Price Stability

Charter for the Wage Advisory Committee

(1) *The Official Designation.* This advisory committee shall be designated as the Wage Advisory Committee.

(2) *The Objective and Scope.* The function of the committee is to provide expert advice to the Director of the Council on Wage and Price Stability (Council) on technical matters relating to the administration of the pay standard. The technical areas within the committee's scope or review include such matters as: changes in work rules that could increase productivity and computations of the value of benefits. The committee will also aid the Council by identifying parts of the pay standard in need of clarification. Members of the committee may be asked to work directly with the Council staff on specific projects.

(3) *Duration of the Committee.* The committee will continue for one year, unless the Director of the Council terminates the committee earlier, or extends it, in accordance with need and the public interest.

(4) *Official to Whom the Committee Reports.* The committee shall report to the Director of the Council or Council employee designated by the Director of the Council.

(5) *Agency Responsibility for Providing Support.* The Council shall provide the support for the committee. Within the Council, the Office of Pay Monitoring will furnish primary support.

(6) *Description of Duties.* The duties and responsibilities of the committee are solely advisory in nature, and are described above (paragraph (2)). The committee members will not have access to confidential material received by the Council.

(7) *Estimated Annual Operating Costs.* The committee will require an expenditure of approximately $2,000 (one-twelfth a man-year) in Fiscal Year 1979.

(8) *Estimated Number and Frequency of Meetings.* (a) The committee will meet from time to time as the Director of the Council deems necessary.

(b) The members of the committee may be polled by the Director of the Council without being in formal session

(9) *Membership.* Membership on the committee will include two management specialists and two labor specialists. The labor specialists shall be drawn from unions representing a broad cross section of U.S. workers. The management specialists shall be drawn from business associations with widely varying constituencies. Appointments shall be for a period of one year and may be renewed by the Director of the Council at his discretion.

(10) *Chairperson of the Committee.* The chairperson of the committee shall be the Director of the Council or a Council employee designated by the Director of the Council.

(11) *Approval of Charter.*

Advisory Committee Management Officer
Date filed: ————.

[FR Doc. 79-19549 Filed 6-21-79; 8:45 am]

BILLING CODE 3175-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of the committee: Army Science Board.
Dates of meeting: July 16-20, 1979.
Place: The Judge Advocate General School, Charlottesville, Virginia.
Time: 0800-1700, July 16-20, 1979 (Closed).
Proposed agenda: The ASB Summer Study participants will hold classified discussions of briefings they have recieved on "Technology Planning of Future Fielded Systems." Specifically, items to be discussed include assessment of technological inferiority of present fielded systems; causes; corrective action/future objectives; policy level recommendations. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified matters to be discussed are so inextricably

intertwined so as to preclude opening any portion of the meeting.

Robert F. Sweeney,

LTC, GS, Executive Secretary, Army Science Board.

[FR Doc. 79-19459 Filed 6-21-79; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Inexco Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Inexco Oil Company, 1100 Milam Building, Suite 1900, Houston, Texas 77002. This Proposed Remedial Order charges Inexco Oil Company [Inexco] with pricing violations in the amount of $98,576.14 caused by Inexco's having made sales of crude oil at prices in excess of those permitted under the Federal Energy Administration (now the DOE) price rule in 10 CFR § 212.73. ERA maintains that Inexco erroneously sold domestic crude oil based upon their use of 1973 contract prices to determine the ceiling price applicable to sales of "old" crude oil produced in the Powder River Basin in the State of Wyoming.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, Southwest District, 2626 W. Mockingbird Lane, P.O. Box 35228, Dallas, Texas 75235, phone [214/749-7626]. On or before July 9, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 13th day of June, 1979.

Romulo Garcia,

Acting District Manager Southwest District Enforcement.

[FR Doc. 79-19422 Filed 6-21-79; 8:45 am]

BILLING CODE 6450-01-M

City of Long Beach; Issuance of Final Decision and Order

On April 18, 1979 we issued a Proposed Decision and Order to the City of Long Beach, California that would permit, pursuant to the provisions of 10 CFR 212.78, market prices for the incremental crude oil produced from the Ranger Zone of Fault Block VII in the Long Beach Unit of the Wilmington Oil Field (44 FR 24909, April 27, 1979). No comments or objections have been received with respect to this Proposed Decision and Order. Accordingly, on June 14, 1979, we issued a Decision and Order that permits market prices for incremental crude oil from the Ranger Zone, Fault Block VII Project.

A copy of the Decision and Order is available in the Public Docket Room, Room B-120, 2000 M Street, N.W., Washington, D.C., between 1:00 p.m. and 5:00 p.m., Monday through Friday, and in the Department of Energy Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Issued in Washington, D.C., June 14, 1979.

Doris J. Dewton,

Acting Assistant Administrator, Office of Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79-19423 Filed 6-21-79; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Oil Supply, Demand and Logistics Task Group and the Coordinating Subcommittee of the Committee on Refinery Flexibility; Meetings

Notice is hereby given that the Oil Supply, Demand and Logistics Task Group and the Coordinating Subcommittee of the National Petroleum Council's Committee on Refinery Flexibility will meet on Friday, July 6, 1979 and Monday, July 16, 1979, respectively. The Task Group session will be held in the Pacific Room, on the 37th floor of the Arco Tower, Arco Plaza, 515 South Flower Street, Los Angeles, California, beginning at 9:00 a.m. on July 6. The Coordinating Subcommittee meeting will be held at the National Petroleum Council Headquarters, Suite 601, 1625 K St., NW., Washington, D.C. beginning at 10:00 a.m.

The National Petroleum Council provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. Accordingly, the Committee on Refinery Flexibility has been requested by the Secretary to undertake an analysis of the factors affecting crude oil quality and availability and the ability of the refining industry to process such crudes into marketable products. This analysis will be based on information and data to be gathered by the Oil Supply, Demand, and Logistics Task Group and the Refinery Capability Task Group, whose efforts will be coordinated by the Coordinating Subcommittee. The tentative agenda of the Task Group and Subcommittee sessions are as follows:

Agenda for the July 6, 1979 meeting of the Oil Supply, Demand and Logistics Task Group:

1. Introductory remarks by S. E. Watterson, Jr., Chairman.
2. Review and discuss methodology for analysis of supply/demand projections.
3. Review and discuss transportation data required by the Refinery Capability Task Group.
4. Review and discuss schedule and assignments for completion of the Task Group's assignments.
5. Discuss any other matters pertinent to the overall assignment of the Task Group.

Agenda for the July 16, 1979 meeting of the Coordinating Subcommittee:

1. Introductory remarks by Warren B. Davis, Chairman.
2. Review progress report to Main Committee.
3. Review progress of the Refinery Capability Task Group.
4. Review progress of the Oil Supply, Demand and Logistics Task Group.
5. Review and discuss schedule and assignments for completion of subcommittee assignments.
6. Discuss any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

All meetings are open to the public. The Chairmen of the Task Group and Subcommittee are empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file written statement with the Task Group or the Subcommittee will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statements should inform Mr. Robert Long, U.S. Department of Energy, (202) 252-5629, prior to the meetings, and reasonable provision will be made for their appearance on the agenda. Summary/minutes of the Task Group meeting and transcripts of the Coordinating Subcommittee meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA-152, Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except

Federal holidays. Issued at Washington, D.C. on June 18, 1979.

Alvin L. Alm,

Assistant Secretary, Policy and Evaluation.

[FR Doc. 79-19424 Filed 6-21-79; 8:45 am]

BILLING CODE 6450-01-M

Hearings and Appeals Office

Issuance of Proposed Decisions and Orders; May 21 Through May 25, 1979

Notice is hereby given that during the period May 21 through May 25, 1979, the Proposed Decisons and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuanace of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Propsoed Decision and Order which it entends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m. e.d.t., except federal holidays.

Dated: June 15, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Proposed Decisions and Orders

Geronimo Oil Company, Houston, Texas; DEE-2111, crude oil

Geronimo Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the 160 acres Lillian Moris Lease located in San Patricio County, Texas, at upper tier ceiling prices. On May 22, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted, in part, with respect to the applicant's 160 Acres Lillian Morris Lease.

Gulf Oil Corporation, Houston, Texas; DXE-4108, crude oil

Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell 54.09 percent of the crude oil which it produces from the Sydney A. Smith Lease for the benefit of the working interest owners at upper tier ceiling prices. On May 22, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's Sydney A. Smith Lease.

Gulf Oil Corporation, Houston, Texas; DEE-2271, crude oil

Gulf Oil Corporation filed an Applicaton for Exception from the provisons of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the Miriam Partlow, *et al.* Unit located in Liberty County, Texas, at upper tier ceiling prices. On May 22, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted, in part, with respect to the applicant's Miriam Partlow, *et al.* Unit.

Rex Monahan, Sterling, Colorado; DXE-2803, Crude oil

Rex Monahan filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Collums Muddy Sand Unit for the benefit of the working interest owners at upper tier ceiling prices. On May 22, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's Collums Muddy Sand Unit.

Standard Oil Company (Indiana), Chicago, Illinois; DXE-2536, Crude oil

Standard Oil Company (Indiana) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Sleepy Hollow Lansing Unit for the benefit of the working interest owners at upper tier ceiling prices. On May 22, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's Sleepy Hollow Lansing Unit.

Sun Company, Inc., Dallas, Texas; DEE-2272, Crude oil

Sun Company, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the Southwest Nena Lucia Unit located in Nolan County, Texas, at upper tier ceiling prices. On May 22, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted, in part, with respect to the applicant's Southwest Nena Lucia Unit.

Tenneco Oil Company, Houston, Texas; DEE-2159, Crude oil

Tenneco Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the Slick Creek Phosphoria Unit located in Washaki County, Wyoming, at upper tier ceiling prices. On May 22, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted, in part, with respect to the applicant's Slick Creek Phosphoria Unit.

United Specialties Company, Houston, Texas; DEE-3450, Crude oil

The United Specialties Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit United Specialties to sell the crude oil produced for the benefit of the working interest owners at the State of Texas Tract No. 723-A at upper tier ceiling prices. On May 22, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Wayne Operating Service, Waynesboro, Mississippi; DXE-4509, Crude oil

Wayne Operating Service filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the T.F. Hodge Well No. 1 for the benefit of the working interest owners at upper tier ceiling prices. On May 24, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's T.F. Hodge Well No. 1.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of May 21 Through May 25, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in increases in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company name	Case No.	Location
Du Cor Service Station	DEE-2828	Valley Stream, New York.
Pilot Petroleum Association	DEE-2243	New York, New York.
S&S Petroleum Sales	DEE-3335	Plano, Texas.
R. C. Strother	DEE-2301	Bogalusa, Louisiana.
Woody's Truck Stop	DEE-3823	Cheyenne, Wyoming.
Yosemite Gas & Oil	DEE-3345	Denver, Colorado.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of May 21 Through May 25, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in increases in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company name	Case No.	Location
B & O Shell Service	DEE-2553	Augusta, Georgia.
D & D Mobil Service	DEE-2668	Cupertino, California.
Kimmick Oil Co	DEE-2634	Canon City, Colorado.
Port Oil Co., Inc	DEE-2867	Mobile, Alabama.
J. F. Hall Oil Co	DEE-3727	Corpus Christi, Texas.

[FR Doc. 79-19426 Filed 6-21-79; 8:45 am]
BILLING CODE 6450-01-M

Wyatt, Inc., Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: May 31, 1979.

COMMENTS BY: July 20, 1979.

ADDRESS: Send comments to: Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, DOE, 150 Causeway St., Boston, Mass. 02114.

FOR FURTHER INFORMATION CONTACT: Herbert M. Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, Pa. 19102, telephone number 215–597–3870.

SUPPLEMENTARY INFORMATION: "On May 31, 1979, the Office of Enforcement of the ERA executed a proposed Consent Order with Wyatt, Incorporated, of New Haven, Connecticut. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalities and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Wyatt, Incorporated, with its home office located in New Haven, Connecticut, is a Firm engaged in the reselling and retailing of petroleum products and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Wyatt, Incorporated, the Office of Enforcement, ERA, and Wyatt, Incorporated, entered into a Consent Order which includes a compromise remedy agreed to by both parties to resolve all issues without resort to lengthy enforcement actions which would be expensive and time consuming for both parties. The signficant terms of the Consent Order are as follows:

1. The Consent Order settles all issues involved in Wyatt's sales of No. 6, 5% residual fuel oil and No. 6, 1% residual fuel oil during the period from November 14, 1973 through December 9, 1975.

2. The ERA alleges that Wyatt, Incorporated, sold No. 6, 5% residual fuel oil and No, 6, 1% residual fuel oil at prices in excess of those permitted under 10 CFR 212.93, as preceded by 6 CFR 150.359.

3. Without admitting that it violated the price regulations, Wyatt, Incorporated, agrees to refund $800,000 to its customers as specified in the Consent Order.

4. The provisions of 10 CFR 205.199J, including the publication of the Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Wyatt, Incorporated, agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in Part 1.1, above, the sum of $800,000 within one hundred eighty (180) days after the effective date of the Consent Order. Refunds of overcharges will be made directly to those customers who are overcharged as specified in the Consent Order. Refunds to customers who cannot be located will be paid to the U.S. Treasury.

III. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of the Consent Order.

You should send your comments to Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, DOE, 150 Causeway St., Boston, Mass. 02114. You may obtain a free copy of this Consent Order by writing to the same address.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on Wyatt, Incorporated, Consent Order". We will consider all comments we receive by 4:30 p.m., local time, on July 20, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia, PA, on the 8th day of June, 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79-19494 Filed 6-21-79; 8:45 am]

BILLING CODE 6450-01-M

Class Exception Relating to Motor Gasoline Allocation Regulations

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Decision and Order Granting Class Exception Relief.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy hereby gives notice of the issuance of a Decision and Order approving a class exception for certain wholesale purchaser-resellers of motor gasoline. The relief granted is intended to permit these firms to purchase additional amounts of motor gasoline in ensuing periods. The class exception applies to each firm that had previously been granted exception or stay relief from the motor gasoline allocation regulations under the criteria as set forth in either *Leo Anger, Inc.*, Case No. DEE-2326 (Proposed Decision and Order issued March 23, 1979) or *James Tidwell Chevron*, 3 DOE Par. —— (June 8, 1979). It is effective for the months of June through September 1979. However, it will not apply in any case where the Office of Hearings and Appeals is analyzing objections, filed by an aggrieved party other than the applicant, to a proposed determination to grant relief to a particular firm.

FOR FURTHER INFORMATION CONTACT:

George B. Breznay, Deputy Director, Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461, (202) 254-9681.

Peter B. Bloch, Assistant Director, Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461, (202) 254-8606.

SUPPLEMENTARY INFORMATION: On February 22, 1979, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued Standby Regulation Activation Order No. 1 (the Activation Order) updating the base period for the allocation of motor gasoline. 44 Fed. Reg. 11202 (February 28, 1979). Since that date, the Office of Hearings and Appeals has received several thousand Applications for Exception from regulatory requirements relating to the implementation of the updated base period. These applicants generally request the allocation of additional amounts of motor gasoline to their operations.

Relief (including relief approved in stays and final exception decisions) has been approved with respect to many of those submissions. That relief was generally granted only through May 31, 1979, the expiration date of the Activation Order. The effectiveness of the updated base period created by the Activation Order has now been extended through September 30, 1979. *See Interim Final Rule and Notice of Proposed Rulemaking*, 44 Fed. Reg. 26712 (May 4, 1979). Accordingly, the Office of Hearings and Appeals has considered whether the relief previously approved should be extended.

Among those cases in which additional volumes of motor gasoline have been granted, the Office of Hearings and Appeals has identified two classes of cases in which there appears to be a strong argument that the intitial rationale for granting relief remains unchanged and forms a persuasive basis for extending that relief through September 30, 1979. These classes of cases have been designated as *Anger* and *Tidwell* classes, after the following cases, which first announced the principles governing exception relief for the classes:

Leo Anger Inc., Case No. DEE-2326 (Proposed Decision and Order issued March 23, 1979);

James Tidwell Chevron, 3 DOE Par. ——, (June 8, 1979).

As described in detail in the attached Decision and Order, we have determined that the bases for previously granting relief in the cases within these two classes continue to exist, and that it is appropriate to extend through September 30, 1979 the relief originally granted. However, relief will not be extended in cases in which objections by any aggrieved party to a proposed decision are being analyzed.

In addition, we have adopted certain procedures to monitor whether firms continue to be eligible for relief under this Decision. Relief is being made contingent on a requirement that each recipient of relief file a special statement on a monthly basis, indicating whether substantial changes have occurred in its operations or financial position.

Pursuant to the provisions of 10 CFR 205.69C(a), this Decision and Order is being issued in final form without first being issued as a Proposed Decision and Order.

Issued in Washington, D.C., June 18, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Department of Energy,
Washington, D.C. 20461
June 18, 1979.

Decision and Order of the Department of Energy

Application for Exception

Docket Designation: Class Exception Proceeding Concerning Extension of Relief Previously Granted In Certain Motor Gasoline Allocation Cases.

Case Number: DEE-6525.

On February 22, 1979, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued Standby Regulation Activation Order No. 1 (the Activation Order) updating the base period for the allocation of motor gasoline.[1] Since that date, the Office of Hearings and Appeals has received several thousand Applications for Exception from regulatory requirements relating to the implementation of the updated base period. 44 Fed. Reg. 11202 (February 28, 1979).

Relief (including relief approved in stay and final exception decisions) has been approved with respect to many of those submissions. As a result, many of these applicants have received additional amounts of motor gasoline from their suppliers. That relief has generally been limited to the period prior to June 1, 1979, the day after the expiration date of the Activation Order.

The effectiveness of the updated base period created by the Activation Order has now been extended until October 1, 1979. *See Interim Final Rule and Notice of Proposed Rulemaking*, 44 Fed. Reg. 26712 (May 4, 1979). Many of the firms which originally requested relief for the prior period are now experiencing identical motor gasoline supply problems. Several applications for extension of exception relief have been filed, and more are expected. Accordingly, we must consider whether the exception relief which was previously approved for the period ending May 31, 1979 should be continued in effect for the period commencing June 1, 1979 and ending September 30, 1979.

Among the cases in which additional supplies of motor gasoline have been granted, there are evident patterns which have appeared. The Office of Hearings and Appeals has identified two classes of cases in which the basis for relief was similar and as to which there appears to be a strong argument that relief should be extended. For

[1] In the Activation Order, the ERA changed the base period for the allocation of motor gasoline from the corresponding month of 1972 to the corresponding month of the period from July 1977 through June 1978. The revised base period was effective for the three months of March, April, and May 1979.

On May 1, 1979, the ERA issued an Interim Final Rule (the Interim Rule) which finalized certain proposed rules with respect to the allocation of motor gasoline. 44 Fed. Reg. 26712 (May 4, 1979). Pursuant to the Interim Rule, which is effective through September 31, 1979, the corresponding month of the period from November 1977 through October 1978 has been designated as the base period for purposes of allocating motor gasoline.

purposes of this Decision, these classes of cases have been designated as *Anger* and *Tidwell* classes, after the following cases, which first announced the principles governing exception relief for the classes:

Leo Anger Inc., Case No. DEE–2326 (Proposed Decision and Order issued March 23, 1979);

James Tidwell Chevron, 3 DOE Par. —— (June 8, 1979).

The purpose of this Decision is to consider whether it is appropriate to extend the effectiveness of DOE action taken with respect to firms in these classes from June 1, 1979 until October 1, 1979.

I. General Background

A complete understanding of the context in which this case arises requires a familiarity with recent regulatory and economic events. In *Class Exception Proceeding Adjusting April 1979 Base Period Volumes of Motor Gasoline For Retail Sales Outlets and Wholesale Purchaser-Consumers*, DEE–3726 (April 19, 1978), at 2, we described that context as follows:

For more than four years [prior to the issuance of Activation Order No. 1], the base period for motor gasoline allocation has been the month in the 1972 calendar year that corresponds to the current month. However, towards the end of 1978 some difficulties were perceived in continuing to use the 1972 period as a basis for allocation purposes. As a result of a number of factors, including the curtailment of crude oil production in Iran, the surplus gasoline market in the United States was inadequate to satisfy the demands of all retail outlets. As a result, several refiners began allocating gasoline and certain purchasers began to receive less than their adjusted 1972 base period volumes. This situation produced a number of serious distortions in the gasoline distribution system.

Because of changes that occurred subsequent to 1972, a significant number of small businessmen faced a situation in which their gasoline allocation would be drastically curtailed as compared to the gasoline which they purchased during prior months. In many cases, this curtailment meant that these small firms would be forced out of business resulting in great personal hardship for the individuals involved. These problems were called to the attention of the Office of Hearings and Appeals in individual Applications for Exception . . . .

The hardships and distortions in the marketplace which were occurring were also vividly demonstrated in the data submitted by these firms and the oral testimony received at hearings convened by the Office of Hearings and Appeals . . . . On the basis of the data presented, we concluded that gross distortions in the distribution system for gasoline would occur unless an exception were granted to certain applicants. We further concluded that a significant number of small businessmen would incur an unfair distribution of burdens unless an exception were granted from the general rules governing motor gasoline allocations. Appropriate relief was accordingly provided . . . . In addition, this matter was called to the attention of the ERA for appropriate changes in the general rules.

On February 22, 1979, the ERA changed the base period used for gasoline allocations. On that date, the ERA issued an emergency order which activated certain portions of the Standby Petroleum Product Regulations. 44 Fed. Reg. 11202 (February 28, 1979). Under ERA Standby Regulation Activation Order No. 1 (the Activation Order), the base period was changed for all firms in the petroleum industry from the corresponding month of 1972 to the corresponding month of the period July 1, 1977 through June 30, 1978. The revised base period was stated to be effective for the three month period from March 1 through May 31, 1979.

* * * * *

Immediately after the ERA issued the Activation Order, the Office of Hearings and Appeals began receiving a great number of exception applications relating to the use of the new base period. For example, during the month of March 1979 alone more than 1,200 applications were filed. By April 15, 1979 the number of filings exceeded 2,000.

The majority of the exception applications involved the contention that the new base period, i.e. the months of March, April, and May 1978, did not reflect the firm's current operations. The further argument was made that the use of the new base period would have a devastating effect on the applicant's business operations.

Of the thousands of cases which have been filed with the Office of Hearings and Appeals, many have been resolved in decisions which granted relief. In this proceeding, two groups of similar cases which require the consideration of an immediate extension of this relief have been identified. The remainder of this Decision will discuss: (1) the types of cases which were selected for consideration in this proceeding, (2) the appropriateness of treating the applicants in those kinds of cases as members of one or more classes of applicants, and (3) the appropriateness of extending exception relief granted to these classes through September 30, 1979.

II. Description of Anger and Tidwell Cases

A. Anger Cases

In *Leo Anger Inc.*, we stated that an exception would be granted where a showing is made that:

(i) a substantial capital investment was made by a firm with the expectation that the investment would enable the applicant to increase its sales of motor gasoline and therefore realize an economic benefit from the investment;

(ii) the increased sales volume and the intended benefits of that capital investment could not be realized until after the July 1977 through June 1978 base period; and

(iii) in the absence of an exception increasing its allocation of gasoline, the firm will not be able to realize the intended benefits of the capital investment and will be adversely affected to a significant degree.

Cases which rely on the *Anger* principles include: *Howard Moor*, Case No. DEE–2604 (Proposed Decision issued March 30, 1979); *Summit Car Care Center*, Case No. DEE–2461 (Proposed Decision issued March 30, 1979); *Mr. K. Exxon*, Case No. DEE–2470 (Proposed Decision issued March 30, 1979); *H&H Manhattan Shell, Inc.*, Case No. DEE–3150 (Proposed Decision issued April 3, 1979); *Webster's Self Service Gulf Station*, Case No. DEE–2575 (Proposed Decision issued April 4, 1979); *Johnson Oil Co.*, Case No. DEE–2972 (Proposed Decision issued April 6, 1979); *Lyle Whitman*, Case No. DEE–3115 (Proposed Decision issued April 6, 1979; *JSR Auto Center*, Case No. DEE–2370 (Proposed Decision issued April 6, 1979); *Wilson Shell Service*, Case No. DEE–2876 (Proposed Decision issued April 6, 1979); *Brook Plaza Exxon*, Case No. DEE–2938 (Proposed Decision issued April 9, 1979); *P&W Oil Co.*, Case No. DEE–2890 (Proposed Decision issued April 9, 1970); *A. A. Grocery*, Case No. DEE–3113 (Proposed Decision issued April 10, 1979); *Big Quick Stop*, Case No. DEE–3390 (Proposed Decision issued April 12, 1979); *Hunter's Lodge Exxon*, Case No. DEE–3713 (Proposed Decision issued April 17, 1979).

Generally, applicants for relief in *Anger* cases were granted a base period use reflective of their actual gasoline purchases during an appropriate period of time following completion of the investment project. However, the specific nature of the relief granted has, on occasion, varied in response to the facts presented in each case. For example, in several instances a period of time of sufficient length to establish a normal level of operations after completion of the capital investment did not exist. In a number of these cases, the DOE ordered that the applicant be supplied with the volumes of motor gasoline on which the investment was based *(see e.g. Lloyd R. Crais Oil Company*, Case No. DEE–2478 (Proposed Decision issued March 23, 1979); *Cal Bliss Enterprises*, Case No. DEE–2388 (Proposed Decision issued April 5, 1979); and *Sea Shell Car Wash*, Case No. DEE–2823 (Proposed Decision issued April 19, 1979)). In other cases of this nature, the DOE concluded that the relief should be based on the quantity of gasoline purchased by similar outlets in the same marketing area *(see e.g. Canal and Claiborne Rentals*, Case No. DEE–2181 (Proposed Decision issued March 23, 1979)). In another group of cases the Office of Hearings and Appeals concluded that the amount of gasoline to be supplied to the applicant should be based upon an agreement between the applicant and its supplier as to the gasoline generally supplied to similar outlets. That agreement was to govern the firm's allocation until the matter could be reviewed by the appropriate Office of Fuels Regulation in an ERA Regional Office. *See e.g. L. J. Bonnafons*, Case No. DEE–3721 (Proposed Decision issued April 25, 1979); *Acree Oil Company, Inc.*, Case No. DEE–3525 (Proposed Decision issued May 4, 1979); *Tom's Village Arco*, Case No. DEE–3181 (Proposed Decision issued May 7, 1979).

B. Tidwell Cases

In the *Tidwell* cases, the DOE approved exception relief from the Activation Order on the basis of a showing by a retailer that relief was warranted to alleviate a gross inequity to the

citizens of the community it served. In *James Tidwell Chevron*, the DOE considered a situation in which the amount of gasoline currently available to a community was substantially less than that available in the past. The situation involved had developed because one-half of the retail outlets serving the community terminated their operations. After considering the impact of that situation on the economy of the community and the underlying statutory objectives of the DOE regulatory program, the DOE concluded that an exception should be granted. According to the determination issued in the proceeding,

Tidwell had demonstrated that it is experiencing an increased demand for motor gasoline as a result of the fact that two of the four retail service stations that were operating during the new base period have subsequently closed. Since Tidwell is unable to obtain surplus product from Chevron, the citizens of Nipomo face the prospect of having to make an otherwise unnecessary twenty mile round trip to the nearest town where sufficient supplies of motor gasoline are available.

James Tidwell Chevron, slip op. at 3. As a result, the DOE found that a gross inequity existed and that relief was appropriate in order to fulfill the policy objectives specified in Section 4(b)(1)(F) of the EPAA for the "equitable distribution of . . . refined petroleum products. . . . among all users."

Other cases decided on the same basis as *Tidwell* includes: *Northland Oil Company*, Case No. DEE–2744 (Proposed Decision issued April 4, 1979), and *Givan's Exxon*, Case No. DEE–3116 (Proposed Decision issued April 26, 1979). Generally, applicants for relief in *Tidwell* cases were given a base period use that enabled them to provide an appropriate supply of motor gasoline to the residents of the community they serve.

III. Determination Concerning the Existence of Classes

The applicants listed in Appendices A and B of this Decision have been found in earlier decisions of the DOE to be qualified for exception relief under the *Anger* or *Tidwell* standards. The procedural mechanism for granting relief in these cases has differed, however. In some cases, the DOE has issued a Proposed Decision and Order accompanied by a stay of the Activation Order. The stay provided immediate relief from the adverse impact of the regulations on the basis of a finding that, in the absence of immediate relief, the firm involved would incur an irreparable injury. 10 CFR 205.125(b). In the ordinary course of these proceedings, a final decision on the exception application will be issued after the date of this Decision. In other cases referred to in Appendices A and B, a final order granting exception relief has already been issued. In addition to the listed cases, there are other cases which have been decided by Regional Offices of the Office of Hearings and Appeals pursuant to *Anger* or *Tidwell* principles, and these cases also are affected by this Decision.

In view of the fact that there are a very large number of pending applications for exception involving motor gasoline allocation and the fact that expeditious processing of each of these cases for an extension of relief is difficult on an individual basis, we have considered whether a class processing should be initiated to consider the extension of exception relief in *Anger* and *Tidwell* cases.

In previous decisions, we have referred to Rule No. 23 of the Federal Rules of Civil Procedure for guidance as to the prerequisites which might be used in administrative class action proceedings. *See Class Exception Proceeding Adjusting April 1979 Base Period Volumes of Motor Gasoline for Retail Sales Outlets and Wholesale Purchaser-Consumers*, Case No. DEE–3726 (Proposed Decision and Order issued April 19, 1979); *American Petroleum Refiners Association, Inc.*, Case No. FEE–4443 (Proposed Decision and Order issued April 9, 1979); and *Retroactive Application of the Separate Inventories Amendment*, 4 FEA Par. 83,099 (1976). Under Rule No. 23(a), a class action may be maintained:

only if (1) the class is so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to the class, (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class, and (4) the representative parties will fairly and adequately protect the interests of the class.

In this proceeding, we are considering the formation of classes each of which contains fewer members than the class we formed in the *Class Exception Proceeding Adjusting April 1979 Base Period Volumes*. In that case, the class that was formed had several hundred members. By comparison, Appendix A lists 47 potential members of the *Anger* class, which also may contain an additional 45 members as a result of decisions of Regional Offices of the Office of Hearings and Appeals. Appendix B lists six members of the *Tidwell* class, which may also contain a number of additional members as a result of decisions of Regional Offices of the Office of Hearings and Appeals.

In applying the criteria which we have adopted for purposes of determining the existence of a class, we must take into account the fact that the very large docket of pending cases has severely limited the ability of the Office of Hearings and Appeals to issue prompt determinations in all cases in which serious financial harm is being incurred. Delay in resolving requests for extension of exception relief could lead to serious and often irreparable injury to both the members of the proposed classes and to applicants in other pending cases.

In light of the factors discussed above, we have determined that both the *Anger* and *Tidwell* classes are so numerous that the joinder of all members is impracticable.

The second criterion for forming a class relates to whether there are questions of law or fact common to the class. We find that with respect to each class, the essential facts relating to each member are different. However, those facts have already been determined in prior cases, and there exists a common thread because all of those cases were decided by reference to the same legal principle. We find therefore that there is a question of law common to all members of each of these two classes.

The third criterion relates to whether the claims or defenses of the representative parties ary typical of the claims or defenses of the class. In this proceeding, we are confronted by the unique circumstance that each member of the class has had an opportunity to present its case in a prior proceeding and that interested parties have had an opportunity to appear in those prior proceedings and also have had available to them avenues of legal recourse with which to challenge the decision reached in those prior proceedings. As a consequence, the only claims or defenses relevant to this proceeding are: (1) claims or defenses already presented, or (2) claims or defenses resulting from changed circumstances affecting the additional period with respect to which relief is being considered but not affecting the prior period in which it was granted. To the extent that there may be changed circumstances, we have adopted means to discover these changes and to terminate relief. These means are discussed later in this Decision. Since we adopted these means, we have determined that the members of each of the proposed classes have common claims which are typical of their class.

With respect to the final criterion for forming a class, we must determine whether the representative parties will fairly and adequately represent the interest of the class. In this case, however, each party has had an opportunity to present relevant arguments in cases which were individually decided. *A fortiori* we find that the class is fairly and adequately represented.

For reasons presented, we find that the criteria for forming a class are met with respect to the *Anger* and *Tidwell* classes, each of which shall therefore be subject to a determination in this proceeding.

IV. Determination Concerning the Granting of Relief

The criteria for granting relief in *Anger* cases are discussed in Section IIA of this decision. The purpose of granting relief to members of the *Anger* class until May 31, 1979 was to permit them to earn a return on their investments which they would be unable to realize because the gasoline allocation regulations refer to a base period during which their sales did not reflect the effect of their investment. The investments made by members of the *Anger* class previously have been found to be substantial, generally in excess of $10,000. In applying the principle involved in the *Anger* case, it also was necessary to find that the investment was made after the updated base period commenced. Hence, each of the *Anger* investments has already been determined to be sufficiently substantial so that an adequate return could not have been received between the time the initial investment was made and May 31, 1979, the time the original relief expired. It is therefore our conclusion that the same factors governing the likelihood of success on the merits govern the period for extended relief as governed the initial period.

Members of the *Tidwell* class are receiving the type of relief specified in Section IIB of this opinion. The purpose of granting relief of that nature to members of this class until

May 31, 1979 was to avoid gross inequities to residents of the communities involved. Those inequities developed because of a reduction in the number of retail outlets serving the community. Although it is possible that alternative sources of supply have become available subsequent to the issuance of the DOE decision, the likelihood of such an occurrence is slight. We have determined that for members of this class the likelihood of success on the merits is generally the same as existed during the period for extended relief as existed in the initial period.

In previously granting stay relief to members of the *Anger* and *Tidwell* class we also considered whether the members would suffer an irreparable injury if stay relief were not granted. 10 CFR 205.125(b)(1). In a number of these cases, we made findings that there would be irreparable injury, generally because members of the *Anger* class were incurring a financial loss and were in danger of bankruptcy if relief were not granted or because customers of members of the *Tidwell* class were suffering irreparable injury due to lack of availability of gasoline in their locality. Since the original relief was granted, the regulatory environment has generally remained the same while the economic environment in the motor gasoline area has become more strained. The gasoline shortage continues. In general, allocation fractions applied by suppliers in distributing gasoline have declined, with the result that members of the *Anger* class and customers of members of the *Tidwell* class may expect to receive smaller fractions of their allocable supply during the period of extended relief than during the original period of relief.

Consequently, we have examined the criteria for a stay in Section 205.125(b) and we have determined that for members of both *Anger* and *Tidwell* classes, the grounds for a stay continue to exist and it is appropriate to extend through September 30, 1979 the relief originally granted through May 31, 1979.

In addition, for the reasons stated above, we have determined that exception relief should be extended through September 30, 1979 in those instances in which final decisions granting relief through May 31, 1979 are issued or have already been issued to members of the *Anger* or *Tidwell* classes.[2]

We will however adopt ancillary procedures to determine whether some members of the *Anger* or *Tidwell* classes may no longer be eligible for relief. First we have decided that relief shall not be extended in cases in which objections by any aggrieved party to a proposed decision are being analyzed. Second, we recognize that changes in the circumstances for which the prior relief was granted may have occurred in a few instances. For example, a recipient of *Tidwell* relief may find that a competitor which had been closed has now reopened. A recipient of *Anger* relief may find that reduced hours of operation dictated by the current gasoline shortage may permit sufficient cost savings to produce a substantial positive return on investment. Or a recipient of *Anger* relief may find that, given the prevailing allocation fraction of his supplier, the mix of sales of different products and the availability of increased gross margins (or any one of these factors), a substantial positive return on investment is being achieved. We have determined that the possibility that these special circumstances may arise does not affect the decision to establish classes of applicants of the decision to grant relief, but that it does call for special ancillary procedures.

To discover whether substantial changes in circumstances have occurred, we have decided to condition the extension of relief to the *Anger* and *Tidwell* classes on a requirement that each recipient of relief file a special statement with the National Office of Hearings and Appeals on a monthly basis. Members of the *Tidwell* class need only disclose in this statement whether any additional gasoline retailers have opened new outlets within thirty miles of their location during the prior month and, if so, their distance from the exception applicant's station. Members of the *Anger* class must disclose the amount of a decrease of 20 percent or more in any of the following categories of expense: (1) total salaries for all personnel, excluding salaries for all personnel, excluding salaries of owners of one-third or more of the firm and (2) each other class of expense, as disclosed to the Office of Hearings and Appeals, accounting for 25 percent or more of total expenses. The decrease shall be measured from the level previously indicated in submissions to the Office of Hearings and Appeals. Members of the *Anger* class must also disclose the amount of an increase of 20 percent or more in any of the following categories of adjusted income: (1) total monthly gross margin from sales of gasoline (weighted average selling price less the most recent [LIFO] weighted average cost of product); (2) total monthly gross margin (defined as in number 1) from sales of other petroleum products; and (3) total monthly gross margin (defined as in number 1) from sales of other products on the same property or an adjoining property under common ownership. The changes shall be measured from the level previously indicated in submissions to the Office of Hearings and Appeals.

The Order issued in this proceeding will provide for who shall sign the special statement and shall state that the special statement must be received by the twentieth calendar day of the month following the month covered in the statement.

V. Determination Concerning the Issuance of a Final Decision and Order

We have in addition determined that this exception Decision should be issued in final rather than proposed form. Pursuant to the provisions of Section 205.69C(a) of the DOE Procedural Regulations, the Office of Hearings and Appeals may issue a final Decision and Order pursuant to 205.69B without first issuing a Proposed Decision and Order after considering the following factors:

(1) The thoroughness with which issues have already been argued in the proceeding;

(2) The nature of the evidence that has already been presented in the proceeding and the likelihood that additional useful evidence would be submitted subsequent to the issuance of a Proposed Decision and Order;

(3) The need for an expeditous determination of the issues presented;

(4) The financial resources with which existing parties can participate effectively in continued proceedings;

(5) Whether an exception was previously granted or denied to the applicant for the same reasons advanced in the present proceeding; and

(6) The public interest.

It is our judgment that a consideration of these factors leads to the conclusion that a final Decision and Order should be issued. This determination is consistent with our announced intention, in the preamble to a recent amendment of the procedural regulations, to use Section 205.69C(a), with respect to applications for extension of exception relief. 44 Fed. Reg. 16,854 (March 20, 1979), *C.C.H. Federal Energy Guidelines* Par. 40,418 at p. 40, 979–96.

As of May 7, 1979, the National Office of Hearings and Appeals has issued 48 days involving the *Anger* criteria and 6 stays involving *Tidwell* case. The issues related to those proceedings and to similar proceedings resolved by Regional Offices of the Office of Hearings and Appeals have been thoroughly argued by the parties and analyzed by the DOE. Secondly, since the exception relief provided in this Decision merely extends the relief granted in the prior Decisions, and since the DOE has not received any objections from aggrieved parties (other than applicants) to these original Decisions, it seems very unlikely that any new evidence would be provided subsequent to the issuance of this Order in proposed form. The need for an expeditious determination of the issues presented in this proceeding is evident from the fact that the relief previously granted to these firms expired on May 31, 1979. Furthermore, the issuance of this Decision in final form is clearly in the public interest. A final Decision will allow the affected firms to determine their allocations of motor gasoline for the ensuing months and to plan accordingly. This action will also permit more efficient utilization of the limited resources of the Office of Hearings and Appeals in deciding the large number of pending proceedings. Finally, in light of the absence of objections from aggrieved parties to the relief previously granted, it seems very unlikely that other persons will be adversely affected by the issuance of this Decision in final form. On the basis of the considerations noted above, we have concluded that those firms which received or which will receive exception relief, effective through May 31, 1979, from the Activation Order under the *Anger* or *Tidwell* standards and which are listed in Appendices A or B should be granted an extension of this relief through September 30, 1979. In addition, firms identified by the Regional Offices of the Office of Hearings and Appeals as belonging to the *Anger* or *Tidwell* classes, as defined in this Decision, shall also be granted an

[2] Any firm involved in this proceeding may, of course, elect to receive the allocation to which it would be entitled in the absence of exception relief if it is greater than the assigned volumes.

extension of this relief through September 30, 1979.

Our decision that a final Decision and Order should be issued is made with an awareness that, as a result of changing circumstances or changing base period suppliers for June, July, August, or September, objections which did not exist during the initial relief period may arise because of the extension of exception relief. It is our determination that this possibility should not defer immediate implementation of the extension of exception relief. However, persons wishing to raise objections which have not previously been raised may do so by filing an Application to Modity this Decision pursuant to 10 CFR, Part 205 Subpart J.

It is therefore ordered that:

(1) The exception relief specified in Paragraph (7) of this Order shall be applicable to all members of the *Anger* and all members of the *Tidwell* classes.

(2) The *Anger* class consists of all firms whose base period use of motor gasoline for any part of the period beginning on March 1, 1979 and ending on May 31, 1979 was adjusted on the basis of the principles set forth in *Leo Anger, Inc.*, Case No. DEE–2326 (March 23, 1979) and pursuant to either:

(a) a stay issued by the Office of Hearings and Appeals incident to an Application for Exception filed by the firm; or

(b) a final Decision and Order issued by the Office of Hearings and Appeals issued either prior to or subsequent to the date of issuance of this Order.

(3) Each firm specified in Appendix A of this Decision and Order has been determined to be a member of the *Anger* class. The Office of Hearings and Appeals may from time to time issue Supplemental Orders specifying additional firms that are members of the *Anger* class.

(4) The *Tidwell* class consists of all firms whose base period use of motor gasoline for any part of the period beginning on March 1, 1979 and ending on May 31, 1979 was adjusted on the basis of the principles stated in *James Tidwell Chevron*, 3 DOE Par. —— (June 8, 1979) and pursuant to:

(a) a stay issued by the Office of Hearings and Appeals incident to an Application for Exception filed by the firm; or

(b) a final Decision and Order issued by the Office of Hearings and Appeals either prior to or subsequent to the date of issuance of this Order.

(5) Each firm specified in Appendix B of this Decision and Order has been determined to be a member of the *Tidwell* class. The Office of Hearings and Appeals may from time to time issue Supplemental Orders specifying additional firms that are members of the *Tidwell* class.

(6) Notwithstanding any prior provision of this Order, a firm shall be excluded from the *Anger* and *Tidwell* classes if:

(a) a Proposed Decision and Order has been issued in the proceeding in which the firm involved sought an exception for any part of the March 1, 1979 to May 31, 1979 period;

(b) a Notice of Objection has been filed in that proceeding by an aggrieved party other than the applicant; and

(c) a final Decision and Order has not yet been issued in that proceeding.

(7) The base period use of motor gasoline for each member of the *Anger* and *Tidwell* classes for each month of the June, July, August, and September 1979 period shall be the weighted average monthly base period use established in either the stay or the final Decision and Order issued to the firm for the March through May 1979 period. In the event the final Decision and Order specifies a different amount from the stay, the final Decision shall establish the base period use for the purposes of this paragraph.

(8) Each member of the *Anger* class shall file special statements which meet the following criteria:

(a) The special statement shall be clearly labelled with the name and number assigned to the Application for Exception, both on the statement itself and on the outside of the envelope in which it is mailed.

(b) The statement shall be filed for each month of the months June through September 1979 and shall be mailed to the Office of Hearings and Appeals no later than the twentieth day of the month following the month to which the Statement pertains.

(c) The statement shall disclose the amount of a decrease of 20 percent or more in any of the following categories of expenses: (i) total salaries of all personnel, excluding salaries to owners of one-third or more of the firm and (ii) each other class of expense, as disclosed to the Office of Hearings and Appeals, accounting for 25 percent or more of total expenses. The decrease shall be measured from the level previously indicated in submissions to the Office of Hearings and Appeals.

(d) The statement shall disclose the amount of an increase of 20 percent or more in any of the following categories of adjusted income: (i) total monthly gross margin from sales of gasoline (weighted average selling price less the most recent [LIFO] weighted average cost of product; (ii) total monthly gross margin (define as in subsection (i)) from sales of other petroleum products; and (iii) total monthly gross margin (defined as in subsection (i)) from sales of other products on the same property or an adjoining property under common ownership. The changes shall be measured from the level previously indicated in submissions to the Office of Hearings and Appeals.

(e) The statement shall be signed, if practicable, by the principal owner. If the principal owner is not available, it may be signed by the owners of at least a twenty-five percent interest in the business. If the owners of at least a twenty-five percent interest in the business also are not available, then it may be signed by the authorized representative of the principal owner or of the owners of at least a twenty-five percent interest in the business.

(9) Members of the *Tidwell* class shall file special statements which meet the criteria set forth in sections (a), (b), and (e) of Paragraph (8) of this Order and which also meet the following criterion: the statement must disclose the name, significant characteristics, and distance from the member's station of any motor gasoline station which operated within 30 miles of the member's station during the month of the Statement but either was not operating at the time of prior filings with the Office of Hearings and Appeals or was not discussed in those filings.

(10) Relief granted in this Order is subject to modification or revocation upon consideration of the facts submitted in a special statement.

(11) Relief granted in this Order is subject to modification or revocation upon consideration of an Application for Modification which may be filed under Subpart J of the DOE Procedural Regulations.

(12) To the extent that the full amount of exception relief has not been granted as requested, an Appeal from those portions of this Decision which deny in part the relief requested may be filed by any person who is aggrieved or adversely affected by the denial of exception relief. Such Appeal shall be filed with the Federal Energy Regulatory Commission pursuant to 18 CFR 1.40. 43 Fed. Reg. 35907 (1978).

(13) All other portions of this Decision constitute final Orders of the Department of Energy of which any aggrieved party may seek judicial review.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

June 18, 1979.

Appendix A.—*Members of the Anger Class, Identified by the National Office of Hearings and Appeals*

Name	Case No.	Date of issuance of proposed decision and of stay
A. A. Grocery	DEE–3113	April 10, 1979.
Acree Oil Company, Inc	DEE–3525	May 7, 1979.
Alamo Expressway Service Station	DEE–2750	April 19, 1979.
Bauserman Oil Company	DEE–2915	April 19, 1979.
Bearsch's Penn Jersey Auto Store & Car Care Center	DEE–2477	April 4, 1979.
L. J. Bonnafons	DEE–3721	April 25, 1979.
Brook Plaza Exxon	DEE–2938	April 9, 1979.
Bud Wolfe's Arco Mini Market	DEE–3397	May 1, 1979.
C. M. Spiegel Oil Company	DEE–2308	March 23, 1979.
Cal Bliss Enterprises	DEE–2388	April 5, 1979.
Caldwell's Service	DEE–3291	April 19, 1979.
Canal & Claiborne Rentals	DEE–2181	March 23, 1979.
Circle S Service	DEE–2531	April 17, 1979.
Cole & Myers, Inc	DEE–2313	March 29, 1979.
Cramer, Don	DEE–2509	April 6, 1979.
DeGrood Bulk Oil	DEE–2827	April 19, 1979.
Dundalk Exxon	DEE–3026	April 13, 1979.
Food, Inc	DEE–3094	April 18, 1979.

Appendix A.—*Members of the Anger Class, Identified by the National Office of Hearings and Appeals —Continued*

Name	Case No.	Date of issuance of proposed decision and of stay
H & H Manhattan Shell, Inc	DEE-3150	April 3, 1979.
Hampton Park Exxon	DEE-2732	April 18, 1979.
Handeyside Oil Corporation	DEE-2380	March 23, 1979.
Hassan's "66" Super Service	DEE-2583	April 12, 1979.
Holiday Foods, Inc	DEE-3752	May 4, 1979.
Homestead Gulf Tire Store	DEE-3085	April 17, 1979.
Howard's Exxon	DEE-2691	April 5, 1979.
Hunter's Lodge Exxon	DEE-3713	April 17, 1979.
Johnson Oil Company	DEE-2972	April 6, 1979.
JSR Auto Center	DEE-2370	April 6, 1979.
Kenny's Food Markets	DEE-2892	April 11, 1979.
Kenwood Citgo Station	DEE-2582	April 19, 1979.
Leo Anger, Inc	DEE-2326	March 23, 1979.
Lloyd R. Crass Oil Company	DEE-2478	March 23, 1979.
Manchester Shell	DEE-3541	May 1, 1979.
Mountain Oil, Inc	DEE-2628	March 30, 1979.
Mr. K. Exxon	DEE-2470	March 27, 1979.
P&W Oil Company	DEE-2890	April 9, 1979.
Pensacola Petroleum Co	DEE-3030	April 18, 1979.
Phillips and Munzell Shell	DEE-2925	April 26, 1979.
Sam Ammari Arco	DEE-3012	April 6, 1979.
Sea Shell Car Wash	DEE-2823	April 19, 1979.
Sissie Car Wash, Inc	DEE-3135	April 13, 1979.
Summit Car Care Center	DEE-2461	March 30, 1979.
Sumter Oil and Gas Company, Inc	DEE-2725	April 11, 1979.
Tom's Village Arco	DEE-3181	May 4, 1979.
Webco Southern Oil Company, Inc	DEE-2354	April 2, 1979.
Whitman, Lyle	DEE-3115	April 6, 1979.
Wilson Shell Service	DEE-2786	April 6, 1979.
Young Lee (DBA Big Quick Stop)	DEE-3390	April 12, 1979.

Appendix B.—*Members of the Tidwell Class Identified by the National Office of Hearings and Appeals*

Name	Case No.	Date of issuance of proposed decision and of stay
Crossroads Gulf Service Station	DEE-2646	April 3, 1976.
G & C Grocery & Standard Oil Company	DEE-2841	April 6, 1979.
Givan's Exxon	DEE-3116	April 26, 1979.
James Tidwell Chevron	DEE-2398	March 19, 1979.*
Jim's Chevron	DEE-3045	May 16, 1979.
Northland Oil Company	DEE-2744	April 4, 1979.

*Final Decision and Order issued June 8, 1979.

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Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals, Week of February 12 Through February 16, 1979

Notice is hereby given that during the week of February 12 through February 16, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Coastal States Gas Corp., Houston, Tex., DFA-0279, Freedom of Information

Coastal States Gas Corporation filed an Appeal from a partial denial by the Director of Freedom of Information and Privacy Act Activities (the Director) of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In its Request, Coastal States sought access to all records relating to certain meetings held at the offices of the Federal Energy Administration in 1974. The Director withheld two of the documents encompassed by Coastal States' request and portions of a third on the ground that they were inter-agency or intra-agency memoranda exempt from mandatory disclosure under Exemption 5 of the FOIA. In addition, the Director determined that two of the documents are investigatory records compiled for law enforcement purposes which are exempt under Exemption 7(A) of the FOIA.

In its Appeal, Coastal States contended that the Director had neither adequately described the records which were withheld nor set forth the bases on which they were considered exempt from mandatory disclosure. After considering this contention, the DOE determined that the Director complied with agency requirements regarding identification of withheld material as well as those regarding an explanation of the bases for nondisclosure. The DOE therefore rejected Coastal States' contention. Coastal States also asserted in its Appeal that the Director failed to segregate and release nonexempt portions of the material. In this regard, the DOE determined that certain purely factual material which was easily segregable should be released. Coastal States' final contention in its Appeal was that the Director incorrectly determined that the public interest does not favor the disclosure of all or any portions of the withheld documents. The DOE determined that release of the first two documents would have a "chilling effect" upon the deliberative process of the agency with no countervailing benefit to the public. The public interest therefore mandated the withholding of this material from disclosure. With regard to the third document, however, the agency found that its release would have no such effect. The DOE therefore determined that it was in the public interest to release the document.

Fain Porter Production Co., Alfalfa County, Okla., DRA-0096, Crude Oil

Fain Porter Production Company filed an Appeal from a Remedial Order which was issued to the firm on November 15, 1977. The Remedial Order found that during the period August 1973 through December 1976 Fain Porter sold crude oil produced from several properties at unlawful prices. After considering Fain Porter's Appeal of the Order, the DOE found that the Regional Office incorrectly determined that two of the firm's leases constituted one property. The DOE found in this regard that prior to 1972 the State of Oklahoma had issued an order establishing two drilling units on the tract of land covered by the two leases. the DOE concluded that each unit constituted a separate property. However, the DOE rejected Fain Porter's claim that it should be permitted to treat each of the six reservoirs underlying the two leases as a separate property. The DOE also affirmed the Regional Office's conclusion that Fain Porter was required to include in the base production control level of one of its properties 2,704 barrels of crude oil which it had sold to the Tulsa Crude Oil Company, notwithstanding the fact that Tulsa allegedly never paid for the oil. On the basis of these considerations, the DOE granted in part Fain Porter's Appeal of the November 15 Remedial Order.

Independent Oil Compounders Association, Washington, D.C., DIA-0142, Lubricating Oils and Greases

The Independent Oil Compounders Association (IOCA) appealed from an Interpretation which the Acting General Counsel of the DOE issued on December 21, 1977. In that Interpretation, the Acting General Counsel determined that prior to April 3, 1974 finished lubricants produced by independent oil compounders were subject to the Mandatory Petroleum Price Regulations. The Appeal, if granted, would have resulted in the rescission of the Interpretation and a determination that these products were not covered by the price regulations during the period concerned. In considering the IOCA Appeal, the DOE observed that while the definition of "covered products" in the price regulations refers to the particular section of the Standard Industrial Classification Manual concerned with petroleum refining, the products described in that section include the products manufactured by oil compounders. In addition, the DOE found that the Congress, in enacting the Emergency Petroleum Allocation Act of 1973 (EPAA), had intended to subject each refined petroleum product, regardless of its finished form, to price and allocation regulations. Finally, the DOE determined that because the finished lubricants produced by oil compounders were within the regulatory scope of the EPAA, the Acting General Counsel correctly relied on *Skelly Oil Co. v. fea*, ——F. Supp.—— (C. A. No. 76-C-238-C, N.D. Okla., September 8, 1978), in support of the position that even if the definition of covered products in the price

regulations had failed to refer in specific terms to the products made by oil compounders, such products, as a matter of law, would have been subject to regulation during the period concerned. For these reasons, the DOE determined that the IOCA Appeal should be denied.

E. Lyle Johnson and Clayton E. Lee, Moore, Okla., DRA–0105, Crude Oil

E. Lyle Johnson and Clayton E. Lee filed an Appeal from a Remedial Order which was issued to them by DOE Region VI on December 21, 1977. In the Remedial Order, the DOE found that during the period March through December 1975 Johnson and Lee sold crude oil from the Roberts lease in Major County, Oklahoma at prices which exceeded the ceiling price levels specified in 10 CFR, Part 212, Subpart D. In their Appeal, Johnson and Lee contended that in calculating the average daily production of the lease for 1974, the DOE incorrectly attributed only 181 producing days to the lease. In considering the Appeal, the DOE found that production from the well had been significantly curtailed for a period of approximately six months during 1974 and that according to Ruling 1975–12 this period must be excluded from the calculation of average daily production. The DOE further determined that Ruling 1975–12 does not conflict with Congressional intent as alleged by Johnson and Lee. Johnson and Lee also contended that Ruling 1975–12 is a retroactive interpretation of the DOE price regulations and that Section 106 of the Energy Conservation and Production Act of 1976 prohibits the DOE from issuing remedial orders based upon such retroactive interpretations. The DOE found that this Section does not apply to Johnson and Lee's operations. Finally, the DOE affirmed its right to direct the recipient of a remedial order to reduce prices and refund revenues. The Johnson and Lee Appeal was therefore denied.

Miller and Chevalier, Washington, D.C., DFA–0288, Freedom of Information

The law firm of Miller & Chevalier appealed from a denial by the DOE Information Access Officer of a Request for Information submitted under the Freedom of Information Act. In its Request, Miller & Chevalier sought the release of a report prepared under contract by Price, Waterhouse and Company in which the process employed by the DOE in its audit of selected major refiners was critically reviewed. The Information Access Officer denied the release of substantial portions of the document on the grounds that it comprised: (1) inter-agency or intra-agency memorandum exempt from mandatory disclosure pursuant to 5 U.S.C. 552(b)(5); (2) law enforcement material; and (3) internal personnel rules and practices of the DOE exempt from mandatory disclosure pursuant to 5 U.S.C. 552(b)(2). On Appeal, the DOE concluded that the determination by the Information Access Officer was correct in all respects. However, the release of additional portions of the requested document was ordered in light of the public interest consideration mandated by Section 1004.1 of the DOE regulations. The Appeal was accordingly granted in part and denied in part.

Mobil Oil Corp., New York, N.Y., DFA–0286, Freedom of Information

Mobil Oil Corporation filed an Appeal from a denial by the DOE Director of Freedom of Information and Privacy Act Activities (the Director) of a Request for Information which the firm had submitted under the Freedom of Information Act. In its Request, Mobil sought disclosure of the computer print-out of the average and representative statistical price data for certain types of foreign crude oil. The Request was denied on the grounds that there are no documents in existence which are responsive to it. In considering Mobil's Appeal, the DOE determined that the print-out may be available from the Office of Fuels Regulation. The DOE therefore remanded Mobil's Request to the Director in order to conduct a further search for the material requested by the firm.

Northeast Petroleum Industries, Inc., Washington, D.C., DFA–0284, Freedom of Information

Northeast Petroleum Industries, Inc. filed an Appeal from a partial denial by the Director of Freedom of Information and Privacy Act Activities (the Director) of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In its initial Request, Northeast sought access to certain records relating to Cost of Living Council Form CLC–92. The Director released some of the documents which Northeast had requested, but withheld ten documents on the ground that they are inter-agency or intra-agency memoranda which are exempt from mandatory disclosure under Exemption 5 of the FOIA. In addition, the Director withheld another document on the ground that it contains "trade secrets and commercial or financial information" which is exempt from mandatory disclosure under Exemption 4 of the FOIA. In its Appeal, Northeast contended that the Director improperly determined that the first ten documents were exempt under Exemption 5. In considering this contention, the DOE determined that the documents were generally covered by Exemption 5 but that a portion of one document contains information which is purely factual and easily segregable from its exempt portions and should therefore be released. In addition, the DOE remanded Northeast's Request to the Director for further findings as to whether release of the documents concerned, although exempt from mandatory disclosure, would be contrary to the public interest.

Requests for Exception

Arizona Fuels Corp., Salt Lake City, Utah, DXE–0224, DXE–1046, Crude Oil

On November 21, 1977 the Arizona Fuels Corporation filed an Application for Exception from its regulatory obligations under the Entitlements Program (10 CFR 211.67). On April 20, 1978, Arizona filed a further request for an exception from the Entitlements Program. The Arizona Fuels exception requests, if granted, would excuse the firm from fulfilling its obligation to purchase entitlements for the period November 1977 through October 1978.

On January 20, 1978 the DOE issued a Proposed Decision and Order with respect to Arizona Fuels' November 21, 1977 exception request (Case No. DXE–0224). On July 14, 1978 the DOE issued a further Proposed Decision and Order with respect to the firm's April 20, 1978 exception request (Case No. DXE–1046). In both Proposed Decisions the DOE set forth its preliminary determination that Arizona Fuels had significantly increased its receipts of old crude oil subsequent to the 1975 calendar year. In this regard, the DOE further determined that the maximum amount of exception relief which Arizona Fuels should qualify to receive is the maximum entitlement purchase obligation which the firm would incur during the November 1977 through October 1978 period if the volume and composition of Arizona Fuels' crude oil receipts and runs to stills during that period were no different than the average monthly crude oil receipts and runs to stills which it reported for the 1975 calendar year. *See Lunday-Thagard Oil Co.*, 2 DOE Par. 81,009 (1978).

In its Statement of Objections Arizona Fuels contended that the DOE improperly altered the standards applicable to entitlement exception requests without first complying with statutory rulemaking provisions. Arizona also maintained that the DOE could not retroactively apply the 1975 limitation to a period of time which preceded the January 20 proposed determination. In considering Arizona Fuels' objections, the DOE held that it was proper for the agency to modify its adjudicatory standards on the basis of a finding that the prior standards led to an inappropriate result.

With respect to Arizona Fuels' remaining arguments, the DOE concluded that the action discussed in the proposed determination was prospective in nature. The DOE concluded however that as a matter of equity and in order to mitigate financial problems which the firm alleged it was experiencing, the revised standards should not be applied to Arizona Fuels' operations until the month of January 1978. The DOE further rejected Arizona Fuels' argument that the 1975 calendar year, used by the DOE as the historical period, is not representative of the firm's normal business practices with respect to the level of crude oil receipts, runs to stills and entitlements obligations. Finally, the DOE agreed with Arizona Fuels' contention that the agency had incorrectly determined the volume and composition of the firm's crude oil receipts and runs to stills for the 1975 calendar year. In view of that determination, as well as a finding that the firm should be accorded an additional measure of exception relief for the months of November and December 1977, the DOE concluded that the level of exception relief granted Arizona Fuels by the January 20 and July 14 Proposed Decision and Orders must be recalculated. As a result of the recalculation the DOE determined that Arizona Fuels should be granted additional relief amounting to $194,452 for the period covered by the two Proposed Orders.

Chevron USA, Inc., San Francisco, Calif., DEE–1993, Crude Oil

On November 3, 1978 Chevron USA, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. If granted, the exception would permit the firm to sell a portion of the crude oil produced from the Huntington B–PE Unit, Main Zone, located in the Huntington Beach Field in Orange County, California at prices in excess of the applicable ceiling prices. In considering the exception request, the DOE found that Chevron's operating expenses had increased to the point that the firm no longer had an economic incentive to continue the production of crude oil from the Unit. The DOE also determined that if Chevron abandoned its operations at the Huntington Unit, a substantial quantity of domestic crude oil would not be recovered. On the basis of criteria applied in previous decisions, the DOE determined that Chevron should be permitted to sell at upper tier ceiling prices 65.74 percent of the crude oil produced from the Unit for the benefit of the working interest owners during the period November 3, 1978 through April 30, 1979.

Osro Cobb, Little Rock, Ark., DEE–0354, Crude Oil

Osro Cobb filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, on behalf of the working and royalty interest owners of the Smackover Nacatoch 985 Acre Sand Unit (the Smackover Unit), located in Smackover field in Union and Quachita Counties, Arkansas. The exception request, if granted, would permit the Phillips Petroleum Company, the Unit operator, to sell crude oil produced from the Smackover Unit at market price levels. According to the Cobb submission, the owners of the Smackover Unit would make capital investments to expand a steam soak recovery program previously undertaken at the property if Phillips were permitted to sell all resulting incremental production at market price levels. On the basis of previous cases and the projected operating data submitted by Phillips, the DOE determined that exception relief would provide the working interest owners with an economic incentive to undertake the expanded phases of the enhanced recovery project. The DOE accordingly concluded that exception relief should be approved that would permit a portion of the Unit's production to be sold at upper tier ceiling prices to enable the working interest owners of the Smackover Unit to realize a 23 percent rate of return on their incremental investments in the project.

Cobb also contended that exception relief was warranted with respect to the royalty interest owners of the Smackover Unit. In considering this claim, the DOE noted that a distinction existed between the economic incentive of the working and royalty interest owners to undertake a capital investment project. The DOE referred to previous Decisions in which exception relief had been limited to working interest owners since they alone shared full responsibility for operating expenses and investments. Accordingly, that portion of the exception request was denied and relief was limited to the working interest share of production.

Craft Petroleum Co., Jackson, Miss., DEE–1558, DEE–1559, Crude Oil

Craft Petroleum Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a portion of the crude oil produced from the Hodges and Bedford Leases, located in the Corbin Branch Field, Franklin County, Mississippi, at upper tier ceiling prices. In considering the exception request, the DOE found that Craft's operating costs had increased to the point where the firm no longer had an economic incentive to continue the production of crude oil from the two leases if the crude oil were subject to the lower tier ceiling price. The DOE also determined that if Craft abandoned its operations at the properties a substantial quantity of crude oil would not be recovered. On the basis of criteria applied in previous Decisions, the DOE determined in a Proposed Decision and Order that Craft should be permitted to sell 43.46 percent of the crude oil produced from the Bedford Lease and 76.89 percent of the crude oil produced from the Hodges Lease for the benefit of the working interest owners at upper tier ceiling prices. On January 11, 1979 Craft filed a Statement of Objections to the issuance of the Proposed Decision and Order in final form. In its Statement of Objections, Craft asserted that it was entitled to additional relief under the criteria established in *Chevron U.S.A.*, 2 DOE Par. —— (January 3, 1979). The DOE determined that Craft, pursuant to the precedent established in *Chevron*, was entitled to exception relief as of the date the firm's exception application contained the material necessary for analysis. The DOE determined, however, that Craft was not entitled to the $.50 per barrel adjustment set forth in *Chevron* since net revenue from each property was in excess of $10,000 during the May 1973 period.

Don Baldwin Oil, Gloversville, N.Y., DEE–1062

John Galt, Inc., Hyattsville, Md., DEE–1053

H. C. Mayer and Sons, Inc., Wayzata, Minn., DEE–1343

Wilmot Oil Co., Seabrook, N.H., DEE–1063, DEE–1172

Shur-Heet Oil Co., Lindhurst, N.J., No. 2 Heating Oil

Five firms filed Applications for Exception from the reporting requirements set forth in Form EIA 9 ("No. 2 Heating Oil Supply/Price Monitoring Report"). The exception requests, if granted, would relieve each firm of the requirement to complete and file Form EIA 9 with the Energy Information Administration of the Department of Energy. After considering the exception submissions, the DOE concluded that none of the applicants had demonstrated that it was affected in a particulary adverse manner as compared to the group of firms selected to submit this Form. Accordingly, on September 28, 1978 the DOE issued a Proposed Decision and Order which tentatively determined that each Application be denied. Subsequently, two of the five firms filed Statements of Objections.

In its statement of Objections, John Galt, Inc. contended that it would be forced to hire an outside accountant to complete the Form. In rejecting this argument, the DOE noted that Galt had failed to identify those portions of the Form which it found particularly difficult to complete and had failed to provide any persuasive reasons regarding the necessity of hiring additional personnel to complete the Form. Accordingly, the DOE determined that no factual basis existed on which to conclude that the reporting requirements of Form EIA 9 imposed an inordinate burden on the firm.

In considering the Statement of Objections filed by Don Baldwin Oil, however, the DOE found compelling reasons for granting the firm exception relief. The DOE noted that one of the two proprietors of the firm had recently suffered from serious medical infirmities which severely impaired her ability to perform her usual administrative duties for the firm. Under these circumstances, the DOE found that the requirements of filing Form EIA 9 would further impede the firm's ability to carry out its essential operations. Accordingly, the DOE concluded that an exception was warranted which would relieve Baldwin of its obligation to file the Form.

W. B. Jayred, Houston, Tex., DEE–1948, Crude Oil

W. B. Jayred filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would have permitted the firm to sell at market prices the crude oil produced for the benefit of the working interest owners of the Delta Mineral No. 3A 6550' SU 397 Lease located in the Stella Field, Plaquemines Parish, Louisiana. In considering the exception request, the DOE found that Jayred's operating costs had increased to the point where the firm no longer had an economic incentive to continue the production of crude oil from the Delta 3A Lease. The DOE also determined that if Jayred abandoned its operations at the Lease, a substantial quantity of domestic crude oil would not be recovered. On the basis of the criteria applied in previous Decisions, the DOE determined that Jayred should be permitted to sell at upper tier ceiling prices 88.25 percent of the crude oil produced for the benefit of the working interest owners of the Delta 3A Lease.

Phillips Petroleum Co., Bartlesville, Okla., DEE–1888, Crude Oil

Phillips Petroleum Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell a portion of the crude oil produced from the Evelyn "A" Lease, located in Converse County, Wyoming, at market price levels. In considering the exceptions request, the DOE fund that Phillips'operating costs had increased to the point where the firm no longer had an economic incentive to continue crude oil extraction operations at the Evelyn "A" Lease. The DOE therefore determined that exception relief should be granted which permits Phillips to sell the crude oil produced from the lease for the benefit of the working interest owners at market price levels not to exceed $19.32 during the period September 26, 1978 through March 31, 1979.

Shell Oil Co., Houston, Tex., DEE–2014, Motor Gasoline

Shell Oil Company filed an Application for Exception from the provisions of 10 CFR 211.10 which, if granted, would permit Shell to allocate motor gasoline on the basis of either a customer's actual purchases of motor gasoline during the corresponding month of the preceding calendar year or the 1972 base period, whichever is greater. In considering the request, the DOE found that the combined effect of marketing changes in the industry since 1972 and the operation of the DOE price and allocation regulations would cause the class of dealers supplied directly by Shell to bear a significantly greater burden than the class of dealers supplied by Shell jobbers in the event of a supply shortage. Accordingly, the DOE concluded that Shell's Application for Exception should be granted in order to prevent an unfair distribution of burdens between the two classes of dealers.

Remedial Order

Woodyard Drilling Co., Chesterhill, Ohio, DRO–0079, Crude Oil

Woodyard Drilling Company filed a Statement of Objections to a Proposed Remedial Order (PRO) which DOE Region V issued to the firm on June 23, 1978. In the PRO, Region V found that during the period December 1, 1973 through August 31, 1976, Woodyard improperly classified its Hillyer property as a stripper well property and accordingly sold the crude oil produced from that property at unlawful price levels. In its Statement of Objections, Woodyard contended that the procedures followed in its case were in violation of the Department of Energy Organization Act; that Woodyard was not aware of the applicable regulations; that either the landowner or purchaser was responsible for certifying the property as a stripper well property; that the property was correctly classified as a stripper well in 1976; and that Woodyard should be held responsible for only a portion of the overcharges. In considering Woodyard's objections, the DOE deterimined that the firm's procedural arguments were without merit. The DOE also held that Woodyard had an affirmative obligation to know the law. As the operator of the Hillyer property, the DOE found that Woodyard was responsible for the erroneous certification of the tract as a stripper well property and that Woodyard was properly made responsible for the overcharges. Finally, the DOE found that the Hillyer property apparently did not qualify for stripper well status in 1976 based upon its 1975 production. On the basis of these findings, the DOE rejected Woodyard's objections and issued the Proposed Remedial Order as a final Remedial Order.

Request for Modification and/or Rescission

T-C Oil Co., San Antonio, TX., DRR–0035, Crude Oil

T-C Oil Company filed an Application for Modification or Rescission of a Decisions and Order which the DOE issued to the firm on October 12, 1978. the October 12, 1978 Decision and Order denied T-C Oil's Appel of a Remedial Order which DOE Region VI issued to the firm on January 6, 1978. If the Application were granted, T-C Oil would be permitted to offset undercharges which occurred on two of its crude oil producing properties against overcharges found to exist on the firm's "L" lease. In considering the request, the DOE pointed out that both the undercharges and the overcharges were the result of a single misapplication of the definition of "property," that all crude oil produced from the three leases was sold to one purchaser during the audit period, and that the working and royalty interest ownership of the three leases is identical. The DOE concluded that an offset would be appropriate under the circumstances and accordingly granted T-C Oil's Application.

Requests for Stay

Friendswood Refining Corp., Friendswood, Tex., DES–0151, Crude Oil

Friendswood Refining Corporation (FRC) requested that its obligation to purchase entitlements as specified in the January 1979 Entitlement Notice be stayed pending a determination on the firm's Appeal of the Notice. In considering the FRC request, the DOE rejected the firm's argument that it was likely to succeed on the merits of its Appeal. In this regard, FRC had asserted that the DOE failed to make a "start-up inventory adjustment" for the benefit of the firm in the January 1979 Entitlements Notice. The Office of Hearings and Appeals determined that the DOE Economic Regulatory Administration does not have the regulatory authority to make such an adjustment. The DOE also found that FRC had failed to demonstrate that it would experience a severe and irreparable injury if the firm were required to fulfill its entitlement purchase obligation. Accordingly, the FRC stay request was denied.

Jim Cox Oil Co., Wewoka, Okla., DRS–0150, Crude Oil

The Jim Cox Oil Company filed an Application for Stay of a Remedial Order pending judicial review of the Order. In considering the Application, the DOE found that Cox had not presented any arguments which would form a proper basis for stay relief. The DOE also noted that approval of the stay request would delay the resolution of the enforcement proceedings involving Cox and as a result would adversely affect the customers who were overcharged and frustrate the compelling public interest of securing timely compliance with the DOE regulations. Accordingly, the stay application was denied.

Laketon Asphalt Refining, Inc., Evansville, Ind., DES–0152, Crude Oil

Laketon Asphalt Refining, Inc. filed an Application for Stay of the provisions of 10 CFR 211.67 (the Entitlements Program) pending a final determination on an Application for Exception that the firm had filed. The request, if granted, would result in a stay of Laketon's February 1979 entitlements purchase obligation for its crude oil receipts and runs to stills in December 1978. In considering the Laketon request, the DOE found that the firm was in strong financial condition and that, contrary to the firm's contention, it appeared that Laketon could obtain the funds necessary to meet its entitlements obligation. The DOE therefore determining that a stay was not warranted.

Requests for Temporary Stay

Chevron U.S.A., Inc., San Francisco, Calif., DST–2135, Motor Gasoline

Chevron U.S.A., Inc. filed an Application for Temporary Stay from the provisions of 10 CFR 211.9, 211.10 and 211.102 pending a determination on the merits of an Application for Exception which it had filed. If its request were approved, Chevron would be permitted to allocate motor gasoline on the basis of a customer's actual purchases of motor gasoline during the corresponding month of 1978. In considering the Chevron Application, the DOE observed that an irreparable injury would occur unless the Application were granted. The DOE further observed, however that the specific relief requested by Chevron would not accord sufficient protection to those firms that possess regulatory rights on the basis of 1972 purchases. Accordingly, the DOE modified Chevron's request and granted relief which achieves the most desirable balancing of the rights of the various parties and best furthers the public interest.

Southwestern Refining Co., Inc., Washington, D.C., DES–0148, Crude Oil

On January 24, 1979 the Southwestern Refining Company filed an Application for Stay in which it requested that the DOE immediately implement the exception relief tentatively approved in a Proposed Decision and Order issued to Southwestern on December 19, 1978. In the Proposed Decision and Order, the DOE found that the serious financial difficulties faced by Southwestern are the result of unusually high markups applied by the Johnson Oil Company on its sales of crude oil to Southwestern. The DOE therefore determined that the obligations of the Mobil Oil Corporation and the Mountain Fuel Supply Company to supply certain quantities of crude oil to Johnson should be terminated and that Mobil and Mountain should be required to supply these quantities of crude oil directly to Southwestern.

In considering Southwestern's stay request, the DOE determined that Southwestern's financial viability continued to be threatened by Johnson's markups and that this situation had been exacerbated by a reduction in the supplies of other products which Southwestern normally receives from Johnson. The DOE also noted that the purpose of the allocation regulations is to assure that crude oil supplies will continue to be available to the refineries that have historically used the crude oil, particularly in the case of small and independent refineries, and that this goal would not be furthered by a denial of the Southwestern request. Accordingly, Southwestern's Application for Stay was granted.

Continental Oil Co., Houston, Tex., DST–2124, Kerosene, Jet Fuel

Continental Oil Company (Conoco) filed an Application for Temporary Stay which, if granted, would result in an order staying the firm's obligation to supply kerosene jet fuel to Mobil Oil Corporation and Texaco, Inc. during the months of February and March

1979, pending a final decision on an Application for Exception which requested the same relief on a permanent basis. On February 8, 1979 and February 16, 1979, the DOE Office of Hearings and Appeals convened hearings to permit representatives of Conoco, Mobil and Texaco and their downstream customers to make oral presentations as to the effects that a temporary stay would have on their supply situation. In considering the Conoco request, the DOE found that Western Airlines would suffer an irreparable injury in the absence of stay relief because it would have to curtail immediately its service to several communities that have no alternative air carriers. The DOE also found that Conoco and its other airline customers had failed to meet the heavy burden of proving immediate irreparable injury in order to qualify for temporary stay relief. However, the DOE also noted that the sale of such a substantial volume of kerojet fuel during February and March 1979 would have a greater systemwide impact on Conoco than on Texaco. The DOE further determined that the relief asked by Conoco would not equitably redistribute the burdens of the current kerojet supply shortage. Accordingly, the DOE issued a temporary stay order designed to achieve the most desirable balancing of the rights of the various parties and best further the public interest. Specifically, the DOE ordered that the allocation obligation of Conoco to Mobil be stayed entirely, that Western be maintained at supply levels reflecting its January allocation fraction, and that Texaco be supplied with an adjusted allocation volume during the months of February through June 1979.

Supplemental Order

Continental Oil Co., Houston, Tex., DEX-2133, Motor Gasoline

Continental Oil Company (Conoco) filed an Application for Exception which, if granted, would relieve the firm of its obligation to furnish motor gasoline to the Gulf Oil Company, a 1972 base period purchaser from Conoco, during the first calendar quarter of 1979. Conoco also filed an Application for Temporary Stay which requested a suspension of its obligation to supply Gulf pending a final determination on Conoco's Application for Exception. On January 31, 1979 the Office of Hearings and Appeals granted a temporary stay of Conoco's allocation obligation pending a hearing on the matter to be held on February 2, 1979. *Continental Oil Co.*, 3 DOE Par. ——— (1979). At the February 2, 1979 hearing representatives of Conoco and Gulf appeared and presented evidence and arguments concerning (i) the impact on both firms and their respective downstream customers if the temporary stay were to be continued in effect, and (ii) whether Conoco could qualify for a full stay pending a final decision on its Application for Exception. At the close of the hearing, the Presiding Officer issued an oral determination that Conoco had failed to show that the firm and its customers would suffer an immediate irreparable injury in the absence of a temporary stay. In a Supplemental Order which it issued after the hearing the DOE noted that the record also established that Conoco had failed to satisfy the criteria for the grant of an Application for Stay. Consequently, the DOE determined that Conco's request for a stay, as presented at the February 2, 1979 hearing, should be denied.

Dismissals

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed.

Danielson Oil Co., Inc., Danielson, Conn., DEE-1991

Good Hope Industries, Inc., Washington, D.C., DPI-0015

North Attleboro Gas Co., North Attleboro, Mass., DEO-0163

The following submission was dismissed following a determination by the DOE that the relief requested was no longer necessary:

James A. Leonard, Austin, Tex., DEE-1958

The following submission was dismissed on the grounds that recent regulatory changes have eliminated the need for the exception relief requested:

Trend Exploration, Ltd., Denver, Colo., DXE-2162

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., exept Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: June 18, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

[FR Doc. 79-19492 Filed 6-21-79; 8:45 am]

BILLING CODE 6450-01-M

Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals, Week of February 19 Through February 23, 1979

Notice is hereby given that during the week of February 19 through February 23, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeal

Natural Resources Defense Council, Inc., Washington, D.C., DFA-0278, Freedom of Information

The Natural Resources Defense Council, Inc., appealed from a partial denial by the Director of the DOE Office of Safeguards and Security of a request for information filed under the Freedom of Information Act (the Act). In its request, the Council requested access to documents relating to the Nuclear Materials and Equipment Corporation. In his order, the Director identified one document which was within the scope of the Council's request but which was being withheld pursuant to a claim of exemption from mandatory public disclosure under Exemption 6 of the Act. In considering the Appeal, the DOE determined that the document was properly withheld since it contained a discussion of an individual's private affairs and that the public's right to access to governmental information was outweighed by that individual's right to privacy. In addition, the DOE determined that the Council should also be denied access to the document involved since its release would be likely to affect a law enforcement investigation which the agency is now pursuing. Therefore, the DOE determined that the document is also exempt from mandatory public disclosure pursuant to Exemption 7 of the Act. Finally, the DOE concluded that release of the document would not be in the public interest. The Council's appeal was therefore denied.

Requests for Exception

Continental Oil Co., Houston, Tex., DEE-1979, Motor Gasoline

Continental Oil Company filed an Application for Exception from the provisions of 10 CFR 211.9 which, if granted, would relieve Continental of its obligation to supply motor gasoline to certain refiner customers served by its Denver, Colorado and Billings, Montana refineries. In considering the request, the DOE found that the relief was necessary to prevent an immediate serious hardship and gross inequity to Continental's non-refiner customers and an unfair distribution of burdens between Continental's refiner customers and non-refiner customers as a result of the supply disruption caused by a fire at Continental's Denver refinery. Accordingly, the DOE concluded that Continental's Application for Exception should be granted.

Crest Resources and Exploration Corp., Houston, Tex., DEE-0944, Crude Oil

Crest Resources and Exploration Corporation (Crest) filed a Statement of Objections to a Proposed Decision and Order issued to the firm by the DOE. The Proposed Decision and Order, if issued in final form, would have allowed Crest to sell a portion of the crude oil to be produced from the Cecile Williams property located in Brazoria County, Texas at upper tier and market prices in order to provide the firm with an economic incentive to undertake a capital investment project on the property. In its Statement of Objections, Crest requested that the DOE instead forgive the cumulative deficiency of the property under the standards set forth in *Tenneco Oil Co.*, 2 FEA Par. 83,108 (1975). The firm also requested that the exception relief be modified to cover an expanded capital investment project.

With respect to Crest's request that the cumulative deficiency be forgiven, the DOE determined that, in an investment context, the third standard set forth in *Tenneco*, a showing of a significant, adverse effect on the firm caused by the cumulative deficiency, was equivalent to the evaluation of investment incentive which is typically performed in investment cases. Based on that conclusion, the DOE determined that the analysis and form of relief generally applied in investment cases was appropriate in Crest's case.

In considering the request the DOE determined that the revised production and cost figures submitted by Crest indicated that the firm had a sufficient incentive to undertake the modified project without exception relief. Accordingly, exception relief was denied. In denying exception relief, however, the DOE noted that the production estimates submitted by the firm were extremely optimistic and speculative. The DOE therefore determined that the firm should be allowed to reapply for investment exception relief at such time as the actual operating characteristics of the property are known.

Getty Oil Co., et al., Los Angeles, Calif., DXE–1524–1529; DXE–1597–1603; DXE–1617–1618; DXE–1655–1663; DXE–1707–1746; DXE–1776, Natural Gas Liquids

On October 2, 1978, the DOE issued a Proposed Decision and Order which tentatively extended from September 30, 1978 until October 31, 1978 exception relief which permits the firms to increase their selling prices above maximum levels permitted under 10 CFR 212.165 for natural gas liquids and natural gas liquid products. The Proposed determination extended exception relief at the same level as had previously been granted with respect to each plant operated by the petitioners. Each firm filed a Statement of Objections to the Proposed Decision and Order, contending that the Proposed Decision was based on data for earlier periods which had been submitted in connection with the prior proceeding. Each firm claimed that this data did not reflect the higher level of increased non-product costs which the firms were incurring and that as a result, the relief proposed was insufficient. The DOE accepted this argument, finding that the basis of the Proposed Decision did not comport with *Superior Oil Co.*, 2 FEA Par. 83,271 (1975) and therefore granted this aspect of the firms' objections. One of the petitioners, Standard Oil Company, raised two other objections to the Proposed Decision and Order. First, it contended that under the terms of the proposed determination it would be unable to recover increased non-product costs incurred in producing NGLs and NGL products which were not sold until after October. The DOE rejected this position, finding that the firm would be able to recover such costs under the provisions of new regulations effective November 1, 1978. Secondly, Standard claimed that the Proposed Decision and Order was actually a rulemaking and had to be issued in accordance with Subpart L of the DOE regulations. The DOE rejected this claim on the basis that each firm involved had been given individualized consideration in the determination of the level of exception relief for each plant. Accordingly, the DOE issued a final Decision and Order which granted in part the firm's objections to the October 2 Proposed Decision.

Petition for Special Redress

Merritt W. Truax, Salem, Oreg., DSG–0043; DES–0149, Petroleum Products

In a Petition for Special Redress, Merritt W. Truax requested that a subpoena issued to him by the Western District Office of Enforcement be quashed. The DOE concluded, however, that Truax had failed to make a threshold showing of a reasonable probability of success if his Petition were to be considered on the merits. The DOE held that, contrary to the contention made by Truax, the fourth amendment to the Federal Constitution did not require that an administrative agency obtain a warrant prior to issuing a subpoena. With regard to the validity of the subpoena itself, the DOE determined that there was no support for the claim that the subpoena was improperly issued to an individual. It found that the investigatory powers delegated by statute to the DOE included the power to investigate an individual even though that individual is only suspected of involvement in the distribution or sale of petroleum products. The DOE also determined that it was apparent the documents that Truax was directed to produce were relevant to the investigation identified in the subpoena. Finally, the DOE rejected Truax's contention that a constitutional right of privacy would be violated by enforcement of the subpoena. The Truax Petition for Special Redress and accompanying Application for Stay were therefore dismissed.

Requests for Stay

Ergon, Inc., Vicksburg, Miss., DES–2146, Crude Oil

Ergon, Inc. (Ergon) filed an Application for Stay of the provisions of 10 CFR 211.63 which, if granted, would relieve Ergon's wholly-owned subsidiary, the Miller Oil Purchasing Company (Miller) of its obligation to sell certain volumes of crude oil to Exxon Co., U.S.A. (Exxon). In the alternative, Ergon requests a Stay of the provisions of 10 CFR 211.65 (the Buy/Sell Program) which, if granted, would permit the firm to purchase from participants in that Program sufficient quantities of crude oil to operate a refinery owned and operated by Ergon's affiliate, Ergon Refining, Inc. (Ergon Refining). The firm claimed that a Stay is desirable for public policy reasons to preserve the *status quo ante* and that there was a substantial likelihood that the form would succeed on the merits of its Applications for Exception. In considering the Ergon Application for Stay, the DOE noted that since the relief which the firm seeks is in the nature of an interim exception, Ergon must make a very strong showing that it satisfies the criteria under which a Stay may be granted. The DOE determined that contrary to Ergon's claim, the issuance of a Stay would alter the *status quo ante* in favor of Ergon, rather than preserving it. The DOE also noted that the provisions of the two regulatory programs from which Ergon seeks an exception have remained unchanged during the entire period of planning and constructing the Vicksburg refining facility. The DOE therefore determined that Ergon had apparently made a discretionary business decision to finance and construct the new facility in contemplation of those regulations and the risks associated with any such business venture. In view of the fact that the DOE has held on numerous previous occasions that an exception will not be granted to relieve a firm of the consequences of a discretionary business decision, the DOE concluded that Ergon had not convincingly demonstrated that it was likely to succeed on the merits of its underlying exception request. Accordingly, the Application for Stay was denied.

Northland Oil and Refining Co., Tulsa, Okla., DES–0157, Crude Oil

Northland Oil & Refining Company requested that the firm's obligations to purchase entitlements pursuant to 10 CFR 211.67 (the Entitlements Program) during February 1979 and subsequent months be stayed pending the DOE's determination on the firm's requests for exception relief. In considering Northland's request, the DOE found that the firm had made a *prima facie* showing that it did not possess the financial resources which would enable it to purchase entitlements during February 1979 and subsequent months. Accordingly, the DOE stayed Northland's entitlement purchase obligations during February 1979 and subsequent months pending a determination on the firm's exception applications.

Supplemental Order

Tosco Corp., Los Angeles, Calif., DEX–0118, Crude Oil

The Tosco Corporation filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) which, if granted, would result in the extension for an additional period of time of the exception relief which was initially granted to the firm in *Tosco Corp.*, 5 FEA Par. 83,146 (1977). In denying Tosco's application, the DOE found that the factors which initially formed the basis for entitlements exception relief in April 1977 no longer exist. In this regard, the DOE noted that Tosco was no longer experiencing a significant crude oil cost disadvantage as compared with its competitors. The DOE further noted that the cost disadvantage which Tosco was experiencing was substantially less than the cost disadvantage which it had experienced in the past. The DOE also found that Tosco had not shown that it could not raise its prices for refined petroleum products in order to pass on to its customers the costs attributable to its entitlement purchase obligations. Furthermore, the DOE found that Tosco's financial condition had improved substantially in recent periods. In view of these considerations, the DOE determined that Tosco was no longer experiencing financial difficulties of an emergency nature. Therefore, Tosco's Application for Exception was denied.

Dismissals

The following submission was dismissed following a determination made by the DOE that the relief requested was no longer necessary:

Central Cooperatives, Inc., Kansas City, Mo., DRO–0069; DRH–0069, DRD–0069

The following submissions were dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Richard Leey, Alexandria, Va., DFA–0322
McCleary Oil Co., Alexandria, Va., DFA–0319

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W. Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.d.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: June 18, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

[FR Doc. 79–19493 Filed 6–21–79; 8:45 am]

BILLING CODE 6450–01–M

[ERA Case No. 51006–6043–02–77]

Martin Unit No. 2; Florida Power & Light Co.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Determination to Classify the Florida Power and Light Company Martin Unit No. 2 as an Existing Facility.

SUMMARY: On April 9, 1979, Florida Power and Light Company (FPL) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Martin Unit No. 2 as an existing facility pursuant to Section 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464) and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620 (FUA).

ERA has completed its analysis of FPL's request and has determined that FPL has satisfactorily demonstrated that it would suffer a substantial financial penalty in excess of 25 percent of the total projected project cost as of November 9, 1978, within the meaning of Section 515.6 of the Revised Interim Rule.

ERA has determined that FPL's Martin Unit No. 2 is an "existing" facility and is now subject to the provisions of Title III of FUA.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C. 20461, Phone: (202) 634–2170.

Charles A. Falcone, Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3128I, Washington, D.C. 20461, Phone: (202) 254–7450.

James H. Heffernan (Office of the General Counsel), Department of Energy, 12th and Pennsylvania Avenue NW., Room 7134, Washington, D.C. 20461, Phone: (202) 633–8814.

Robert L. Davies, Deputy Assistant Administrator, Office of Fuels Regulation, Economic Regulatory Administration, 2000 M Street NW., Room 7202, Washington, D.C. 20461, Phone: (202) 254–3910.

SUPPLEMENTARY INFORMATION:

(1) On April 9, 1979, pursuant to ERA's Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979, FPL requested that ERA classify FPL's Martin Unit No. 2 as an "existing" facility. A conference was held at FPL's request on Wednesday, April 18, 1979. On May 14, 1979, ERA published a summary of FPL's request for classification in the **Federal Register** and requested comments by interested persons on or before June 4, 1979.

(2) A copy of ERA's Summary of Analysis dated May 30, 1979 is available for examination in the Office of Public Information, at the above address.

Issued in Washington, D.C., June 19, 1979.

Doris J. Dewton,

Acting Assistant Administrator, Office of Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79–19567 Filed 6–21–79; 8:45 am]

BILLING CODE 6450–01–M

[ERA Case No. 50782–6035–01–77]

Greenwood Energy Center Unit No. 1; Detroit Edison Co.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Determination to Classify the Detroit Edison Company Greenwood Energy Center Unit No. 1 as an Existing Facility.

SUMMARY: On February 22, 1979, Detroit Edison Company requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Greenwood Energy Center Unit No. 1 as an existing facility pursuant to ERA's Interim Rule for Transitional Facilities issued by ERA on November 16, 1978. Subsequently, ERA issued the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) on March 15, 1979. Detroit Edison revised the original petition on April 18 pursuant to Section 515.6 of the Revised Interim Rule and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, P.L. 95–620 (FUA). ERA has completed its analysis of Detroit Edison's request and has determined that Detroit Edison has satisfactorily demonstrated that it would suffer a substantial financial penalty in excess of 25 percent of the total projected project cost as of November 9, 1978, within the meaning of Section 515.6 of the Revised Interim Rule. ERA has determined that Detroit Edison's Greenwood Unit No. 1 is an "existing" facility and is now subject to the provisions of Title III of FUA.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C. 20461, (202) 634–2170.

Charles A. Faclone, Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, (202) 254–7450.

James H. Heffernan (Office of the General Counsel), Department of Energy, 12th & Pennsylvania Avenue NW., Room 7134, Washington, D.C. 20461, (202) 633–8815.

Robert L. Davies, Deputy Assistant Administrator, Office of Fuels Regulations, Economic Regulatory Administration, 2000 M Street NW., Room 7202, Washington, D.C. 20461, (202) 254–3910.

SUPPLEMENTARY INFORMATION: (1) On April 18, 1979, pursuant to ERA's Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Interim Rule) issued on March 15, 1979, Detroit Edison requested that ERA classify Greenwood Energy Center Unit No. 1 as an existing facility.

(2) A copy of ERA's Summary of Analysis dated June 6, 1979 is available for examination in the Office of Public Information, at the above address.

Issued in Washington, D.C., June 17, 1979.

Doris J. Dewton,

Acting Assistant Administrator, Office of Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79-19570 Filed 6-21-79; 8:45 am]

BILLING CODE 6450-01-M

Hearings and Appeals Office

Cases Filed; Week of May 4 Through May 11, 1979

Notice is hereby given that during the week of May 4, 1979 through May 11, 1979 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application on or before July 2, 1979, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 29461.

Dated: June 15, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline; Week of May 4 Through May 11, 1979

If granted: The following firms would receive an exception from the activation of the standby petroleum product allocation regulations with respect to motor gasoline.

May 4, 1979

A. C. & M. Goldberg, Maryland; DEE–4892
Austin's Exxon Service, District of Columbia; DEE–4482
Auto Car Wash, Texas; DEE–4887
Bigelow, Charles, California; DEE–4888
Champion Garage & Gasoline, California; DEE–4889
Circle R #3, Louisiana; DEE–4890
Cold Spring Amoco Service, Maryland; DEE–4891
Craigs Fina Station, Arkansas; DEE–4894
Downtown Chevron, Florida; DEE–4895
George's Shell, Florida; DEE–4896
Hardy Turquoise Co., Inc., Arizona; DEE–4897
Huff's Inc., Oklahoma; DEE–4883
K & S Oil Company, Inc., Kansas; DEE–4898
Kojic, Svetomir, Arizona; DEE–4899
Love's Shell Service, California; DEE–4900
Lynady Brothers, Pennsylvania; DEE–4901
M. E. Homer Arco, California; DEE–4884
M. D. Fisher Oil, Inc., Texas; DEE–4880
Mel's Gulf, Florida; DEE–4902
Morgan's Amoco Service, Maryland; DEE–4893
Nu-Way Oil Co., Texas; DEE–4881
Nuss Arco Mini Market, Pennsylvania; DEE–4885
Perry's Service Station, California; DEE–4903
Rapid, Inc., Georgia; DEE–4886
Razorback Gulf Station, Alaska; DEE–4904
Reynolds Exxon, Arizona; DEE–4905
Richmond Texaco, California; DEE–4906
Rotth Oil Co., Inc., Minnesota; DEE–4907
Schneider's Automotive Repair, California; DEE–4908
Ted's Arco, New Jersey; DEE–4882
Yucaipa Car Wash & Automotive, California; DEE–4910

May 7, 1979

Al Chevron Service, California; DEE–4920
Alken, Inc., Arkansas; DEE–4935
Andrew Pica's Shell Service, California; DEE–4936
Arnew, H. M., Maryland; DEE–4928
Bill's Service Center, Virginia; DEE–4909
Blacksburg Exxon, Virginia; DEE–4911
Buelton Chevron, DEE–4963
Buggy Bath Car Wash, Inc., Nevada; DEE–4938
Buy-Rite Oil Company, Inc., Minnesota; DEE–5163
Cliff Brice Stations, Inc., Colorado; DEE–4939
Cromwell Chevron Station, Kentucky; DEE–5582
Deck Johnson Oil Co., Mississippi; DEE–4968
Desmarais, Bob, California; DEE–4964
Don's Chevron Service, Florida; DEE–5118
Duffy's Car Wash, Inc., Kentucky; DEE–4940
Edwards American, Inc., Maryland; DEE–4929
Fairmount Service, Missouri; DEE–4965
Fairview Union Service & Carwash, California; DEE–5161
Fikse, Henry, California; DEE–4941
Fitts Oil Co., Texas; DEE–4924
Fritch Oil Co., Florida; DEE–4923
George Dennis Auto Mobil Service, California; DEE–4914
Golden Gate Petroleum, California; DEE–4966
Goren, Abraham M., California; DEE–4915
Grandview Quick Stop, Alabama; DEE–4942
Gulf I–20 Service Station, Texas; DEE–4927
Hatim Addal Mobil Service, California; DEE–4916
Henderson Oil Company, Kentucky; DEE–4967
Hicks, Erma L., Alabama; DEE–4943
Huff Coal & Oil Co., Inc., Virginia; DEE–4944
Interstate Texaco, Virginia; DEE–4945
Jack's Amoco, Pennsylvania; DEE–4930
Jim's Pine Street Mobil No. 42, California; DEE–4917
K & K Inc., Alabama; DEE–4946
Laney Oil Co., Inc., North Carolina; DEE–4918
Ledford's Grocery & Farm Supply, Kentucky; DEE–4947
Live Oak Texaco, California; DEE–4925
M & J Grocery, Louisiana; DEE–4956
M.F.A. Oil Co. DEE–4969
Melvin's Sunoco, Maryland; DEE–4948
Mid-City Exxon, Louisiana; DEE–4962
Mike's Conoco, South Dakota; DEE–4970
Oil City of Utah, Utah; DEE–4950
Padonia Amoco, Maryland; DEE–4931
People's Amoco, District of Columbia; DEE–4932
Perry, Roland G., California; DEE–4971
Pierson's Clairemont Mesa ARCO, California; DEE–4949
R. H. Wehner Construction, California; DEE–4912
Rau Oil, Wisconsin; DEE–4951
Reich Oil Co., Tennessee; DEE–4922
Rentschler's Truck Plaza, South Dakota; DEE–4952
River House Trading Post, Michigan; DEE–4953
River Oil Co. of Jackson, Tennessee; DEE–4972
Robert's Amoco, Pennsylvania; DEE–4933
Smith, Sydney R., California; DEE–4919
Super Quik, Inc., Utah; DEE–4954
Teague Oil Co., Tennessee; DEE–6159
Times News, Tennessee; DEE–4955
U.S. Route 40 Gulf Service, Maryland; DEE–4926
Verma Chevron Service, California; DEE–4921
Woodbrook Amoco Station, Maryland; DEE–4934
Youngblood's Exxon, Georgia; DEE–4913

May 8, 1979

Aced's Arco Service, California; DEE–4974
Albert Manookian Service, California; DEE–4982
Automatic Gas Dist., (Dons Food), Colorado; DEE–5102
Automatic Gas Dist. (E&W Dairy), Colorado; DEE–5103
Automatic Gas Dist. (Hartley), Colorado; DEE–5104
Automatic Gas Dist. (I–80 Food), Colorado; DEE–5105
Automatic Gas Dist. (Lynn's), Colorado; DEE–5107
Automatic Gas Dist. (Redymart), Colorado; DEE–5108
Automatic Gas Dist. (Sheridan), Colorado; DEE–5106
Automatic Gas Dist. (V. Pantry), Colorado; DEE–5109
Big Beaver & Crooks Shell, Michigan; DEE–4975
Fairview Arco, California; DEE–4976
Fales Mini Market, California; DEE–4983
Grand River & Telegram Shell, Michigan; DEE–4977
J. S. Pate Oil Co., Georgia; DEE–4978
Maple & Lasher Shell, Michigan; DEE–4979
Palo/ARCO, Pennsylvania; DEE–4980
Ron Cromwell Chevron Service, California; DEE–4981
Shackelford Bros., Inc., Florida; DEE–4985
St. Louis Plaza, Tennessee; DEE–4984
The Pioneer Companies, Texas; DEE–4973

May 9, 1979

"G" Mart, South Carolina; DEE–5321
Action Gas Company, Indiana; DXE–5114
Alameda Truck Terminal, California; DEE–5003
All-Quip Co., Inc., California; DEE–5004
Allen's Shell, California; DEE–5005
American Car Wash Corp., Virginia; DEE–5006
Aranda, Jesse, California; DEE–5007
Baldwin Petroleum Co., Inc., Arkansas; DEE–4991

BCB Mobil Service Station, New York; DEE–4986
Beavers Texaco Service, District of Columbia; DEE–5008
Big K Oil Co., North Carolina; DEE–5009
Blythdale 66, Maryland; DEE–5010
Bob Norton Tire, Michigan; DEE–5011
Bowers & Burrows, Inc., North Carolina; DEE–5012
Bullick's Shell, California; DEE–5013
Burlington Industries, North Carolina; DEE–5014
C & S Texaco, Arizona; DEE–5015
Capitol & Center ARCO, California; DEE–4992
Carriage Square Union, California; DEE–5016
Central Plaza Union, California; DEE–5017
Chabot's Super Service, Inc., Ohio; DEE–4988
Champion Timberlands, California; DEE–5018
Cosmic Auto Service, New York; DEE–5019
Cuscaden Park Service, Florida; DEE–5020
Dom York Petroleum, Pennsylvania; DEE–5021
Doug's Mini Mart, California; DEE–4993
F. A. Stein Oil Company, Illinois; DEE–4994
Fairdealing Super Market, Kentucky; DEE–5022
Fast Stop Marts, California; DEE–4995
Flower Exxon Service Center, Maryland; DEE–5537
Franks Mini Market, Pennsylvania; DEE–4996
G & G Oil Company, Arizona; DEE–4989
Gauaghan, Kenneth H., Florida; DEE–5023
Geri-Towne ARCO, California; DEE–5119
Greene, Dick, Illinois; DEE–5538
H & S Gulf, Texas; DEE–5024
Hillside Ranch, California; DEE–5025
Holbrook, John F., Kentucky; DEE–5026
Horseshoe Bend Marina, California; DEE–5027
Hub Chevron, California; DEE–5028
J & J Texaco, New Jersey; DEE–5029
Jack Sampian Chevron, California; DEE–5030
Jim's Exxon Service, California; DEE–5031
Jim's Service, Florida; DEE–5032
Johnson's Texaco, New Jersey; DEE–5033
Kay Peterson Distributing, DEE–5034
Kellum Oil Co., Mississippi; DEE–5035
Kendall Texaco, Florida; DEE–5036
Kim's Division Shell Self-Serv, Texas; DEE–5037
Langdon Oil Company, Inc., Maryland; DEE–5038
Las Vegas Baggage Service, Nevada; DEE–5039
Lasco Truck Rentals, Nevada; DEE–5317
Lenoir Gas House, North Carolina; DEE–4997
Lincoln Land Oil Company, Illinois; DEE–5040
Long Island Gas. Retailers, New York; DEE–5041
Los Arcos Shell, Arizona; DEE–5042
M.F. Kershner Standard Service, Florida; DEE–5043
Master Auto Service, Corp., Virginia; DEE–5044
Miller Oil Company, Iowa; DEE–4990
Morrow, R.D., Colorado; DEE–5045
National Car Wash, California; DEE–4998
One Calais Self-Serve, Inc., Louisiana; DEE–5046
Pamlico Seafood & Variety, North Carolina; DEE–4999
Par Mar Oil, Ohio; DEE–5047
Performance Automotive Service, California; DEE–5048
Perris Valley Airport, Inc., California; DEE–5049
Petty's Service Center, Texas; DEE–5050
Pine Grove Exxon, California; DEE–5051
Port Exxon, Florida; DEE–5000
Port Oil Corp., Massachusetts; DEE–5120
Priest Standard, Florida; DEE–5052
Quik Serv Marts, Inc., Florida; DEE–5124
Ralph's Gulf Center, Florida; DEE–5053
Ray's Red Horse Mobil, California; DEE–5054
Regan 66 Service Station, Tennessee; DEE–5539
Rick's Servicenter, Michigan; DEE–5055
Rocket Oil Co., Arkansas; DEE–5056
Rolling Meadows Standard, Wisconsin; DEE–5001
Rucker's Exxon, Texas; DEE–4987
Shallowford Superette, Georgia; DEE–5057
Shawnee Skelly Service, Kansas; DEE–5002
Shell Service Center, Maryland; DEE–5058
Six & Outer Drive Shell Service, Michigan; DEE–5059
Solvang, California, California; DEE–5121
SP's Gulf Service, Texas; DEE–5060
Stadium Service Station, Florida; DEE–5061
Stinson Grocery, Virginia; DXE–5122
Sun Valley Gasoline Inc., California; DEE–5062
Super ARCO, California; DEE–5063
Thomas, Barry L., California; DEE–5064
Town of Shelter Island, New York; DEE–5123
Two J's Auto Clinic, California; DEE–5066
Valley Planning Mill, California; DEE–5067
Waston, Jim, Arizona; DEE–5068
Weeg's Standard Service, South Dakota; DEE–5069
Westmont Texaco, New Jersey; DEE–5071
Wolverine Western Corporation, California; DEE–5072
Wright, D. E., Tennessee; DEE–5073
Yarnell's Sunoco, Virginia; DEE–5074
Zachary Gulf Service Station, Louisiana; DEE–5075
Zellers Standard Station, Alabama; DEE–4563
Zimm's Exxon Service, Maryland; DEE–5076

May 10, 1979

American Accessories, Inc., West Virginia; DEE–5084
Amfood Industries, Inc., Illinois; DEE–5085
ARCO Mini Markets, California; DEE–5078
Arlington Towers Exxon, Virginia; DEE–5086
Barkley Dam Chevron, Kentucky; DEE–5079
Betsill's Gulf Station, Georgia; DEE–5080
Charles F. Argon & Company, California; DEE–5749
Corner Food Stores, Inc., New York; DEE–5087
Cunningham Drug Stores, Michigan; DEE–5088
File, W. L., North Carolina; DEE–5089
General Stations, Inc., West Virginia; DEE–5090
Hooks Service Station, New York; DEE–5091
McLean Phillips 66, Virginia; DEE–4396
Mid-Nine Gulf Service Station, Michigan; DEE–5092
Nunnally's Gulf Station, Georgia; DEE–5081
O.L. "Shorty" Fought Exxon, Arkansas; DEE–5094
Ree Oil Company, Iowa; DEE–5162
Ron's Conoco, Iowa; DEE–5095
Stephen Meads Oil Co., Inc., Texas; DEE–5096
Stukey, Carl F., California; DEE–5082
Sunset Amoco, Florida; DEE–5077
Tony's Shell Service, California; DEE–5097
VI's Corner Gas, Minnesota; DEE–5083
West Esplanade Shell, Louisiana; DEE–5098
Western Exchange Corporation, Nevada; DEE–5099
Wright & Wright Auto Repair, California; DEE–5100
Yosemite Park & Curry Co., California; DEE–5101
9th & Crocker Mobile Service, California; DEE–5093

May 11, 1979

Delta Mini Mart, California; DEE–4597
Horizon Inn, California; DEE–4607

Items Retrieved, 246.

Date	Name and location of applicant	Case No.	Type of submission
5/7/79	Asiatic Petroleum Corp., *et. al.*, New York, New York.	DEX–0163	Supplemental Order altering exception relief previously granted. If granted: The DOE's October 13, 1978, Decision and Order issued to Asiatic Petroleum Corp. et. al., would be modified with respect to its fee-exempt authority on actual imports of residual fuel oil.
5/7/79	Sun Company, Inc., Washington, D.C	DRO–0204, DRS–0204 and DRT–0204.	Request for temporary stay and stay. If granted: Sun Company, Inc., would receive a temporary stay and stay of the Interim Remedial Order for Immediate Compliance issued April 27, 1979.
5/7/79	Time Oil Company, Washington, D.C	DRD–0022	Motion for Discovery. If granted: Discovery would be granted to Time Oil Company with respect to its Statement of Objections to a Proposed Remedial Order issued to Chevron U.S.A., Inc. (Case Nos. DRH–0083 and DRD–0083).
5/8/79	Crown Central Petroleum Corporation	DES–0211	Request for Stay. If granted: Crown Central Petroleum Corporation would receive a stay of the Proposed Remedial Order issued to the firm on August 31, 1978.
5/8/79	E–Z Serve, Inc., Washington, D.C	DEA–0396	Appeal of Economic Regulatory Administrative Decision and Order. If granted: The Economic Regulatory Administration's April 11, 1979, Decision and Order to E–Z Serve, Inc. regarding the firm's application for a crude oil allocation would be modified.
5/9/79	Attorney General of Ohio, Columbus, Ohio	DEA–0398	Appeal of Economic Regulatory Administration's Decision and Order. If granted: The Economic Regulatory Administration's April 2, 1979, Decision and Order issued to Columbia LNG Corporation regarding the base period allocation of SNG feedstock would be modified.

Date	Name and location of applicant	Case No.	Type of submission
5/9/79	Buck's Butane & Propane Service, Inc	DEE-5546	Price Exception (Section 212.93). If granted: Buck's Butane & Propane Service, Inc., would receive an exception from the provisions of 10 CFR Section 212.93.
5/9/79	Canal Refining Company, Church Point, Louisiana	DSG-0053	Petition for Special Redress. If granted: The August 21, 1978, Decision and Order issued to Monsanto Company (Case No. FEE-4397) would be modified concerning sales of lease condensate.
5/9/79	Getty Refining & Marketing, Cherry Hill, New Jersey.	DEA-0419	Appeal of Assignment Order. If granted: The April 20, 1979, Assignment Order issued to Getty Refining & Marketing Company would be modified concerning the gasoline sales to Award Petroleum Company.
5/9/79	Glass-Lined Water Heater Co., Cleveland, Ohio	DEE-5817	Exception (10 CFR 430). If granted: Glass-Lined Water Heater Company would receive an exception from the provisions of 10 CFR 430.
5/9/79	Minuteman Gas 'n Pantry, Inc.,	DEE-5115	Exception to change suppliers. If granted: Minuteman Gas 'n Pantry, Inc., would be assigned a new base period supplier of motor gasoline to replace Martin Oil Service, Inc.
5/9/79	Oklahoma Refining Company, Oklahoma City, Oklahoma.	DRT-0205 and DRS-0205.	Request for Stay and Request for Temporary Stay. If granted: Oklahoma Refining Company would be granted a Stay and a Temporary Stay of an Interim Remedial Order for Immediate Compliance issued by Region VI on May 4, 1979.
5/9/79	Power Test Petroleum, Distributors, Inc	DEA-0418	Appeal of an Assignment Order. If granted: The April 20, 1979, Assignment Order issued to Power Test Petroleum Distributors, Inc. would be modified concerning the gasoline sales to Award Petroleum, Inc.
5/9/79	Phillips Petroleum Company, Bartlesville, Oklahoma	DEE-5113, DES-5113 and DST-5113.	Exception to Terminate Sales Obligation, Requests for Stay and Temporary Stay. If granted: Phillips Petroleum Company woud be permitted to terminate its sales obligation under the Mandatory Crude Oil Allocation (Buy/Sell) Program.
5/9/79	UCO Oil Company (Mobil Oil Corporation)	DEX-0164	Supplemental Order/Protective Order. If granted: UCO Oil Company and Mobil Oil Corporation would be granted a Protective Order regarding confidential information involved in UCO Oil Company's Applicatons for Stay, Temporary Stay, and Exception (Case Nos. DES-2487, DST-2487, DEE-2487).
5/9/79	UCO Oil Company (Texaco, Inc.)	DEX-0165	Supplemental Order/Protective Order. If granted: UCO Oil Company and Texaco, Inc. would be granted a Protective Order regarding confidential information involved in UCO Oil Company's Applicatons for Stay, Temporary Stay, and Exception (Case Nos. DES-2487, DST-2487, DEE-2487).
5/9/79	UCO Oil Company (Union Oil Company of California).	DEX-0166	Supplemental Order/Protective Order. If granted: UCO Oil Company and Union Oil Company of California would be granted a Protective Order regarding confidential information involved in UCO Oil Company's Applications for Stay, Temporary Stay, and Exception (Case Now. DES-2487, DST-2487, DEE-2487).
5/10/79	Amoco Oil Company, Chicago, Illinois	DEA-0408, DES-0408 and DST-0408.	Appeal of DOE Region IV Temporary Assignment Order and Request for Temporary Stay and Stay. If granted: The April 12, 1979, Temporary Assignment Order issued by DOE Region IV would be rescinded and Amoco would be granted a temporary stay and stay pending a final determination of its Appeal.
5/10/79	Campus Commons Shell, Sacramento, California	DEE-5117-	Price Exception (Section 211.92). If granted: Campus Commons Shell would receive an exception to the provisions of 10 CFR 211.92.
5/10/79	Gulf Oil Company, Houston, Texas	DEA-0407, DST-0407 and DES-0407.	Appeal of Assignment Order and Request for Temporary Stay and Stay. If granted: The April 12, 1979, Temporary Assignment Order issued by DOE Region IV to Gulf Oil Company-U.S. would be rescinded and Gulf would be granted a temporary stay and stay pending a final determination of its Appeal.

Notices of Objection Received

[Week of May 4 through May 11, 1979]

Date	Name and location of applicant	Case No.
5/9/79	Sure Enterprises, Inc.,	DEE-3173
5/7/79	B-C Enterprises, Los Angeles, Californeia	DEE-3228
5/7/79	Save O.K. Gas & Oil, Oklawaha, Florida	DEE-2048
5/10/79	McMahon Oil Company, Newton, Texas	DEE-2346

[FR Doc. 79-19425 Filed 6-21-79; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Decisions and Appeals for the Week of February 5 Through February 9, 1979

Notice is hereby given that during the week of February 5 through February 9, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Paul R. Duckworth, Las Vegas, Nev., DFA-0287, freedom of information

On January 10, 1979, Paul R. Duckworth filed an Appeal of an Order that the Chief Counsel of the DOE Nevada Operations Office issued to him on December 7, 1978. In that order the Chief Counsel found that the request for information Duckworth had filed under the Freedom of Information Act was procedurally deficient. After considering the arguments made by Duckworth in his Appeal, the DOE concluded that the Chief Counsel had erred by not offering to assist Duckworth, as required by DOE regulations, in correcting the procedural deficiencies. Consequently, this matter was remanded to the Freedom of Information Officer of the DOE Nevada Operations Office with instructions to assist Duckworth in remedying the procedural deficiencies that existed in the original request for information.

James A. Leonard, Burleson County, Tex., DRA-0231, crude oil

James A. Leonard filed an Appeal of a Supplemental Remedial Order that DOE Region VI issued to him on September 25, 1978. In the Supplemental Remedial Order, the Regional Office concluded that certain overcharges by Leonard during the September 1, 1973 through December 31, 1975 audit period should not be reduced by the amount of any undercharges that may have occurred in a subsequent period. In his Appeal, Leonard contended that an offset of post-audit period undercharges was appropriate because the same error in the application of DOE regulations with respect to a crude oil producing property owned by Leonard that resulted in the violations specified in the Remedial Order also resulted in undercharges for crude oil produced from the same property subsequent to the completion of the audit. The DOE found with respect to this argument that consideration of the offset issue in the Leonard case was consistent with the language and intent of Ruling 1977-1 and the internal policy guidelines of the Office of Enforcement but

that the record did not indicate that the Regional Office had in fact considered the question whether an offset should be permitted.

The DOE further found that the property in question would have qualified for the stripper well lease exemption on January 1, 1976, but that as a result of his error Leonard had certified production from the property as lower tier crude oil. The DOE therefore concluded that under these circumstances an offset should have been permitted and granted the Leonard Appeal.

Remedial Order

Mornes, Inc., Grand Rapids, Minnesota, DRO–0085, propane

Mornes, Inc. filed a Statement of Objections to a Proposed Remedial Order that DOE Region V issued to the firm on June 15, 1978. In the Proposed Remedial Order, Region V found that during the period November 1, 1973 through November 30, 1976, Mornes had charged its customers prices for propane that exceeded those permitted by the Mandatory Petroleum Price Regulations. In its Statement of Objections, Mornes generally denied that its prices were in violation of the regulations and also disputed an allegation in the PRO that it did not comply with regulatory recordkeeping requirements. Mornes further contended that it had been deprived of its right to a hearing by the Regional Office. In considering the Objection, the DOE determined that Region V had correctly computed Mornes' May 15, 1973 weighted average unit cost of product in inventory. The DOE further found that Region V was correct in using the actual selling prices that Mornes had charged for propane on May 15, 1973 in computing the firm's maximum lawful selling prices. In addition, the DOE determined that Mornes was not entitled to rely on statements allegedly made by an FEA auditor indicating that the firm was not in violation of the regulations. The DOE held that it was not necessary to determine whether Mornes had complied with applicable recordkeeping requirements, because the PRO did not impose any sanctions for this alleged violation. Finally, the DOE determined that the failure of Region V to hold a conference subsequent to the issuance of a notice of probable violation did not adversely affect the firm in any significant manner. On the basis of these findings, the DOE rejected Mornes' objections and issued the June 15 Proposed Remedial Order as a final Remedial Order.

Requests for Exception

B.D.O. Petroleum Corporation, Westbury, New York, DRC–0010, motor gasoline

B.D.O. Petroleum Corporation filed with the Region II Office an Application for Exception from the provisions of 10 CFR 211.12 in which it sought an increase from 280,000 to 3,000,000 gallons annually in the base period allocation of motor gasoline for the retail service stations operated by BDO. In response to that request, Region II issued a Proposed Decision and Order in which it tentatively determined that the exception should be denied. BDO then filed the present Statement of Objections, contending that denial of relief would cause the firm to suffer a gross inequity and serious hardship. In support of its contention, BDO claimed that it had changed the nature of the operation of its retail stations and that its lease and supply contract prevented it from obtaining sufficient surplus supply to meet the resulting increased need. BDO also claimed that the profitability of the site had declined as a result of the DOE regulations. The DOE, however, rejected both claims, finding that any difficulties the firm was experiencing were a result of business decision made after the regulations had taken effect. Moreover, the DOE found that BDO had failed to demonstrate that the profitability of the site had declined. The DOE therefore determined that the exception request should be denied.

Bock and Bacon Oil Company, Houston, Texas, DXE–2027 crude oil

The Bock and Bacon Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception, if granted, would extend relief previously approved and permit Bock and Bacon to continue to sell certain quantities of the crude oil produced from the Champion Paper Company Lease property at upper tier ceiling prices. In considering the exception request, the DOE found that the per barrel operating costs at the property continued to exceed the applicable lower tier ceiling price, and it therefore concluded that continued exception relief was necessary to provide the firm with an economic incentive to continue production operations. In accordance with the precedents established in a number of previous Decisions, the DOE permitted Bock and Bacon to sell 46 percent of the crude oil produced from the property at upper tier ceiling prices for a period of six months.

Gulf Oil Corporation, Houston, Texas; DEE–1952, Motor Gasoline

Gulf Oil Corporation Filed an Application for Exception from the provisions of 10 CFR 212.83(c). If granted, the exception would permit Gulf to exclude from its base period costs certain marketing expenses associated with assets in its midcontinent area of operations that have been sold to independent jobbers. Gulf also requested the same relief with respect to any marketing assets in any of its operating areas that are in the future sold to independent jobbers. In approving Gulf's Application with respect to its midcontinent divestiture program, the DOE observed that exception relief would further the underlying objective of Section 212.83(c), which is to permit a refiner to pass through increased costs incurred with respect to its operations since May 1973. However, with respect to Gulf's exception request concerning future divestitures, the DOE concluded that Gulf had not provided the type of detailed information necessary to permit the DOE to ascertain the impact of any divestitute plan upon the distributors involved. The DOE therefore denied this portion of the exception request, stating that it would further consider the question of future divestitures when the firm furnishes a detailed description of the divestiture plan and necessary financial information concerning the properties to be divested.

Kern County Refinery, Inc., Bakersfield, California; DXE–0088, Crude Oil

Kern County Refinery, Inc. filed an Application for Exception from its obligation under the Old Oil Entitlements Program (10 CFR 211.67) to purchase entitlements for the period October 1977 through March 1978. On December 20, 1977, the DOE issued a Proposed Decision and Order in which it reached a preliminary determination that Kern had changed its business practices in order to receive additional relief under an exception previously granted to the firm based on the precedent established in *Delta Refining Company*, 2 FEA Par. 83,275 (1975). In order to prevent a recurrence of that situation, the DOE concluded that the standard for exception relief that was implemented in the *Delta Decision* should be modified by placing a ceiling on the amount of exception relief available to small refiners. The DOE held that the maximum amount of exception relief available should be equivalent to the level of exception relief that would be granted if the firm's crude oil receipts and runs to stills were the same as they were during the period February 1976 through January 1977. Applying the modified *Delta* standard in the case of Kern County, the DOE proposed to grant exception relief in the amount of $1,365,926 per month for the six-month relief period.

In its Statement of Objections to the Proposed Decision, Kern contended that the DOE could not alter the *Delta* standard without first complying with statutory rulemaking provisions and could not lawfully apply the historical period limitation to a period of time that preceded the date of the Proposed Decision and Order. In considering Kern's objections, the DOE held that standards for exception relief that were involved were adjudicatory in nature and therefore were not subject to the procedural requirements for rulemaking that are contained in the Administrative Procedure Act. The DOE also concluded that the action discussed in the Proposed Decision and Order was of a prospective nature, because it involved additional exception relief for a period never before considered by the agency and did not alter or reduce any relief previously granted to the firm. The DOE also determined, moreover, that implementation of that revised standard to Kern's operations effective with the month of October 1977 would not cause Kern any hardship that could threaten its continued economic viability. The DOE found no merit in Kern's contention that the DOE's use of the entire February 1976 through January 1977 historical period resulted in a distorted and unrepresentative image of Kern's customary business practices. The DOE agreed, however, with Kern's contention that the agency had incorrectly calculated the volume and composition of the firm's crude oil receipts and runs to stills for the February 1976 through January 1977 historical period, and in view of that finding the DOE concluded that the amount of exception relief granted Kern should be $10,232,390 for the period October 1977 through March 1978, rather than $8,195,556, the amount of relief

granted to Kern in the December 20 Proposed Decision and Order.

M. J. Mitchell, Dallas, Texas; DXE–1666, crude oil

M. J. Mitchell filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception, if granted, would result in the extension of the exception relief previously granted and would permit Mitchell to continue to sell the working interest share of the crude oil produced from the Pickrell Ranch Minelusa Sand Unit located in Campbell County, Wyoming, at market prices. *M. J. Mitchell*, 1 DOE Par. 81,118 (1978). In considering the Mitchell request, the DOE found that the working interest owners continued to incur increased operating expenses at the Unit and that, in the absence of continued exception relief, Mitchell would lack an economic incentive to continue to produce crude oil from the property. Therefore, on the basis of the operating data that Mitchell submitted for the most recently completed six-month period, the DOE concluded that Mitchell should be permitted to sell at upper tier ceiling prices 75.91 percent of the working interest share of production from the Unit.

Monsanto Company, Houston, Texas; DXE–2093, DXE–2094, crude oil

On December 20, 1978, the Monsanto Company filed two Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exceptions, if granted, would result in an extension of exception relief previously granted to Monsanto with respect to the Hendrick "A" property and the Hendrick "C" property of the Hendricks Field, located in Winkler County, Texas. In considering the exception requests, the DOE found that the operating costs per barrel at the two properties continued to exceed the applicable lower tier ceiling price, and the DOE therefore concluded that continued exception relief was necessary in order to provide Monsanto with an economic incentive to maintain production operations. The DOE further determined that the firm would not have an incentive to contine operations at the two properties if the firm were required to sell the crude oil produced from the properties at upper tier ceiling prices. In accordance with the methodology established in previous Decisions, the DOE permitted Monsanto to sell a portion of the crude oil at market prices and the remainder at upper tier ceiling prices.

Pennzoil Producing Company, Houston, Texas; DXE–2012, crude oil.

Pennzoil Producing Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception, if granted, would result in an extension of exception relief previously granted to Pennzoil and would permit the firm to sell at market prices the crude oil produced for the benefit of the working interest owners from the Woodruff Sand Waterflood Unit located in Yazoo County, Mississippi. In considering the exception request, the DOE fould that as a result of increases in operating costs Pennzoil would not have an economic incentive to produce crude oil from the Woodruff Unit unless additional exception relief were approved. Therefore, in accordance with the methodology utilized in previous Decisions, the DOE concluded that Pennzoil should be permitted during the six-month period ending June 30, 1979 to sell 100 percent of the crude oil produced from the benefit of the working interest owners from the Woodruff Unit at market prices, not to exceed $22.77 per barrel.

Pennzoil Producing Company, Houston, Texas, DXE–2044 crude oil.

Pennzoil Producing Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception, if granted, would result in the extension of exception relief previously granted to Pennzoil and would permit the firm to sell at market prices the crude oil produced for the benefit of the working interest owners from the McGraw-Stevens Waterflood Unit (the Stevens Unit) located in the Tinsley Field, Yazoo County, Mississippi. In considering the exception request, the DOE found that Pennzoil's operating costs had increased to the point that the firm no longer had an economic incentive to produce crude oil from the Stevens Unit in the absence of additional exception relief. In accordance with the criteria applied in previous Decisions, the DOE concluded that Pennzoil should be permitted to sell 92.45 percent of the crude oil produced from the Stevens Unit for the benefit of the working interest owners at market prices not to exceed $14.23 per barrel and should be permitted to sell the remaining 7.55 percent of the crude oil produced for the benefit of the working interest owners from the property at upper tier ceiling price during the six month period ending June 30, 1979.

Petition for Special Redress

Texaco, Inc., White Plains, New York, DSG–0036 motor gasoline.

Texaco, Inc. filed a Petition for Special Redress with respect to a rulemaking proceeding involving proposed amendments to the refiner price regulations. In its Petition Texaco alleged that the ERA had been dilatory in conducting the rulemaking, and it therefore requested that an order be issued directing the Economic Regulatory Administration to close the rulemaking proceeding and issue a final rule permitting refiners to allocate an increased amount of product and nonproduct costs to motor gasoline. In considering the Texaco request, the DOE observed that the ERA had decided to continue the rulemaking pending completion and review of a final environmental impact statement. The DOE found that in view of the complexity of the economic and environmental issues related to the proposed regulatory amendments, ERA's continuation of the rulemaking appeared reasonable and that interference with the rulemaking proceeding would be inappropriate. Consequently, Texaco's request was denied.

Request for Temporary Stay

Young Refining Corporation, Douglasville, Georgia, DST–1051 crude oil.

Young Refining Corporation requested that its obligation under the provisions of 10 CFR 211.67 (the Entitlements Program) for the months of November and December 1978 and January 1979 be stayed pending a determination on an Application for Stay that it intended to file. In considering the Young request, the DOE found that the firm had failed to make a substantial *prima facie* showing that it did not possess the financial resources that would enable it to purchase entitlements, and the DOE further found that any financial difficulties the firm might be experiencing appeared to be the result of its own business decisions. The DOE therefore denied the Young request.

Motion for Evidentiary Hearing

Gas del Oro, Inc., et al., Laredo, Texas; DEH–0396, DEH–1237, natural gas

Gas del Oro, Inc., filed Motions for Evidentiary Hearing in connection with its Statements of Objection to two Proposed Decisions and Orders concerning the Ozona Gas Processing Plant. In the Proposed Decisions, the DOE tentatively determined that Ozona should be permitted to increase its prices of natural gas liquids in order to reflect certain unrecovered non-product cost increases that it incurred at the Ozona plant. If Gas del Oro's Motions were granted, the DOE would convene an evidentiary hearing regarding the sufficiency and accuracy of the financial information that formed the basis for the Proposed Decisions. In considering the firm's contentions, the DOE noted that, while it generally takes a liberal view with respect to motions for evidentiary hearing, the Gas del Oro Motions appeared to be requests to engage in a wide-ranging inquiry into the general nature of Ozona's business operations. Evidentiary hearings, the DOE pointed out, are intended only to aid the agency in deciding issues of fact material to a pending case. Furthermore, the DOE found unpersuasive Gas de Oro's argument that Ozona had willfully misrepresented its nonproduct costs to the DOE in order to obtain exception relief in past proceedings. The DOE also stated that it would be inappropriate to grant an evidentiary hearing that would have the effect of releasing to Gas del Oro the confidential financial information that Ozona had previously offered to disclose under a joint protective order, an offer that Gas del Oro had refused. Finally, the DOE observed that a review of a recent audit of the Ozona firm would provide an efficient means by which to verify the financial data underlying the Proposed Decisions, and thus Gas del Oro had not shown that the issues it presented in its Motions could be established effectively and efficently in a manner only through the direct questioning of witnesses at an evidentiary hearing. Consequently, Gas del Oro's Motions for Evidentiary Hearing were denied.

Motion for Discovery

William Herbert Hunt Trust Estate, Dallas, Texas; DRD0112, crude oil

The William Herbert Hunt Trust Estate filed a Motion for Discovery in connection with a Proposed Remedial Order that DOE Region VI issued to Hunt. In its Motion for

Discovery, Hunt sought responses by the Office of Enforcement to a request for admission and to written interrogatories, production of intra-agency documents pertaining to the pricing of condensate recovered at mechanical separators, and permission to depose an agency official. In considering the Hunt Motion, the DOE determined that Hunt's request for admission Motion, the DOE determined that Hunt's request for admission sought a legal conclusion rather than admission of a relevant fact and therefore should be denied. The DOE further determined that the internal agency memoranda sought by Hunt were deliberative and pre-decisional, and that their importance to the issues presented by the PRO were not sufficent to override the privilege against disclosure. The DOE also determined, however, that the Office of Enforcement should be required to respond to a Hunt interrogatory concerning the existence of unpublished agency rules relating to the proper pricing of condensate recovered from mechanical separators. The DOE denied, however, the firm's request to depose the agency official responsible for any rule of this type on the grounds that the requested deposition would violate the general prohibition against inquiry into the mental processes of officials responsible for an agency decision.

Dismissals

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

A. H. Todd & Sons, Inc., Fleischmanns, New York; DEE-2009

Bucksville Center Shell, Bucksville, Ohio; DEE-2043

Continental Oil Company, Washington, D.C.; FEE-3998

Charles F. Haas, Corpus Cristi, Texas; DRO-0108

Skard & Newsom, Inc., Los Cruces, New Mexico; DEE-1998

Moheen Production Company, Corpus Christi, Texas; DRO-0152

Petroleum International Associates, Inc., Washington, D.C.; DRD-0212

Central Oil Company of Worchester, Washington, D.C.; DRO-0067, DRH-0067, DRD-0067.

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Law Offices of Richard Levy, Alexandria Virginia; DFA-0297

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

June 18, 1979.

[FR Doc. 79-19572 Filed 6-21-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1255-5; OPP-30165]

Pesticide Programs; Receipt of Application to Register Pesticide Product Containing New Active Ingredient

Herculite Products, Inc., 1107 Broadway, New York, NY 10010, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product HERCON LURETAPE WITH DISPARLURE (EPA File Symbol 8730-RT), containing 13.0% of the active ingredient *cis*-7,8-expoxy-2-methyloctadecane which has not been included in any previously registered pesticide product. The application proposes that the pesticide be classified for general use in wooded residential areas and forests to control gypsy moth. Notice of this application is given pursuant to the provisions of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136) and the regulations thereunder (40 CFR 162).

Notice of receipt of this application does not indicate a decision by the Agency on the application. Interested persons are invited to submit written comments on this application to the Federal Register Section, Program Support Division (TS-757, Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St., SW, Washington, DC 20460. The comments must be received within 30 days from the date of publication of this notice in the **Federal Register** and should bear a notation indicating the EPA File Symbol "8730-RT". Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning this application and the data submitted should be directed to Product Manager (PM) 17, Mr. Franklin Gee, Registration Division (TS-767), Office of Pesticide Programs, at the above address or by telephone at 202/426-9425. The label furnished by Herculite Products, Inc., as well as all written comments filed pursuant to this notice, will be available for public inspection in the office of the **Federal Register** Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Notice of approval or denial of this application to register HERCON LURETAPE WITH DISPARLURE will be announced in the **Federal Register.** Except for such material protected by Section 10 of FIFRA, the test data and other information submitted in support of registration as well as other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedures for requesting such data will be given in the **Federal Register** if an application is approved.

Dated: June 15, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-19552 Filed 6-21-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-30166; FRL 1255-4]

Pesticide Programs; Receipt of Application To Register Pesticide Product Containing New Active Ingredient

Hoffman-La Roche Inc., Nutley, NJ 07110, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product Stemtrol Liquid Concentrate (EPA File Symbol 35977-E), containing 5.0% of the active ingredient 1-(3,7-dimethyloctyl)-1-(2-propenyl)peridinium bromide which has not been included in any previously registered pesticide product. The application proposes that the pesticide be classified for general use as a growth regulator for reducing internode elongation of chrysanthemums. Notice of this application is given pursuant to the provisions of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136) and the regulations thereunder (40 CRF 162).

Notice of receipt of this application does not indicate a decision by the Agency on the application. Interested persons are invited to submit written comments on this application to the Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St., SW, Washington, DC 20460. The comments must be received within 30 days from the date of publication of this notice in the Federal

Register and should bear a notation indicating the EPA File Symbol "35977-E". Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning this application and the data submitted should be directed to Product Manager (PM) 25, Mr. Robert Taylor, Registration Division (TS-767), Office of Pesticide Programs, at the above address or by telephone at 202/755-7013. The label furnished by Hoffman-La Roche Inc., as well as all written comments filed pursuant to this notice, will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Notice of approval or denial of this application to register Stemtrol Liquid Concentrate will be announced in the **Federal Register**. Except for such material protected by Section 10 of FIFRA, the test data and other information submitted in support of registration as well as other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedures for requesting such data will be given in the **Federal Register** if the application is approved.

Dated: June 15, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-19553 Filed 6-21-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1255-7; PW-19]

Pesticide Programs; Withdrawal of Pesticide Petition

On November 9, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 49513) that Amchem Products, Inc., Brookside Ave., Ambler, PA 19002, had filed a petition (PP 6F1870). This petition proposed establishment of a tolerance for residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on the raw agricultural commodity grapes at 1.0 part per million (ppm).

Amchem Products, Inc. has withdrawn this petition without prejudice to future filing in accordance with the regulations (40 CFR 180.8) pertaining to section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)).

Dated: June 15, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-19550 Filed 6-21-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1255-6; PW-18]

Pesticide Programs; Withdrawal of Pesticide Petition

On November 9, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 49513) that Amchem Products, Inc., Brookside Ave., Ambler, PA 19002, had filed a petition (FAP 6H5152). This petition proposed establishment of a regulation permitting the use of the plant regulator ethephon ((2-chloroethly)phosphonic acid) on the commodity grapes with a tolerance limitation of 5 parts per million (ppm) for residues resulting in the processed food grape juice, grape wine, and grape pomace.

Amchem Products, Inc. has withdrawn this petition without prejudice to future filing in accordance with the regulations (40 CFR 180.8) pertaining to section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)).

Dated: June 15, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-19551 Filed 6-21-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1256-4]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review, Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9)

PERIOD COVERED: This Notice includes EIS's filed during the week of June 11 to 15, 1979.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from June 22, and will end on August 6, 1979. The 30-day wait period for final EIS's will be computed from the date of receipt by EPA and commenting parties.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Kathi Weaver Wilson, Office of Environmental Review A-104, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-0780.

SUMMARY OF NOTICE: Appendix I sets forth a list of EIS's filed with EPA during the week of June 11 to 15, 1979 the Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number if available. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the **Federal Register** and the extended date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agencies.

Appendix V sets forth a list of reports or additional supplemental information on previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: June 19, 1979.

William N. Hedeman, Jr.,

Director, Office of Environmental Review.

Appendix I—EIS's Filed With EPA During the Week of June 11 to 15, 1979

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 412A, Washington, D.C. 20250, (202) 447–3965.

Forest Service

Draft

Hoodoo-Fisher Mountain Planning Unit, Land Management, Lincoln County, Mont., June 14: Proposed is a Land Management Plan for Hoodoo-Fisher Mountain Planning Unit, Kootenai National Forest, Lincoln County, Montana. Four plans have been developed. Alternative A involves management of the unit for primitive, dispersed, and developed recreation. Alternative B provides optimum production of goods and services. Alternative C concerns wildlife management of grizzly habitat, areas of high scenic value, and provides a balance of forage and cover for big game. Alternative D emphasizes commodity production with provisions for dispersed recreation, big game, fragile soils, and scenic qualities. (01–14–79–08–USDA—FS–DES(ADM)). (EIS Order No. 90590.)

Cool-Burnt Planning Unit Land Management, Kootenai National Forest, Lincoln County, Mont., June 14: Proposed is a Land Management Plan for the Cool-Burnt Planning Unit of the Kootenai National Forest in Lincoln County, Montana. The preferred alternative for the 35,280 acre unit emphasizes dispersed recreation, grizzly bear and moose habitats, and visual resources. Approximately 12,300 acres are allotted for timber production with 6,300 acres of that allotment constrained by visual requirements. The grizzly peak roadless area is largely allocated for dispersed recreation and gizzly bear habitat. Four other alternatives are considered. (01–14–79–USDA–FS–DES–(ADM)). (EIS Order No. 90592.)

Final

Bridger-Teton National Forest, Timber Management Plan, several counties in Utah, June 14: Proposed is a Timber Management Plan for the Bridger-Teton National Forest in Lincoln, Sublette, Teton, Fremont, and Park Counties, Wyoming. The plan will encompass approximately 3,439,807 acres and replaces 2 existing plans approved in the mid-sixties. Seven alternatives are considered. The preferred alternative includes: (1) Timber management and production; (2) wilderness area management; (3) maintenance of rural communities; and (4) reduction of losses from insects, disease, and fire. (USDA–FS–FES—(ADM)–R4–79–1). Comments made by: USDA, HUD, DOI, State and local agencies, groups, individuals and businesses. (EIS Order No. 90589.)

Soil Conservation Service

Draft

Brundage Watershed Plan, reservoir enlargement, Adams County, Idaho, June 14: Proposed is financial assistance for the implementation of the Brundage Watershed Plan in Adams County, Idaho. The plan includes the enlargement of the Brundage Reservoir to a storage capacity of 7,330 acre feet, the improvement and extension of existing canals, including necessary structural components such as diversions and headgates, and the application of land treatment measures. The reservoir will contain a 500 acre foot conservation pool. The purpose of this plan is to provide full season irrigation water supply, improve overall irrigation efficiencies, and improve fishery and wildlife habitats. (USDA–SCS—EIS–WA–(ADM)–79–1–(D)–ID). (EIS Order No. 90591.)

Final

Marshland Watershed Project, Snohomish River, Snohomish County, Wash., June 14: This proposal concerns watershed protection and flood prevention in Snohomish County, Washington. The project would finish the remaining works of improvement involving the reconstruction and raising of approximately 2.9 miles of existing levee to provide the same level of protection as is now being provided by the 2 reaches of levee along the Snohomish River. This will require raising the levee by about three feet, and the use of riprap in some sections. (USDA–SCS–ES–WS–(ADM)–78–1(F)–WA). Comments made by: USDA, USA, HEW, DOI, DOT, AHP, State and local agencies, groups, individuals and businesses. (EIS Order No. 90585.)

CIVIL AERONAUTICS BOARD

Contact: Mr. Steve Rothenburg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5205.

Final

Caribbean Area Service Investigation, Grant, Puerto Rico, June 14: Proposed is the issuance of grants for operating authority between various mainland points and San Juan to all fit, willing, and able applicants that have proposed service. The purpose of the action is to improve the quantity and the quality of air service to Puerto Rico. San Juan is the only point that will be significantly affected by this action. Comments made by : DOT, EPA, State agencies. (EIS Order No. 90588.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, NW., Washington, D.C. 20314, (202) 272–0121.

Draft

Walter F. George Lake, Lock and Dam, O/M, Several Counties in Alabama, Ga., June 11: Proposed is the operation and maintenance of the Walter F. George Lake Lock and Dam located on the Chattahoochee River between Clay County, Georgia and Henry County, Alabama. The surrounding impoundment area of the dam also includes Quitman, Stewart and Chattahoochee Counties in Georgia and Barbour and Russell Counties in Alabama. The facilities will include a powerhouse, lock, dam and reservoir, including associated buildings, water quality monitors, access roads, public use areas, and boat channels. The portion of the Chattahoochee River involved extends from Columbus, Georgia to 20 miles below the dam. (Mobile District.) (EIS Order No. 90576.)

Final

West Harbor Recreational Navigation Improvement, Ohawa County, Ohio, June 11: The proposed plan entails recreational navigation improvements for small craft at West Harbor, Ohio, consisting of breakwater construction and channel dredging. Breakwater construction would occur in Lake Erie at the mouth of the natural channel entrance to the harbor. Dredging would be performed to provide a deepened channel for recreational craft extending from offshore in Lake Erie through the natural channel and into the harbor. This project is located in Ohawa County. (Buffalo District.) Comments made by: AHP, FPC, DOT, DOI, DOC, State and local agencies. (EIS Order No. 90578.)

Final

Cazenovia Creek Watershed, Flood Management (2), Erie County, N.Y., June 12: Proposed is a flood control project for the Cazenovia Creek Watershed located in Erie County, New York. Nonstructural measures include floor plan management and participation in the National Flood Insurance Program. Such measures are recommended for reachs 1 through 3, areas along the main stem of Cazenovia Creek between the ice retention structure and confluence of east and west branches, Tunnery Brook, and the east and west branches of Cazenovia Creek. The draft EIS concerning this project, No. 41802, filed 12–3–74 was replaced by a revised draft, No. 61181, filed 8–12–76. (Detroit District.) Comments made by: DOT, USDA, DOI, EPA, HUD, HEW, State agencies, Groups. (EIS Order No. 90464.)

DEPARTMENT OF DEFENSE, ARMY

Contact: Col. Charles E. Sell, Chief of the Environmental Office, Headquarters DAEN–ZCE, Office of the Assistant Chief of Engineers, Department of the Army, Room 1E676, Pentagon, Washington, D.C. 20310, (202) 694–4269.

Draft

Hawaii Army Installations, Routine Operations, Hawaii, Programmatic, June 11: Proposed is the continuation of routine and recurring type of operations at 35 US Army Support Command (USASCH) Installations throughout the State of Hawaii. The activities considered are: Operations and maintenance; training; real estate; procurement; industrial activities; and administration and support. Thirty installations are located on the island of Oahu, four on the island of Hawaii, and one on the island of Maui. Four major

alternatives are considered: 1) Relocation of the 25th Infantry Division to Pohakuloa Training area; 2) Elimination of live ordnance training on Oahu installations; and 3) The transfer of all training to Pohakuloa training area. (EIS Order No. 90580.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Library Services Office, (MD–35), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, (919) 541–2777.

Final

Electric Utility Steam Generating Units, Standards, Regulatory, June 15: Proposed is the revision of the existing new source performance standards limiting the emissions of sulfur dioxide from coal-fired electric utility steam generators which have been in effect since December 1971. Revisions to the new source performance standards for the emission of particulate matter and oxides of nitrogen from coal-fired electric utility steam generators are also being proposed. Several alternatives, ranging from the retention of the present standard to proposing a very stringent standard, have been considered by the EPA. (EPA–450/3–79–021). Comments made by: DOI, TVA, DOC, DOE, USDA, State and local agencies, groups, individuals and businesses. (EIS Order No. 90594.)

There will be no 30 day wait period for the above FEIS because Section 11(b)(1)(B) of the Clean Air Act requires that every final new source performance standard must be effective upon promulgation.

Final

Contact: Mr. Clinton Spotts, Region VI, Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, TX 75270, (214) 767–2716.

Fayette Power Project, NPDES Permit, Fayette County, Tex., June 12: Proposed is the issuance of a NPDES permit for wastewater discharge from the Fayette Power Project in the county of Fayette, Texas into Cedar Creek and the Colorado River. The applicant has initiated construction on a coal-fired steam electric station on a site located seven miles from La Grange. Some features of the project include: (1) Two 600 MWe fossil-fueled steam electric generating units, (2) associated coal handling and storage areas, and (3) 121 miles of new or widened transmission corridor. Comments made by: FERC, DOT, DOI, COE, USDA, State agencies, groups. (EIS Order No. 90579.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755–6306.

Final

Herbert C. Huber Subdivision, Wayne Township, Montgomery County, Ohio, June 13: Proposed is the issuance of HUD home mortgage insurance for the Herbert C. Huber residential development in Wayne Township, Montgomery County, Ohio. The development will encompass approximately 643.6 acres and when completed will include 2,038 single-family detached housing units. Land within the development has been set aside for schools, open space, and a fire station. (HUD–R05–EIS–78–08–(F)). Comments made by : USDA, DOI, EPA, State and local agencies. (EIS Order No. 90583.)

Sage Bluffs Residential Development, Gillete, Campbell County, Wyo., June 14: Proposed is the issuance of HUD home mortgage insurance for the Sage Bluffs residential development, Gillete, Campbell County, Wyoming. The subdivision, when completed, will consist of 926 dwelling units including both single-family and multifamily dwelling units. The development, located on approximately 317 acres, will also include school, open, and park space. (HUD–R08–EIS–79–14F). Comments made by: DOI, EPA, HEW, USDA, COE, State and local agencies. (EIS Order No. 90586.)

Final Supplement

Newfields New Community, Termination, Dayton FS, Montgomery County, Ohio, June 15: This statement supplements a final EIS filed with CEQ on June 19, 1973 (EIS No. 31028). The proposed action is a determination that the continued development of the Newfields community located near Dayton, Montgomery County, Ohio, as a title VII new community is infeasible and would pose an unjustifiable financial risk. HUD, therefore, recommends the following action: (1) Terminate title VII status, (2) acquisition of the property through foreclosure, (3) implementation of planned disposition, (4) and other actions within the context of the overall settlement agreement. Comments made by: EPA, HUD, DOT, DOI, USDA, FERC, COE, State and local agencies. (EIS Order No. 90595.)

Section 104(H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Final

South End Urban Renewal Project, Boston, Suffolk County, Mass., June 13: Proposed is an urban renewal project for the south end of the city of Boston, Suffolk County, Massachusetts. The remaining activities to be carried out include the conveyance of 112 parcels of land for redevelopment and various project improvements. The 112 parcels may be conveyed subject to the controls and objectives of the modified plan; entirely or partially deleted from acquisition; or with modified or altered plans for reuse. (HUD–ROI–EIS–79–01–F). Comments made by: DOT, EPA, State and local agencies, groups and individuals. (EIS Order No. 90584.)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. Carl Bausch, Chief, Section of Energy and Environment, Interstate Commerce Commission, Room 3371, 12th and Constitution Ave., N.W., Washington, D.C. 20423, (202) 275–7692.

Draft

Discontinuance of ConRail Operation, Indiana, Illinois, June 15: Proposed is the discontinuance of the operation of consolidated rail corporation (ConRail) passenger trains, Nos. 453 through 456, between Valparaiso, Indiana and Chicago, Illinois. The total distance is 44 miles. If discontinuance is authorized, a mass transportation system in northwest Indiana will be eliminated. The applicant is contemplating the elimination of freight service also. The alternatives include: (1) Denial, (2) partial discontinuance, (3) funding or continued operation by others, (4) fare increase, (5) streamline operations, and (6) improved service. (Docket No. 29021F.) (EIS Order No. 90597.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.

Federal Aviation Administration

Draft

Lambert-St. Louis International Airport, St. Louis, St. Louis County, Mo., June 15: Proposed are improvements to the Lambert-St. Louis International Airport in the city and county of St. Louis, Missouri. The improvements include the extension of runway 12L–30R for 2,500 feet to the east, extension of runway 12R–30L for 1,000 feet to the east, construction of associated taxiways and landing aids, realignment of Lindbergh Boulevard, and relocation of Brown Road, future terminal and air cargo facility development. The alternatives considered include runway and highway alignments, use of other modes of transportation, operational alternatives and the do-nothing alternative. (EIS Order No. 90598.)

Federal Highway Administration

Final

US 73/75 Improvement, Nebraska City to Omaha, several counties in Nebraska, June 11: Proposed is the improvement of approximately 46 miles of US 73/75 in the counties of Otoe, Cass, Sarpy, and Douglas, Nebraska. The project begins south of Nebraska City and proceeds northerly, generally paralleling existing US 73/75, to the vicinity of the intersection of "W" Street and Railroad Avenue, Omaha. The Nebraska City west bypass segment of US 73/75 will be on new location from approximately 3½ miles northwest of Nebraska City to south of Nebraska City. The Nebraska City south bypass (proposed NB–2) will begin at an intersection of US 73/75 and terminates at the Missouri River Bridge at Nebraska City. (FHWA–NEB.–EIS –73–11–F). Comments made by: COE, EPA, USDA, DOI, DOT, State and local agencies. (EIS Order No. 90577.)

Final

I–95/MA–128 Interchange and MA–128 improvements, Essex County, Mass., June 14: Proposed is a highway project in the City of Peabody, Essex County, Massachusetts. The actions under consideration in this project

are: (1) Completing I–95 from Forest Street to Route 128; (2) relocating and improving Route 128 from US 1 to Route 114 (Andover Street); and (3) an interchange between the new I–95 and the improved 128. The proposed I–95 from the Route 1 access ramps to Route 128, about a half mile long, will be a multi-lane divided facility. The proposed Route 128 improvement will be eight lanes separated by a median and about 4.5 miles in length. (FHWA–MASS–EIS–74–04–F). Comments made by: USDA, DOT, DOI, EPA, State and local agencies. (EIS Order No. 90587.)

Final

US 43, Sunflower to Leroy, Improvement, Washington County, Ala., June 14: The proposed project is to improve the existing two lane US 43 to four lanes from Sunflower north to Leroy, Alabama in Washington County. Basically, the proposal is to utilize the existing road bed for two lanes of traffic and construct two new lanes generally parallel to complete the four lane facility. Additional right-of-way required will vary. However, basically it will be 32 feet additional on the west side and 118 feet additional on the east side for a total of 150 feet. The existing right-of-way will be increased to a total of 250 feet minimum. The total length of the project is 11 miles. (FHWA–ALA–EIS–71–60–(FS)). Comments made by: COE, DOI, HEW, HUD, DOT, USDA, EPA, State and local agencies. (EIS Order No. 90593.)

U.S. Coast Guard

Draft

Tank Barges Design Standards/Pollution Prevention, Regulatory, June 15: Proposed are regulations concerning design standards for all new tank barges and regulatory action for existing tank barges to reduce oil pollution due to accidential hull damage. The regulations would require that all new tank barges constructed or converted to carry oil under a contract awarded after December 31, 1979, be double hulled with the separation between inner and outer hulls a minimum of 24 inches. Existing tank barges with single hulls, more than 20 years old, will not be certified for oil service after December 31, 1985. Exemptions will be granted in some cases. (EIS Order No. 90596.)

EIS'S Filed During the Week of June 11 to 15, 1979

[Statement Title Index—By State and County]

State	County	Status	Statement title	Accession No.	Date filed	Orig. agency No.
Programmatic		Draft	Hawaii Army Installations, Routine Operations	90580	06–11–79	USA.
Hawaii		Draft	Hawaii Army Installations, Routine Operations	90580	06–11–79	USA.
Alabama	Several	Draft	Walter F. George Lake, Lock and Dam, O/M	90576	06–11–79	COE.
	Washington	Final	US–43, Sunflower to Leroy, Improvement	90593	06–14–79	DOT.
Georgia	Several	Draft	Walter F. George Lake, Lock and Dam, O/M	90576	06–11–79	COE.
Idaho	Adams	Draft	Brundage Watershed Plan, Reservoir Enlargement	90591	06–14–79	USDA.
Illinois		Draft	Discontinuance of Conrail Operation	90597	06–15–79	ICC.
Indiana		Draft	Discontinuance of Conrail Operation	90597	06–15–79	ICC.
Massachusetts	Suffolk	Final	South End Urban Renewal Project, Boston	90584	06–13–79	HUD.
	Essex	Final	I–95/MA–128 Interchange and MA–128 Improvements.	90587	06–14–79	DOT.
Missouri	St. Louis	Draft	Lambert-St. Louis International Airport, St. Louis	90598	06–15–79	DOT.
Montana	Lincoln	Draft	Hoodoo-Fisher Mountain Planning Unit, Land Mgmt.	90590	06–14–79	USDA.
		Draft	Cool-Burnt Planning Unit Land Mgmt., Kootenai NF.	90592	06–14–79	USDA.
Nebraska	Several	Final	US–73/75 Improvement, Nebraska City to Omaha	90577	06–11–79	DOT.
New York	Erie	Final	Cazenovia Creek Watershed, Flood Management (2).	90464	06–12–79	COE.
Ohio	Montgomery	Final	Herbert C. Huber Subdivision, Wayne Township	90583	06–13–79	HUD.
	Ohawa	Draft	West Harbor Recreational Navigation Improvement.	90578	06–11–79	COE.
	Montgomery	Supple	Newfields New Community, Termination, Dayton FS	90595	06–15–79	HUD.
Puerto Rico		Final	Caribbean Area Service Investigation, Grant	90588	06–14–79	CAB.
Regulatory		Draft	Tank Barges Design Standards/Pollution Prevention.	90596	06–15–79	DOT.
		Final	Electric Utility Steam Generating Units, Standards	90594	06–15–79	EPA.
Texas	Fayette	Final	Fayette Power Project, NPDES Permit	90579	06–12–79	EPA.
Utah	Several	Final	Bridger-Teton NF, Timber Management Plan	90589	06–14–79	USDA.
Washington	Snohomish	Final	Marshland Watershed Project, Snohomish River	90585	06–14–79	USDA.
Wyoming	Campbell	Final	Sage Bluffs Residential Development, Gillete	90586	06–14–79	HUD.

Appendix II.—*Extension/Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in, "Federal Register"	Waiver/ extension	Date review terminates
ENVIRONMENTAL PROTECTION AGENCY					
Library Services Office (MD–35), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711 (919) 541–2777.	Electric Utility Steam Generating Units, Promulgated Emission Standards.	Final 90594	06/22/79	Waiver	N/A (see appendix I)
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410 (202) 755–6306.	Newfields New Community, Termination, Dayton, Ohio.	Final Supplement 90595	06/22/79 (see appendix I).	Waiver	06/26/79

Appendix III.—*EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in, "Federal Register"	Date of withdrawal
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410 (202) 755–6306.	Keegans Wood Subdivision, Harris County, Tex.	Draft 90086	02/06/79	05/17/79

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/number	Date notice published in, "Federal Register"	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed With EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
U.S. DEPARTMENT OF AGRICULTURE			
Mr. Barry Flamm, Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 412A, Washington, D.C. 20250 (202) 447-3965.	Trial Boll Weevil Eradication	06/13/79	90582
U.S. CORPS OF ENGINEERS			
Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue NW., Washington, D.C. 20314 (202) 272-0121.	Norfolk Harbor Maintenance Dredging, Virginia.	06/13/79	90581
DEPARTMENT OF TRANSPORTATION			
Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590 (202) 426-4357.	WI-31, WI-31 to CTH—"MM", Racine County, Wisconsin, Negative Declaration.	06/07/79	90570

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in, "Federal Register"	Correction
DEPARTMENT OF DEFENSE, United States Readiness Command				
LTC Stanley Domal, United States Readiness Command, Attn: RCJ4-L, MacDill Air Force Base, Fla. 33608 (813) 830-3831.	Joint Readiness Exercise "Bold Eagle 80".	Draft 90549	06/08/79	Department of Defense, Air Force, was incorrectly published as the contact agency for this DEIS.

[FR Doc. 79-19666 Filed 6-21-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL RESERVE SYSTEM

B&E Holding Co., Inc.; Formation of Bank Holding Company

B&E Holding Company, Inc., Arcadia, Wis., 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 80.0 percent of the voting shares of the State Bank of Arcadia, Arcadia, 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 Reserve Bank, to be received not later than July 10, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 13, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-19557 Filed 6-21-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party

commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 16, 1979.

A. *Federal Reserve Bank of Richmond*, 701 East Byrd Street, Richmond, Virginia 23261:

Maryland National Corporation, Baltimore, Maryland (mortgage banking and insurance activities; Maryland, Virginia, District of Columbia): through a subsidiary, Marylnd National Mortgage Corporation, to engage generally in the business of a mortgage banker, mortgage broker, and mortgage servicing firm; originating, buying, selling, and otherwise dealing in mortgage loans as principal or agent; servicing mortgage loans for affiliated and nonaffiliated entities; acting as adviser in mortgage loan transactions; and engaging in the sale as agent of life, disability, and accident and health insurance directly related to extensions of credit by bank and nonbank subsidiaries of the holding company. These activities would be conducted from offices in Baltimore and Silver Spring, Maryland, serving the Baltimore and the Washington, D.C. SMSA's.

B. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (mortgage banking ativities; Utah): to engage, through a subsidiary, Security Pacific Mortgage Corporation, in the origination and acquisition of mortgage loans, including development and construction loans on multi-family and commercial properties; and the servicing of such loans. These activities would be conducted from an office in Murray, Utah, serving Utah.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, June 15, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-19556 Filed 6-21-79; 8:45 am]

BILLING CODE 6210-01-M

First City Bancorporation of Texas, Inc.; Acquisition of Banks and Nonbanking Companies

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with the successor in interest to First Security National Corporation, Beaumont, Texas, New First Security National Corporation, Houston, Texas, New First Security National Corporation 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 the assets of and assuming the liabilities of First Security National Corporation.

First City Bancorporation of Texas, has also applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 62.5 percent of the voting shares of Gateway National Bank, Beaumont, Texas. First Security National Corporation currently controls 37.5 per cent of Gateway National Bank's outstanding shares.

The factors that are considered in acting on these applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First City Bancorporation has also 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 acquire all of the assets of First Security National Corporation that provide bookkeeping and data processing services necessary for its internal operation and the operations of its subsidiaries and other functions permissible under section 225.4(a)(8) of the Board's Regulation Y; and to acquire FSN Life Insurance Company, Beaumont, Texas, a subsidiary of First Security National Corporation and thereby engage in the writing of credit accident, health, and life insurance directly related to extensions of credit that are permissible for bank holding companies. 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 these two proposals under section 4(c)(8) 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."

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on any of the applications should submit view in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 13, 1979. Any request for a hearing on any of these proposals 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 particular proposal.

Board of Governors of the Federal Reserve System, June 13, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-19562 Filed 6-21-79; 8:45 am]

BILLING CODE 6210-01-M

First International Bancshares, Inc.; Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of San Jacinto State Bank of Pasadena, Pasadena, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 16, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 15, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-19558 Filed 6-21-79; 8:45 am]

BILLING CODE 6210-01-M

Goldthwaite Bancshares, Inc.; Formation of Bank Holding Company

Goldthwaite Bancshares, Inc., Goldthwaite, Texas, 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 per cent or more of the voting shares of Mills County State Bank, Goldthwaite, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 11, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 15, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-19559 Filed 6-21-79; 8:45 am]

BILLING CODE 6210-01-M

LSR Services, Inc.; Formation of Bank Holding Company

LSR Services, Inc., New Prague, Minnesota, 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 63 per cent or more of the voting shares of State Bank of New Prague, New Prague, Minnesota. 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 Reserve Bank, to be received not later than July 10, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 15, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-19560 Filed 6-21-79; 8:45 am]

BILLING CODE 6210-01-M

W.B.P., Inc.; Formation of Bank Holding Company

W.P.B., Inc., Guymon, 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 per cent or more of the voting shares (less directors' qualifying shares) of Bank of the Panhandle, Guymon, 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 July 13, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 14, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-19561 Filed 6-21-79; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Toxicology Guidelines Subcommittee of the Oncologic Drugs Advisory Committee.	July 9, 9 a.m.; Conference Rm. A, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; Joyce I. Creamer (HFD-150), 5600 Fishers Lane, Rockville, MD 20857, 301-443-4260.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of cancer.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss preclinical toxicology guidelines for antineoplastic drugs.

Committee name	Date, time, and place	Type of meeting and contact person
2. Cancer Guidelines Subcommittee of the Oncologic Drugs Advisory Committee.	July 27, 9 a.m., Conference Rm. B, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; Joyce I. Creamer (HFD-150), 5600 Fishers Lane, Rockville, MD 20857, 301-443-4260.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of cancer.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss the revision of draft guidelines for cancer drugs for investigation and development.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: June 14, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–19088 Filed 6–21–79; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 78N–0229; DESI 10971]

Conjugated Estrogens With Meprobamate Drug Efficacy Study Implementation; Reevaluation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice (1) reclassifies conjugated estrogens in combination with meprobamate to be effective for treatment of symptoms of menopause as stated below, and (2) announces the marketing and labeling conditions for these products, including a requirement for an additional Boxed Warning statement.

DATES: Bioavailability supplements to approved new drug applications due on or before December 19, 1979. Other supplements due on or before August 21, 1979.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 10971, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements to full new drug applications (identify with NDA number): Division of Metabolism and Endocrine Drug Products (HFD–130), Rm. 14B–04, Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Requests for guidelines on conducting dissolution tests: Division of Biopharmaceutics (HFD–520), Bureau of Drugs.

Request for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFI–35), Rm. 4–62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT: Herbert Gerstenzang, Bureau of Drugs (HFD–32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 10971) published in the **Federal Register** of August 26, 1970 (35 FR 13607), the Food and Drug Administration announced its conclusion that the following drug products lack substantial evidence of effectiveness, as a fixed combination, for their labeled indications.

1. NDA 10–971; PMB–200 Tablets containing 0.45 milligrams conjugated estrogens and 200 milligrams meprobamate and PMB–400 Tablets containing 0.45 milligrams conjugated estrogens and 400 milligrams meprobamate; Ayerst Laboratories, Division of American Home Products Corp., 685 Third Ave., New York, NY 10017.

2. NDA 11–045; Milprem–200 Tablets containing 0.45 milligrams conjugated estrogens and 200 milligrams meprobamate and Milprem–400 Tablets containing 0.45 milligrams conjugated estrogens and 400 milligrams meprobamate; Wallace Laboratories, Division of Carter-Wallace Inc., Half Acre Rd., Cranbury, NJ 08512.

No data providing substantial evidence of effectiveness were submitted, and a followup notice (Docket No. FDC–D–561, now Docket No. 78N–0229) was published in the **Federal Register** of November 28, 1972 (37 FR 25183). The notice offered an opportunity for a hearing on the proposal to withdraw approval of the new drug application. Both Ayerst Laboratories and Wallace Laboratories requested a hearing. Additional data were submitted and determined to provide substantial evidence of effectiveness for the following revised indication: "For the treatment of moderate to severe vasomotor symptoms of the menopause when anxiety and tension are part of the symptom complex and only in those

cases in which the use of estrogens alone has not resulted in alleviation of such symptoms."

Accordingly, the November 28, 1972 notice of opportunity for hearing is rescinded and the August 26, 1970 notice is amended to read as follows:

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the products specifically named above, this notice applies to any drug product that is not the subject of an approved new drug application and is identical to a product named above. It may also be applicable, under 21 CFR 310.6, to a similar or related drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has review all available evidence and concludes that the drug is effective for the indication listed in the labeling conditions below.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The preparation is in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indications are as follows:

For the treatment of moderate to severe vasomotor symptoms of the menopause when anxiety and tension are part of the symptom complex and only in those cases in which the use of estrogens alone has not resulted in alleviation of such symptoms.

c. The following statement is added to the Boxed Warning as warning number 3:

3. THIS FIXED COMBINATION DRUG IS NOT INDICATED FOR INITIAL THERAPY. In cases where estrogen given alone has not alleviated anxiety and tension existing as part of the menopausal symptom complex, therapy may then consist of separate administration of estrogen and meprobamate in order to determine the appropriate dosage of each drug for the patient. If this fixed combination represents the dosage so determined, its use may be more convenient in patient management. The treatment of such patients is not static, but must be reevaluated as conditions in each patient warrant.

d. The following statement is added to the Dosage and Administration section:

The usual dosage of conjugated estrogen is 1.25 milligrams daily. The usual dosage of meprobamate is 1,200 to 1,600 milligrams daily.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before August 21, 1979, the holder of the application has submitted (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such products. The bioavailability regulations (21 CFR 320.21) published in the **Federal Register** of January 7, 1977, require any person submitting an abbreviated new drug application after July 7, 1977, to include either evidence demonstrating the in vivo bioavailability of the drug or information to permit waiver of the requirement. For conjugated estrogens with meprobamate tablets, this requirement will be regarded as satisfied by adequate dissolution rate data comparing the test drug with the reference drug. Guidelines for conducting the dissolution test are available from the Division of Biopharmaceutics. If any dosage form of the drug fails to achieve adequate dissolution, its in vivo bioavailability must be demonstrated. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the District of the Bureau of Drugs (21 CFR 5.70).

Dated: June 8, 1979.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 79–19090 Filed 6–21–79; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 78N–0427]

GRAS Safety Review of Ascorbates; Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is announcing that a public hearing will be held for ascorbic acid, sodium ascorbate, calcium ascorbate, erythrobic acid, sodium erythorbate, and ascorbyl palmitate so that data, information, and views can be presented orally to determine if they are generally recognized as safe (GRAS) or subject to prior sanction.

DATE: The hearing will be held July 16, 1979.

ADDRESS: The hearing will be held in the Conference Room, Lee Building, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF–335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–472–4750; or

George W. Irving, Jr., Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014, 301–530–7033.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 9, 1979 (44 FR 13080), the Food and Drug Administration issued a notice advising the public that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee) concerning the safety of the following two categories of food ingredients and the Select Committee's tentative

determination of whether or not they are GRAS or subject to prior sanction: ascorbates and copper salts.

No requests were received for hearings on copper salts. Accordingly no hearing will be held on these food ingredients.

The Select Committee received a request from Bernard S. Gould, Ph.D., Professor of Biochemistry, Emeritus, Massachusetts Institute of Technology, 77 Massachusetts Ave., Cambridge, MA 02139, asking for an opportunity to appear at a public hearing on ascorbates to make an oral presentation:

In accordance with the procedures set forth in the March 9, 1979 notice, the agency announces that a hearing on ascorbates will be held at 9 a.m. on July 16, 1979 in the Conference Room, Lee Building, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014. Those persons who have requested opportunity to make an oral presentation will be expected to complete their presentation within the period indicated and in accordance with the following schedule: July 16, 1979, 9 a.m. to 10 a.m., Bernard S. Gould, Ph.D., Massachusetts Institute of Technology—60 minutes.

Dated: June 13, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-19089 Filed 6-21-79; 8:45 am]

BILLING CODE 4110-03-M

MIT Nitrite Chronic Toxicity Studies; Public Meeting

Correction

In FR Doc. 79-10258 appearing at page 19538 in the issue for Tuesday, April 3, 1979, make the following correction: On page 19539, in the first column, in the first full paragraph, in the 9th line, insert the word "review" between the words, "that" and "suggest".

BILLING CODE 1505-01-M

Shellfish; Memorandum of Understanding With Iceland

Correction

In FR Doc. 79-10067 appearing at page 19537 in the issue for Tuesday, April 3, 1979, make the following corrections:

(1) On page 19537, in the middle column, under the heading, *"I. Terms"*, the first line of the definition for the word "lot" should read, "Lot—A collection of primary containers or".

(2) On page 19537, in the middle column, under the heading, *"I. Terms"*, in the paragraph defining the word "shellfish", in the 5th line, insert the word "fresh" between the words "or" and "frozen".

BILLING CODE 1505-01-M

[Docket No. 78P-0011]

Siemens Corp.; Extension of Variance for Diagnostic X-Ray Systems and their Major Components

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency announces the extension of Variance No. 78002 from July 6, 1979 to July 6, 1981. Siemens Corp. applied for the extension of Variance No. 78002 using as a basis documentation which is the same as that accompanying the original variance petition. The Director of the Bureau of Radiological Health has determined that the arguments and data submitted are still valid and, therefore, grants the extension of variance for 2 years.

DATES: Variance No. 78002 expires July 6, 1981 unless written objections and supporting information are filed on or before July 23, 1979, requesting that the extension not be granted.

ADDRESS: Objections to this action should be sent to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph Wang, Bureau of Radiological Health (HFX-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 6, 1978 (43 FR 24604), notice was given that a variance from the field limitation and alignment requirement of § 1020.31(f)(4) (21 CFR 1020.31(f)(4)) of the performance standard for diagnostic x-ray systems and their major components was granted to Siemens Corp., 186 Wood Ave., South, Iselin, NJ 08830, for Status X intraoral source dental x-ray systems. The variance was granted under § 1010.4 (21 CFR 1010.4) which concerns the granting of variances for electronic products for which there are performance standards promulgated under section 358 of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f). This variance applies to the Status X intraoral source dental x-ray system.

The Status X intraoral source dental x-ray system is a dedicated system designed for panoramic radiographs of the upper and lower jaw and for the right of left maxillary and mandibular views. The system uses as the source of x-rays a small hollow anode x-ray tube that is inserted into the patient's mouth. A beam-limiting device covering the x-ray tube is indexed for rotational positioning for the chosen exposure. The system is designed to be used with film placed in flexible cassettes containing x-ray intensifying screens.

Siemens Corp. maintains that to provide an optimum quality radiograph, the image receptor must be placed in intimate contact with the facial tissue of the patient. The petitioner further maintains that this need in combination with the necessary x-ray tube design has thus far precluded the development of a film holder that would satisy the requirement of § 1020.31(f)(4).

Section 1020.31(f)(4) of the performance standard for diagnostic x-ray systems and their major components contains field limitation and alignment requirements for special purpose diagnostic x-ray systems not specifically covered by other portions of the standard. Such x-ray systems are required to provide means to limit the x-ray field in the plane of the image receptor so that the field does not exceed each dimension of the image receptor by more than 2 percent of the source-to-image receptor distance (SID) when the x-ray beam axis is perpendicular to the image receptor plane. In addition, means are required to be provided to align the center of the x-ray field with the center of the image receptor to within 2 percent of the SID.

Siemens Corp. has petitioned the Food and Drug Administration for an extension of Variance No. 78002 from the expiration date of July 6, 1978, to July 6, 1981. The request and supplementary information submitted in support of this extension request are the same as the data and information used in support of the original variance request. The Director of the Bureau of Radiological Health has determined that the arguments which led to the original granting of Variance 78002 are still valid. Furthermore, the Director has concluded that the Status X intraoral dental x-ray systems being marketed under the variance provide suitable radiation protection and are intended for the special purpose of intraoral source dental radiography, which cannot be accomplished with equipment meeting all requirements of the standard. The Director, therefore, is granting an extension of the variance for

2 years, to July 6, 1981 with the same conditions as specified for the original variance unless written objections and supporting information are filed with the Hearing Clerk (address above) on or before July 23, 1979, requesting that the extension be modified or not granted. Upon receipt of such objections and supporting documentation, the effective date for the variance will be stayed until the Director rules on them. Under provisions of § 1010.4(c)(3), the applicant will be notified by certified mail, and a notice of the stay will be published in the **Federal Register**. The ruling on the objections will be made within 60 days, will be published in the **Federal Register**, and will constitute final agency action subject to judicial review under section 358(d) of the Public Health Service Act.

The application for this variance extension and all related correspondence including the data and information in support of the original request, except information covered by the confidentiality provisions of section 360A(e) of the act (42 U.S.C. 263i(e)), have been placed on public display in the office of the Hearing Clerk (address above) and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this variance may, on or before July 23, 1979, submit written objections and supporting information to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857. Four copies of all documents must be submitted, identified with the Hearing Clerk Docket number found in brackets in the heading of this document. Received objections may be seen in the Hearing Clerk's office during the hours noted above.

Dated: June 14, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-19310 Filed 6-21-79; 8:45 am]

BILLING CODE 4110-03-M

Committee to Study the Human Heath Effects of Subtherapeutic Antibiotic Use in Animal Feeds; Public Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is announcing that the National Academy of Sciences/National Research Council (NAS/NRC) Committee to Study the Human Health Effects of Subtherapeutic Antibiotic Use in Animal Feeds will hold a public meeting on the human health effects of subtherapeutic use of antibiotics in animal feeds to consider the views of all interested persons.

DATES: The meeting will be held on August 23, 1979 from 9 a.m. to 5 p.m.; written requests to make oral presentations at the meeting must be postmarked before August 13, 1979.

ADDRESS: The meeting will be held in the Auditorium of the National Academy of Sciences Building, 2100 Block of C St. NW. (South side), Washington, DC 20418. Two copies of the written requests should be submitted to the contact person addressed below.

FOR FURTHER INFORMATION CONTACT: Queta C. Bond, Division of Medical Sciences, Assembly of Life Sciences, National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20418, 202–389–6393 or 389–6324, or Roy Widdus (same address), 202–389–6651.

SUPPLEMENTARY INFORMATION: A scientific controversy has arisen over the public health significance of the use of subtherapeutic levels of penicillin and the tetracyclines (chlortetracycline and oxytetracycline) in animal feeds. The Food and Drug Adminstration (FDA) has attempted to restrict their use because of the potential for human health problems, if penicillin- and tetracycline-resistant microorganisms of animal origin are transmitted to humans. Parts of the regulated industry, as well as farmers and ranchers, have contended that in 30 years of use, antibiotics used at subtherapeutic levels have not compromised human disease therapy.

Because of the controversy, the House Appropriations Committee has mandated that FDA withhold any restriction on the use of penicillin and the tetracyclines (chlortetracycline and oxytetracycline) used in animal feeds until the National Academy of Sciences has studied the matter.

This document announces that the NAS/NRC Committee to Study the Human Health Effects of Subtherapeutic Antibiotic Use in Animal Feeds will conduct a public meeting on the human health effects of subtherapeutic antibiotic use in animal feeds. The meeting will take place on August 23, 1979, 9 a.m. to 5 p.m., in the Auditorium of the National Academy of Sciences Building.

To schedule the public meeting, the Committee must be informed of the number of persons who wish to participate and the amount of time requested for the presentation of views. Accordingly, any interested person who wishes to appear at the public meeting to make an oral presentation should send two copies of a written request by August 13, 1979, and should state the subject of the presentation and the length of time desired. Two copies of the presentation should also be submitted by August 13, 1979 for the record.

Depending on the number of requests, the Committee may impose a time limit for each presentation. Individuals and organizations with common interests are urged to consolidate their presentations. The Committee is especially interested in epidemiological data that are not present in the literature. Committee members and Academy staff will ask or respond to questions from the floor during a question and answer period.

All submitted material will be incorporated in the record of Committee activities. Any interested person may, in lieu of oral presentations, submit written views, which will become part of the NAS/NRC Committee record. Written views should be addressed to Dr. Queta Bond at the address noted above and must be postmarked before August 13, 1979.

Dated: June 18, 1979.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-19431 Filed 6-21-79; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 76N-0064]

Drug Products Containing Papaverine or Ethaverine and Similar or Related Drugs; Extension of Time for B. F. Ascher & Co.

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This is an evaluation of the data submitted by B. F. Ascher & Co. in response to FDA's request for data on the safety, effectiveness, and legal status of drug products containing papaverine or ethaverine and similar or related drugs. The agency is also announcing that a previously published notice of hearing applies to Ascher.

DATE: Written notice of participation by B. F. Ascher & Co. due by August 21, 1979.

ADDRESSES: Communications in response to this notice should be directed to the attention of the appropriate office named below:

Written notice of participation (identify with Docket No. 76N–0064): Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857. (To facilitate identification, label the envelope "Papaverine Hearing.").

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Ronald Kartzinel, Bureau of Drugs (HFD–120), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4020

or

Tenny Neprud, Jr., Regulations Policy Staff (HFC–10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of April 5, 1976 (41 FR 14405), the Food and Drug Administration (FDA) requested data on the safety, effectiveness, and legal status of drug products containing papaverine or ethaverine, and similar or related drugs. These drug products have been used for many years for the relief of spasm in certain blood vessels of the body but have never been evaluated in accordance with the new drug provisions of the Federal Food, Drug, and Cosmetic Act. Whether there is adequate support for the claims made for these products is questionable. In order to determine the scientific validity of the claims being made for these drugs and their legal status ("new drugs," or "not new drugs," or "grandfathered drugs"), the agency requested manufacturers to submit evidence in support of all of the claims as well as evidence to support any other contention.

In the **Federal Register** of April 13, 1979 (44 FR 22180), the agency announced its conclusions that the data submitted in response to the April 5, 1976 notice fail to show any of the products to be safe and effective or exempt from the new drug provisions of the act. The agency further concluded that it would be in the public interest to hold a hearing before an advisory committee under the provisions of 21 CFR Part 14, to receive oral and written information and views from interested persons on the issue of the safety and effectiveness of the drug products.

In the **Federal Register** of May 15, 1979 (44 FR 28422), the agency announced that the public hearing scheduled for May 23, 1979, before the Peripheral and CNS Drugs Advisory Committee was postponed.

Included in the April 13, 1979 notice of hearing was a list of manufacturers who had submitted information in response to the April 5, 1976 notice. B. F. Ascher & Co., Inc., 5200 East 59th St., Kansas City, MO 64130, was included in that list as having submitted information to support its marketed product, Ethaquin, containing 100 milligrams ethaverine hydrochloride. The Ascher submission was inadvertently omitted from the material placed on file with the FDA Hearing Clerk at the time the April 13, 1979 notice was published.

The Food and Drug Administration has reviewed the Ascher submission and has concluded that the firm is subject to the April 13, 1979 notice. This notice is being issued to clarify the record, to provide Ascher with proper notice of the deficiencies in its submission, and to provide it with a date for submission of new data and for filing a notice of participation in the hearing.

Ascher's submission consisted of 28 volumes, 26 containing case (patient) report forms. The other two volumes contained correspondence, excerpts from the medical literature, labeling, a summary of the submission, manufacturing specifications, bioavailability data, a clinical study, and a computer analysis of the patient data.

Ethaquin is labeled for the following indications: In peripheral and cerebral vascular insufficiency associated with arterial spasm; also useful as a smooth muscle spasmolytic in spastic conditions of the gastrointestinal and genitourinary tracts.

Ten articles from the medical literature, all over 40 years old, were submitted as historical background. Six of the articles were foreign reprints which were not reviewed by the agency because they were not accompanied by the required English translations. 21 CFR 10.20(c)(2). The other four historical articles cannot be considered well-controlled clinical studies under the criteria specified in 21 CFR 314.111 and, for that reason, they are not reviewed below. This approach is consistent with that taken by the agency in the April 13, 1979 **Federal Register** notice in which only studies that contained at least some of the elements of a controlled trial were specifically evaluated. Reviewed in some detail below are four studies that appear to be those upon which Ascher relies to provide evidence of effectiveness:

1. Ackerman and Kirsner carried out a study to assess the effectiveness of Ethaquin in reducing the signs and symptoms of advanced cerebral and peripheral vascular insufficiency. A total of 30 patients were initially selected but only 20 completed the full study. The patients are described as having advanced peripheral and cerebral vascular disease with signs of organic brain damage. They were between 67 and 81 years of age. There is no clear discussion of exactly how patients were identified as suitable for the study, but before entry and at intervals throughout the study the following measurements were taken: oscillometric tracins, ankle pulses, ankle skin temperature, blood pressure, body weight, pulse rate, geriatric rating scale. There is no indication of what precise geriatric rating scale was used, nor is there any indication that the patients had to have a particular level of performance to enter the study. Although patients were subjected to a physical examination and a history was taken, there were apparently no entrance criteria related to peripheral vascular disease, such as the presence of intermittent claudication.

The study, described as involving a double-blind crossover design, was conducted over an 8-month period. Initially, an attempt was made to balance the patient groups by sending the baseline report forms to the sponsor for assignment into two treatment groups, one to be started on placebo for a 2-month period and the other to be started on active drug. The "randomization schedule" (a misnomer; it was really an assignment schedule) was apparently designed by the sponsor and then given to the investigator in sealed envelopes so that although the sponsor knew who was assigned to each group, the investigator did not. Although the term "randomization" is used, this method of assignment is quite clearly not randomized. Once patients were selected, they were given either 300 milligrams of Ethaquin per day or a matching placebo for a period of 2 months. At 2 months the medications were switched and at the end of 4 months and 6 months were switched again. Whether a crossover design is appropriate for a drug of this type is discussed briefly by the investigator, who suggested that substantial carry over effect into the subsequent period may have obscured results. It is not clear whether this is the case, however, as it is not at all clear that there was any drug effect to carry over. In any event, the investigator suggests a more appropriate design would have been a parallel study.

The results of the study are presented in a somewhat confusing manner; detailed individual results of such measurements as ankle skin temperature and ankle pulse and the geriatric rating scale are not given. The

sponsor does not claim that these showed any significant advantage for the drug. The sponsor does claim, however, that oscillometric readings did show a response to Ethaquin that was greater than the response to placebo and does provide a brief statistical analysis to support this view, claiming that the maximum oscillometric deflection was greater during the treatment periods than during placebo periods and that this difference was significant at the $p<.05$ level. This conclusion does not appear to be supported by the data. Although the table of mean oscillometric maximum deflections shows 11 completed patients in the group that received Ethaquin first, the statistical analysis only used 9 of those patients. The 2 patients omitted, patients 66 and 74, both had considerably greater oscillometric deflections during the placebo period (that is, during both of the two placebo periods) than they did during Ethaquin treatment, and it is the exclusion of these patients that allows the finding of a statistically significant difference between the drug and the placebo. No explanation is provided to support this exclusion. In another portion of the analysis, the sponsor attempts to explain why data from another patient, patient 43, ought to be excluded as being "outlier". Outlier in this case proves to be merely a patient who had a favorable placebo response; again there are no grounds for excluding this patient. When patient 43 is included in a chart of the mean oscillometric amplitudes during the 8-month period of the study, the chart shows little difference in magnitude or direction of oscillometric changes between the group treated with Ethaquin first and the group treated with Ethaquin second, both groups having a rise in deflection over the first 4 months of the study.

Apart from the unimpressive nature of the results, which when all data are analyzed were completely negative, the study is flawed in other ways. First, oscillometric measurements in this population are of no obvious clinical significance. The principal symptom of the patients was apparently mental impairment, which is not necessarily related to cerebral vascular insufficiency and is certainly not related to peripheral vascular insufficiency. None of the patients are described as having symptoms of intermittent claudication, which would characterize a population with peripheral vascular insufficiency. They were thus not appropriate subjects for any of the peripheral vascular measurements that were taken. 21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*i*). The method of assignment to groups is not optimal in that the sponsor had control over such assignment and the possibility of bias was not truly minimized, although if the investigator was not privy to the nature of the assignments and did in fact remain blind, this is not a fatal defect in this kind of study. The observations made are not adequately defined. No comment at all is provided for how ankle pulses or ankle skin temperature were measured, nor what the geriatric rating scale is. 21 CFR 314.111(a)(5)(ii)(*a*)(*3*). As noted above, the crucial analysis, from the point of view of the sponsor (the only analysis favoring Ethaquin), is seriously defective in that two patients with unfavorable results are omitted from it without explanation. There is thus serious question whether the analysis was conducted in an unbiased manner. 21 CFR 314.111(a)(5)(ii)(*a*)(*5*). In all, the study is defective on its face and cannot be considered an adequate and well-controlled study; it provides no evidence that Ethaquin is useful in the treatment of any clinical entity.

2. The sponsor submitted results of a so-called "cooperative field-trial" involving 12,593 patients and conducted by 491 physicians. Of those who entered the study, 11,035 patients completed the 180 days of therapy. The study is described as involving two phases—phase I involving patients with a diagnosis of peripheral vascular disease and phase II involving patients with symptoms of peripheral and cerebral vascular insufficiency. Both groups received 100 milligrams of Ethaquin three times a day. Only patients completing 180 days of treatment were analyzed. There is virtually no description of how patients were entered into the study, how dropouts were analyzed, or how the effects of concomitant therapy were assessed. Most important, all patients were given the drug and then followed over time so that there is no comparison with any control treatment, as required under 21 CFR 314.111(a)(5)(ii)(*a*)(*4*). All of the signs and symptoms these patients had, such as cold hands and feet, nocturnal leg cramps, leg ulcers, and claudication, are highly variable and cannot be assessed without a concurrent control. The reported study can provide no evidence of effectiveness for Ethaquin as it is totally uncontrolled.

3. Oswald and Baeder, in an article entitled "Pharmacology of Ethaverine HC1: Human and Animal Studies," published in *Southern Medical Journal*, 68(12):1481–1485, 1975, reported results of one animal and two human studies. The first human study is described as carried out in male and female patients with peripheral vascular insufficiency. Various blood chemistry measurements and oscillometry were performed periodically over varying periods up to 1,000 days. Some patients (13) were treated continuously with Ethaquin 100 milligrams three times a day, while others (31) were switched every 90 days from Ethaquin to placebo or to no treatment. the mean clinical chemistry values are given in full for these patients, but data related to effectiveness are totally absent, except for an assurance that "Oscillographic indices, an objective measurement of the patient's improvement, increased, attaining levels significantly higher than before treatment."

The study was apparently unblinded and no other method was employed to minimize observer bias. 21 CFR 314.111(a)(5)(ii)(*a*)(*3*). Observations are not described and results do not permit quantitative comparison with a control. 21 CFR 314.111(a)(5)(ii)(*a*) (*3*) and (*4*). The study is devoid of all the details that permit scientific conclusions to be drawn. The second study was a large field trial conducted by 230 physicians in private practice, apparently part of the large field trial discussed above. It suffers from the same defects described above.

4. Ascher also submitted a bioavailability study. It could not of course, provide evidence of effectiveness. It was also deficient for a number of reasons. No statistical evaluation of the data was submitted nor were tables and graphs giving values for individual subjects supplied.

Therefore, the agency finds that Ascher's data, like the data submitted by all other manufacturers, do not support a contention that Ascher's product is safe and effective for its labeled indications, and the conclusions reached in the April 13, 1979 notice apply to Ethaquin. B. F. Ascher & Co. is subject to the hearing, the date of which will be announced in the Federal Register.

The April 13, 1979 notice incorporated reviews of all labeled indications for drug products containing papaverine or ethaverine and similar or related drugs. The reviews were conducted by the Divisions of Neuropharmacological Drug Products and Cardio-Renal Drug Products of the Bureau of Drugs. In those cases where there is no neuropharmacologic indication claimed, appropriate experts will be provided to the advisory committee, so that a proper evaluation of all the other indications can be made.

If the firm intends to participate in this matter it must file with the Hearing Clerk (HFA–305), Food and Drug Administration, by August 13, 1979 (1) a written notice of participation under 21 CFR 14.29(b), and (2) any new data, information and analyses, on which it relies which were not previously submitted pursuant to the April 5, 1976 notice.

The material submitted by Ascher (except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905) and the agency reviews discussed in this notice are on file in the office of the Hearing Clerk and may be seen between 9 a.m. and 4 p.m., Monday through Friday. The volumes containing the case report forms have been placed on file with the Hearing Clerk with any patients' names deleted to avoid a clearly unwarranted invasion of personal privacy. *See* 21 CFR 10.20(c)(4) & 20.63(b).

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 501, 502, 505, 701; 52 Stat. 1041–1042; 1049–1053 as amended, 1055 (21 U.S.C. 321(p), 351, 352, 355, 371)), 21 CFR Part 14, and under authority delegated to the Commissioner of Food and Drugs (21 CFR Part 5).

Dated: June 19, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-19583 Filed 6-21-79; 8:45 am]

BILLING CODE 4110-03-M

Office of the Secretary

Board of Advisors to the Fund for the Improvement of Postsecondary Education; Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education will be held on July 15, 1979 at 5:00 p.m. through July 16, 1979 at 4:00 p.m. at Empire State College, 2 Union Avenue, Saratoga Springs, New York.

The Board of Advisors to the Fund was established to recommend to the Director of the Fund and the Assistant Secretary for Education priorities for funding and the approval or disapproval of grants and contracts of a given kind or over a designated amount under section 404 of the General Education Provisions Act.

The meeting will be open to the public. It will be for the sole purpose of reviewing and recommending possible program directions for fiscal year 1979–80.

A summary of the proceedings of the meeting and a roster of members may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, SW., Room 3123, Washington, D.C. 20202, telephone 202–245–8091.

Signed at Washington, D.C. on June 13, 1979.

Ernest J. Bartell,

Director, Fund for the Improvement of Postsecondary Education.

[FR Doc. 79-19453 Filed 6-21-79; 8:45 am]

BILLING CODE 4110-12-M

Social Security Administration

Universal Social Security Coverage Study; Draft Prospectus and Options Paper

AGENCY: Social Security Administration, Department of Health, Education, and Welfare.

SUMMARY: On June 11, 1979, the Universal Social Security Coverage Study (authorized by Section 311 of Pub. L. 95–216) met with the Advisory Council on Social Security in order to advise the Council of its progress. Preliminary copies of a Study Group Prospectus and Options Paper were presented to the Council during that public meeting.

These materials have been prepared by the Study Group Staff as working drafts and are not to be considered as final products. Both preliminary papers are being circulated as part of a continuing effort to keep all interested parties appraised of the Study's work. Comments regarding these draft materials will be considered by the Study Group.

Any questions regarding this material should be directed to: Universal Social Security Coverage Study, 330 C Street, SW., Room 2311, Switzer Building, Washington, D.C. 20201.

General telephone inquiries should be directed to: Leigh McDermott (202) 472–3590.

Universal Social Security Coverage Study Prospectus

*Executive Summary**

I. *Introductory Overview*

II. *The Social Security System in the United States*

A. The concept of universality.

B. Origins of the social security concept.

C. Basic features of the current Social Security program.

D. The value of Social Security.

E. Current status of coverage.

F. Issues relating to extending social security coverage to all Federal civilian, State and local government, and private nonprofit employees.

G. The future of Social Security.

III. *Extending Social Security To Cover the Entire Federal Civilian Work Force*

A. Issues related to extending social security coverage to the entire Federal work force.

B. Design of the options for and alternatives to extending social security coverage to Federal civilian employees.

C. Implications of extending social security coverage to all Federal civilian employees.

IV. *Extending Social Security To Cover all State and Local Government Employees*

A. Issues related to extending social security coverage to State and local employees not currently covered through their public employment.

B. Design of the options for and alternatives to extending social security coverage to employees currently not covered through their public employment.

C. Implications of extending social security coverage to all State and local employees.

D. Special legal consideration related to covering all State and local employees.

V. *Establishing Social Security Coverage for all Employees of Private, Non-Profit Organizations*

A. The relationship between private, nonprofit organizations and social security.

B. Implications of establishing mandatory social security coverage for all private, nonprofit organizations.

C. Alternatives to mandatory social security coverage for private, nonprofit organizations.

D. Summary.

VI. *Review of the Positions Taken by Interested Parties on the Issue of Universal Social Security Coverage*

A. Response to the general issue of universal coverage.

B. Response to specific proposals and analyses.

VII. *Summary and Conclusions*

VIII. *Technical Papers and Appendices*

A. Technical papers.

B. Appendices.

I. *Introductory Overview*

II. *The Social Security System in the United States*

A. The concept of universality (See Appendix 1).

B. Origins of the social security concept (See Appendix 2).

1. Development of the concept of social security.—a. Europe.

b. United States.

2. The Social Security Act of 1935.—a. Objectives of the original Act.

b. Issues surrounding the Act.

(1) Groups not covered.

(2) Authority of Federal government to tax the States.

3. Chronology of changes since 1935.—a. Coverage.

(1) Compulsory.

(2) Elective by employer.

(3) Elective by employer and employee.

(4) Elective by individual.

b. Other changes.

4. Recommendations regarding coverage by Social Security Advisory Councils and other groups.

C. Basic features of the current Social Security Program.

1. Insured status.—a. Current.

b. Full.

c. Permanent.

2. Types of benefits.—a. Retirement:

(1) Early.

(2) Regular.

b. Disability.

c. Survivors.

d. Dependents.

e. Other (Medicare).

3. Benefit formula.—a. Tilt.

b. Indexing:

(1) Wages for earnings history and initial benefit calculation.

(2) Price for current benefits.

D. The value of Social Security.

E. Current status of coverage (See Appendix 3).

F. Issues relating to extending social security coverage to all Federal civilian, State and local government, and private nonprofit employees (See Appendix 4).

1. Continuous coverage or credit portability.

2. Equity issues.—a. Actuarial fairness—the fairness of social security taxes paid relative to benefit subsequently received.

b. Distributional fairness—the fairness of taxes paid and benefits received by one individual or class relative to the taxes and benefits of other individuals or classes.

c. Shared responsibility—the notion of fairness in a society-wide program that insures all against circumstances that each might encounter, and which incorporates subsidies and transfers designed to fulfill specific social goals.

3. The public concern.

4. Due process.—a. Changing rules in mid-stream.

(1) Promises to current workers.

(2) Protecting beneficiaries.

(3) Costs to employers.

b. Equal pay for equal work.

G. The future of Social Security (See Appendix 5).

1. Shared earnings.

2. Demogrants.

III. *Extending Social Security To Cover the Entire Federal Civilian Work Force*

A. Issues related to extending social security coverage to the Federal civilian work force.

1. Introduction.

2. The Federal Civil Service Retirement System (See Appendix 6).—a. The historical perspective.

(1) The evolution of Federal civilian retirement programs.

(2) Federal employees and social security coverage.

b. Provisions of the system.

(1) Eligibility.

(2) Portability.

(3) Vesting.

(4) Normal retirement.

(5) Benefit structure.

(6) Age and service requirements for retirement.

(7) Disability provisions.

(8) Survivors benefits.

(9) Health benefits.

(10) Cost of living adjustments.

(11) Contributions.

(12) Life insurance.

(13) Special groups.

c. Participants in the Civil Service Retirement System.

(1) Current employees.—(a) Vesting status.

(b) Insured status

(c) Withdrawals from service.

(i) Age and service related.

(ii) Disability related.

(iii) Death.

(iv) Job mobility.

—Remaining vested.

—Withdrawing contributions.

—Reinvesting.

(2) Current annuitants.—(a) Level of benefits.

(b) Work status.

(c) Nature of status.

(i) Age retirement.

(ii) Disability.

(iii) Survivors.

d. Current and future financial status of the system (see Appendix 7).

3. Other Federal retirement systems (see Appendix 8).—a. Case study—Tennessee Valley Authority Retirement System.

b. Other system.

4. The status of Federal employees and annuitants with respect to social security coverage (See Appendix 9).—a. Insured status of current work force and annuitant populations.

b. Social security coverage accrued by Federal civilian employees outside of Federal employment.

(1) Description of the methods.—(a) Long-term and part-time employment.

(b) Normal career job mobility.

(c)Accruing coverage after civil service retirement.

(d) Vagaries in the Federal Civil Service Retirement System.

(i) Military service portability.

(ii) Transition from temporary to permanent status.

(2) An empirical analysis of the social security status of the Federal civilian work force.

(a) Support data.

(b) Accruing concurrent coverage.

(i) Who is covered.

(ii) The relative portion of earnings covered.

(c) Accruing coverage during periods other than Federal employment.

(i) Job mobility before retirement.

(ii) Mobility after retirement.

5. Other issues raised by proposals for extending social security coverage to all Federal employees.—a. Conditions for disability and disability benefit levels.

b. Survivors benefits.

c. Early retirement.

d. Cost-of-living adjustments.

e. Medical insurance.

f. The Social Security tilt.

g. Relevance of the Employees Retirement Income Security Act.

h. Legal analysis.

B. Design of the options for and alternatives to extending social security coverage to Federal civilian employees (See Appendix 10).

1. Review of pension plans commonly available to employees in both public and private sectors and how such plans are coordinated with social security.

2. Specific goals in designing a Federal pension system that is coordinated with social security.

3. Options considered in this analysis which would coordinate the Federal civilian retirement system with social security.—a. Add-on.

b. Social security off-set.

c. Step-rate plan.

d. For each of the above, and option allowing early retirement with level-life benefits.

4. Alternatives to social security coverage for Federal employees.—a. Maintain status quo.

b. Eliminate windfalls.

c. Exchange of credits to assure portability insured status.

d. Public Employees Retirement Income Security proposal with

standards for portability provisions and minimum standards for disability and survivors' protection.

e. Combined approach.

5. Transition alternatives (See Options Paper).—a. Include current employees with minimum guaranteed benefit provisions.

(1) Include vested and nonvested employees.

(2) Include only nonvested employees.

b. Include only employees hired after implementation of new system.

c. Provide coverage for future service only.

d. Optional election of social security coverage by current employees.

e. Varying transition periods.

C. The implications of extending social security coverage to Federal civilian employees (See Appendix 11 for subsection 1 only).

1. The effect of implementing the alternative pension systems on a series of representative employees.—a. Employees with full working careers in Federal employment.

b. Employees with very small amounts of social security coverage under the current systems.

c. Employees with major portions of careers in both Federal employment and employment covered by social security.

2. The effect of alternative integrations on Federal employee labor supply decisions.—a. Integration with social security and its effect on employees.

(1) The expected response of the existing work force.

(2) The nature of the demand for Federal jobs and potential impact of social security integration.

(3) Qualitative effects on the Federal work force.

b. Impact of changes in retirement provisions.

(1) Eliminating early retirement.

(2) Providing actuarially reduced benefits to early retirees.

3. The cost of extending social security coverage to all Federal employees in conjunction with an integrated Civil Service Retirement System.—a. Defining the concept of cost.

(1) Actuarial cost.

(2) Economic cost.

b. Methodologies employed in the analysis.

(1) Aggregate actuarial projections.

(2) Microsimulations.

c. Cost estimates and related statistical data.

d. Cost implications to the Social Security System.

4. The effect of extending social security coverage to Federal employees on the distribution of retirement benefits.—a. Description of methodologies used in developing estimates.

b. Result of analysis.

5. Developing decision criteria for evaluating the relative desirability of the alternatives (See Appendix 12).—a. Benefit criteria.

(1) Maintain the Social Security tilt.

(2) Eliminate the tilt.

(3) Maintain benefits equal to those available under the current system.

(4) Eliminate windfalls.

b. Cost criteria.

(1) Reduce current costs.

(2) Maintain current costs.

(3) Raise current costs.

(4) Change incidence of costs.

c. Other criteria.

(1) Disability coverage.

(2) Survivors coverage.

(3) Portability.

(4) Vesting.

d. Trade-offs among the criteria.

IV. *Extending Social Security to Cover all State and Local Government Employees.*

A. Issues related to extending social security coverage to State and local employees not currently covered through their public employment.

1. Introduction.

2. Background information on State and local retirement systems (See Appendix 13).—a. The historical perspective.

(1) Early public employee retirement systems and their relationship to Social Security.

(2) Agreements for voluntary coverage.

(3) Terminations of coverage.

b. Overview of State and local plans.

(1) Global characteristics.—(a) Number of plans.

(b) Number of active members.

(c) Number of beneficiaries.

(d) Magnitude of financial considerations.

(i) Assets.

(ii) Contributions

—Employer.

—Employee.

(iii) Benefits.

(2) Plan diversity.—(a) Size variations.

(b) Employee occupation type.

(c) Social security coverage.

(i) State-by-State breakdown.

(ii) size variations.

(iii) type variations.

3. Normal retirement benefits—variations by social security coverage, size and employee type.—a. Social Security Formula (for comparison).

b. defined contribution plans—purchased annuity.

c. Defined benefit plans—replacement rates and type of formula.

(1) With social security coverage.

(2) Without social security coverage.

d. Factors used in calculating benefits.

(1) Age.

(2) Years of service.

(3) Salary.

(4) Annual benefit accrual rate.

(5) Cost-of-living adjustments.

e. Relationship of benefit levels to age and/or service requirements.

4. Early retirement benefits—variations by social security coverage, size and employee occupation.—a. Social security provisions (for comparison).

b. State and local plans.

(1) Number of plans with early retirement options.

(2) Age and service requirements.

c. Comparison of social security early retirement provisions with those of State and local plans.

(1) Number of people/plans with early retirement provisions which allow retirement at a younger age than permitted under Social Security.

(2) Number of people/plans having provisions similar to those of social security.

(3) People/plans with more restrictive early retirement provisions than those established under social security.

5. Disability benefits—variations by social security coverage, size and employee occupation.—a. Social security provisions (for comparison).

(1) Insured status.

(2) Definition of disability.

b. State and local plans.

(1) Number of plans with disability provisions.

(2) Age and service requirements.

(3) Definition of disability.

c. Comparison of social security disability provisions with those of State and local plans.

(1) Number of people/plans having disability provisions less generous than social security.

(2) Number of people/plans having disability provisions similar to social security provisions.

(3) Number of people/plans having disability provisions more generous than social security.

6. Survivor benefits—variations by social security coverage, size and employee occupations.—a. Social security provisions (for comparison).

b. State and local plans.

(1) Number of plans with survivor benefits.

(2) Age and service requirements.

c. Comparison of social security survivor provisions with those of State and local plans.

(1) Number of people/plans having survivor benefits less generous than social security.

(2) Number of people/plans having survivor benefits similar to social security.

(3) Number of people/plans having survivor benefits more generous than social security.

7. Health and other benefits—variations by social security coverage, size and employee occupation.—a. Social security provisions (for comparison).

b. State and local plans.

(1) Number of plans with health and other benefits.

(2) Age and service requirements.

c. Comparison of social security with State and local plans.

(1) Number of people/plans having health and other benefits less generous than social security.

(2) Number of people/plans having health and other benefits similar to social security.

(3) Number of people/plans having health and other benefits more generous than social security.

8. Portability—variations by social security coverage, size and employee occupation (See Appendix 14).—a. Social security provisions (for comparison).

b. State and local plans.

(1) Automatic credit, partial payment, full payment.

(2) Intrastate or interstate.

(3) Credits for military service.

c. Comparison of Social Security portability provisions with those at State and local plans.

(1) Numbers of people/plans with portability similar to social security.

9. Vesting—variations by social security coverage, size and employee occupation.—a. Social security provisions.

b. State and local plans.

(1) Service required.

(2) Employee withdrawals.

(a) Employee vesting.

(b) Those who leave subsidize those who stay.

(3) Reinvesting.

10. Contributions—variations by social security coverage, size and employee occupation.—a. Social security provisions (for comparison).

b. Employee contributions.

(1) Range and distribution of contribution rates.

(2) Policies on return of contributions.

(3) Policies on redeposit of contributions.

c. Employer contributions.

(1) Range and distribution of contribution rates.

(2) Policies on return of contributions.

(3) Policies on redeposit of contributions.

d. Total contributions.

(1) Range and distribution of contribution rates.

11. Financing—variations by social security coverage, size and employee occupation.—a. Social security provisions (for comparison).

b. State and local plans.

(1) Total assets.

(2) Annual benefits as a proportion of assets.

(3) Range and distribution of funding practices.

(4) Range and distribution of sources of financing.

12. The cost of State and local retirement systems.—a. Economic cost.

b. Actuarial cost.

(1) Impact of fund objectives.

(2) Actuarial methods.

(3) Economic assumptions.

c. Effect of plan provisions on cost.

13. Summary.—a. Major differences and similarities of social security and public plans.

(1) Benefit structure—normal and early retirement.

(2) Disability.

(3) Vesting.

(4) Portability.

b. Major differences and similarities of covered and noncovered public plans.

c. Major differences and similarities of plans covering various employee categories.

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Universal Social Security Coverage Options

Approaches for Universal Coverage and Alternatives to Universal Coverage—An Options Paper

This document is a draft prepared by various members of the Universal Social Security Study Group staff. The views expressed are not necessarily the views of the Study Group, its Chairman, or the Department of Health, Education, and Welfare.

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Introduction

There are many arguments in favor of universal social security coverage. There are also arguments that progress, if any, towards universal coverage should be slow and careful. Therefore, the purpose of this paper is to present the full range of options available to the Congress, should it decide to address some or all of the problems resulting from the lack of universal coverage.

There are options that the Study Group believes are not worth considering and that therefore, have been given only cursory analysis.

N–1 Merge the pension funds of the Civil Service Retirement (CSR) and other noncovered public employee retirement systems (PERS) with the Social Security Trust Funds
N–2 Add social security to the existing noncovered retirement systems without modifying them
N–3 Substitute social security coverage for the existing noncovered retirement systems
N–4 Reduce the social security or pension benefits of persons who have worked in noncovered employment and who are currently retired or are soon to retire

It is widely but erroneously believed that a principal objective of universal coverage is to permit social security to take over the Civil Service and other retirement funds so that its own funds could be "bailed-out." However, this option (N–1), would be of little long run value to the social security system; would set an undesirable precedent; and is probably not feasible. In any case, this option could not reduce overall costs since the costs of the future benefits that the retirement systems were obligated to pay would stil have to be met. Two other options not being considered simply adding social security to the existing noncovered systems (N–2) or simply substituting social security for the existing systems (N–3).[1] Costs alone preclude the first of these and the fact that the social security system is not, in itself, an adequate replacement for many staff retirement system precludes the latter. The study Group believes there should be supplemental retirement programs that are coordinated with (but not by) social security.

A final rejected option is any reduction in payments to present beneficiaries or those soon to retire. How "soon to retire" is to be defined is, of course, a difficult problem which will be discussed later.

There remains a range of choices extending from preservation of the *status quo* to bringing all presently noncovered workers into the social security program on a date certain. These choices or options cannot easily be placed along a cost or other continuum. They present a set of interelated decisions. If the choice is anything other than the extreme of covering every worker at one time, some other method of reducing the unintended benefits received by persons with dual careers in covered and noncovered employment may be desirable. Similarly, the Congress may want to consider measures designed to close the gaps in coverage that result from the lack of universal social security. In considering coverage Federal employees, whether this would involve only future hires or not, the Government, as an employer, will want to determine what kind of supplemental retirement system it should have. And, in considering whether coverage should be mandated for State and local government workers or employees in private non-profit organizations, the President and Congress will surely want to know what kinds of options will be available to legislators, as well as the costs and effects of these options. Alternatively, if mandatory coverage for State and local employment proves infeasible, then more widespread voluntary coverage might be encoruaged through the use of incentives.

Almost all staff retirement systems in the public sector have, like social security, an accrued unfunded liability. Many current workers have vested rights in these systems and are planning and making decisions based on these anticipated benefits. Assurances that liabilities will be met likely will be a political, if not ethical, concomittant of mandatory coverage. Assurances that reasonable expectations of workers will be met, whether there is actual entitlement or not, may be a similar requirement.

Goals

The options outlined in this paper are directed towards the achievement of a variety of objectives. The first and most important of these are:

O–1 Attainment of universal social security coverage; and
O–2 Equity for current participants in noncovered employee retirement systems

If social security is to be mandatory for some workers, then it should be mandatory for all workers.[2] This goal should not be sought, however, without regard to cost or fairness for current participants in noncovered employee retirement systems. Lesser but still major goals are:

O–3 Elimination of gratuitous subsidies under social security; and
O–4 Elimination of disability, survivorship and coverage gaps.

The design of pension and retirement systems may seem to be beyond the scope of the Study Group's mandate. However, the Study is required by statute to examine the changes that would be necessary if those systems that are not now covered by social security become covered. Only in this way can the costs and effects of extending coverage be fully understood. Of course, one objective of a redesigned system could be to achieve a level and pattern of benefits that would, in combination with social security, replicate the costs and benefits of the system that it replaces. This, as is shown elsewhere, is not a goal that can reasonably expected to be met.

The most important goals of any pension systems are:

O–5 Fairness and adequacy for system members
O–6 Reasonable cost and effective management tool for employers.

Any change in long established major systems can potentially be unfair and costly. Some transitional goals are:

O–7 No major discontinuities between the benefits accruing to persons who vary slightly in such characteristics are age and length of service.
O–8 Individuals who have made career decisions and served ample periods under one set of rules should not be hurt by the decision to change those rules
O–9 Employing entities and their constituents should not be hurt by mandated changes in their pension structure
O–10 Necessary changes should be implemented as soon as possible, within the constraints of the other goals.

[1] There are some local retirement systems in which many members are in social security even though the plan benefit and contribution schedules assume no such coverage. It is possible that in these plans social security would indeed simply be added, if coverage were mandated.

[2] Many opponents of universal social security coverage are opposed to mandatory social security itself. This issue is beyon the scope of the Study's mandate.

In this paper, these general goals and objectives are examined in the light of specific options. Ultimately, the Congress and the President will have to determine the relative importance of the various objectives and what constitutes minimal satisfaction of these goals. The Study Group has made an initial determination of the most important objectives as a starting point in designing the options. This selection has necessarily been based on current levels of knowledge (often quite approximate) about the costs of satisfying various objectives. The costs, estimates of which are being developed by the Study Group, will frequently be a major determinant of the relative desirability of an objective.

The importance of the various objectives is, of course, related to the self interest of persons who would be affected by the various options. For example, workers in the private sector may favor universal coverage; full career civil servants may want the present pension system preserved; and young or short career civil servants may support improvements in portability provisions. In many cases meeting any one objective will benefit one group of people at the expense of another.

Options for Mandatory Coverage

For virtually all private workers, participation in social security is not a matter of choice. This section discusses various options for making social security mandatory for public workers as well. The desirability and feasibility of these options vary depending on whether Federal, State and local government, or private non-profit employment is being considered, and with the type of coordination scheme envisioned.

M–1 Mandate coverage for all employment on a specified date
M–1(a) Provide for a refund of some or all contributions to individuals who reach age 62 without achieving insured status
M–1(b) Provide sufficient retrospective coverage so that all individuals will be able to achieve insured status by age 62
M–2 Mandate coverage for all non-vested employees and all new employees hired after a specified date
M–2(a) Provide employees not mandatorily covered the option to participate on a voluntary basis
M–3 Mandate coverage for all individuals whose age and length of service total less than a specified amount
M–3(a) Provide employees not mandatorily covered the option to participate on a voluntary basis
M–4 Mandate coverage for persons who are less than a specified age
M–4(a) Proivde employees not mandatorily covered the option to participate on a voluntary basis
M–5 Mandate coverage for all employees hired after a specified effective date
M–5(a) Provide employees not mandatorily covered the option to participate on a voluntary basis

Option M–5, which places only new employees under a new pension system would provide complete protection of all earned or expected benefits to all current employees. It would also stretch out the implementation over forty years or more. The opposite extreme would be to include all current employees in the new system. In between are all other possibilities.

In deciding which, if any current employees are close enought to retirement to qualify for exemption from coverage, two important considerations are age and years of service. Either or both could be used to establish an exemption. While age is the simplest measure the appropriate cutoff to determine the exempt employees is not obvious. Under the social security program an unreduced benefit is received at age 65 while in comparison, the CSR and many other PERS provide an unreduced benefit at age 55 with 30 years of service. Allowing ten years for employees to adjust their retirement plans, for example, would lead to a lower age limit somewhere in the range of 45 to 55 yours old. Tables 1 and 2 show the current Federal civilian workforce classified by age and years of service. As indicated, 47% are age 45 or over, 34% age 50 or over, 20% are age 55 or over. (Similar data are not yet available for State and local government employees.)

Another important issue in protecting the pensions of current employees is to decide what benefits should be guaranteed. The minimum acceptable level is presumably vested benefits. These are the benefits an employee could eventually receive (when age and years of service requirements were met) if he or she were to resign today. For most employees the benefit would depend on years of service up to the point of resignation and on the employee's average earnings. The benefit would not include any adjustment for future increases in wage or cost of living before payments begin. Under this option, a current employee retiring in the future would receive upon retirement two pensions: one the benefit of today's system vested as of the effective date specified by legislation and the other based on the new system with years of service and wages counted from the effective date.

The other extreme of benefit guarantees for current workers would be to provide all vested benefits as well as the future benefits which would have been earned under the current system between now and retirement. The rationale for this being that employees may have made their career decisions in part because they expected the continuance of the retirement system in existence at the time they were hired. Such a guarantee would be greater than that provided for employees in the private sector under the Employee Retirement Income Security Act (ERISA) regulations. It is worth noting here that changes are frequently made to the PERS, mostly in the direction of increased benefits, but occasionally in the opposite direction. The protection of all future "expected" benefits for current employees is equivalent to saying that any alternative pension system should apply to new employees only.

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Table 1. NUMBER OF FEDERAL CIVILIAN WORKERS CLASSIFIED BY AGE AND YEARS OF SERVICE (May 1979)

Number of Employees

AGE	YEARS OF SERVICE							
	0-4	5-9	10-14	15-19	20-24	25-29	30+	Rounded Total
20-24	94,237	47,082	0	0	0	0	0	141,000
25-29	94,466	191,238	38,339	0	0	0	0	324,000
30-34	47,693	146,355	177,675	17,523	0	0	0	389,000
35-39	27,032	60,687	108,269	92,992	13,771	0	0	303,000
40-44	25,546	46,075	58,881	74,988	80,675	13,571	0	300,000
45-49	15,411	44,988	57,396	58,760	77,349	81,710	10,494	346,000
50-54	8,959	27,396	49,729	58,627	62,841	70,640	95,960	374,000
55-59	4,620	17,308	34,746	47,641	56,047	51,215	111,373	323,000
60-64	1,515	7,747	18,572	24,452	27,957	23,149	52,756	156,000
65 and over..	386	2,142	6,272	6,565	7,087	5,904	15,902	44,000
Rounded Total....	320,000	591,000	550,000	382,000	326,000	246,000	286,000	2,700,000

Table 2. PERCENTAGE OF FEDERAL CIVILIAN WORKERS CLASSIFIED BY AGE AND YEARS OF SERVICE (May 1979)

Percentage of Total Employees

AGE	YEARS OF SERVICE								Percentage this age or Older
	0-4	5-9	10-14	15-19	20-24	25-29	30+	Rounded Total	
20-24	3	2	0	0	0	0	0	5	100
25-29	4	7	1	0	0	0	0	12	95
30-34	2	5	7	.7	0	0	0	14	83
35-39	1	2	4	3	.5	0	0	11	69
40-44	1	2	2	3	3	.5	0	11	58
45-49	.6	2	2	2	3	3	0.4	13	47
50-54	.3	1	2	2	2	3	4	14	34
55-59	.2	.6	1	2	2	2	4	12	20
60-64	.06	.3	.7	1	1	.9	2	7	8
65 and over....	.01	.08	.2	.2	.3	.2	.6	1	1
Rounded Total	12	22	20	14	12	9	11	100	

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In between the previous two extremes, are coordinated benefit formulas that account separately for periods of noncovered and covered employment. Benefits, for example, could be 2% of final average salary for each year of noncovered employment, plus 1% of final average salary for each year of covered employment. This would mean that all employees could be covered on a specific effective date, but the impact on the retirement benefits of those soon to retire would be minimal. The chief problem with this approach is that there would be some persons who would not or could not obtain sufficient quarters prior to the effective date. The chief advantage is that it more than preserves the accrued benefits of current employees final average salaries and would reflect future inflation and merit increases rather than current salaries.

If it proves impossible to mandate coverage for State and local government and private, non-profit employment, there may be some interest in encouraging more widespread voluntary participation. There are a number of ways that this could be done.

V–1 Limit or restrict government grants-in-aid to agencies in which employment is covered.
V–2 Restrict cost sharing in Title XIX (Medicaid) to States in which public employment is covered.
V–3 Introduce a specific adjustment factor in the Federal revenue sharing formula to give greater credit to State where coverage is greater.
V–4 Impose the equivalent of the self-employment tax on individuals who work in noncovered employment.
V–5 Impose a Federal income surtax on earnings from noncovered employment.

These options could face the same legal and political problem that mandatory coverage faces. They are also punitive measures. An alternative would be to offer incentives.

V–6 Provide retrospective coverage of previous earnings to all employees.
V–7 Provide retrospective coverage of previous earnings to those individuals who would be eligible for optional participation.

Any reduction in the advantages currently open to those who can pursue a dual career in covered and noncovered employment would also tend to increase paticipation in social security. Obviously, the more severe the reductions, the more voluntary participation there will be. Options that would accomplish this are discussed later in this paper.

Coordination Methods

Any of the options that affect current workers will elicit from them great interest in the revised supplemental retirement program and the way in which it would be coordinated with social security. That program would also be of interest to persons considering a career in government and could have an impact on governments' ability to attract and retain qualified personnel. A full discussion of coordination methods will be discussed in a separate section of this report.[3] A brief summary follows.

Presumably, any coordinated system would have characteristics falling somewhere between the values defined by its predecessor at one extreme and social security at the other. The issue is the extent to which the alternative should go in favoring either extreme.

Some public employee retirement systems and most private pensions are referred to as *defined contribution* type. Most public plans, including the Civil Service Retirement System are the *defined benefit* type. In the former, a regular percentage of each employee's earnings is credited towards the purchase of annuities the final values of which vary according to each individual's total earnings and the time pattern over which they were earned. In defined benefit plans, benefits are a function of final average salary and length of service. In both cases, plan members must meet certain age and service age and service requirements in order to be eligible for benefits. The following discussion assumes a context of defined benefit plans.

Retirement systems can be implicitly coordinated with social security merely by being less generous than they might otherwise be. They can also be explicitly coordinated by either accounting for the social security benefit and offsetting some or all of it against the pension benefit or by establishing benefits that vary according to the proportion of salary above and below an established figure, usually the social security maximum wage base.

On the surface, the most attractive method of coordination is one in which social security is simple added to the present system. Contributions to social security would be made by both employer and employee and benefits would ultimately be received from both systems. While this motion is simple, the accompanying costs are high. The additional cost of social security would be more than twelve percent and still more in the future. Benefits, expressed as a replacement rate, i.e., percentage of final year's earnings, could exceed 100%. Reducing benefits raises the question of the desirable target replacement rates, an issue that arises in all approaches to coordination.

Replacement rates, considering social security alone, are progressive; low income workers receive higher replacement rates than do high income workers. In contrast, replacement of wages in typical noncovered retirement systems is strictly proportionate; workers' replacement rates do not vary with their earnings. Combining the progressive social security system with a proportionate retirement system by simply adding one to another produces what is typically called an "add-on" system. It retains the progressivity of social security.

It is possible to devise a regressive retirement system in which high income workers receive higher replacement rates than low income workers. One technique is to reduce the pension benefit by some or all of the social security benefit; this method is typically referred to as an "off-set". Another is to pay pension benefits that increase, in steps, for persons with higher final earnings. This technique is called a "step-rate". (Usually just one step is used, with the step tied to the social security maximum on the wage base.) Regardless of the type of system considered, the result of combining a progressive system with a regressive one depends on the relative degree of progressivity and regressivity in each.

It is public policy that retirement systems in the private sector preserve progressivity. In order to obtain tax exempt status, private plans must comply with the Internal Revenue Service (IRS) "integration requirements". These requirements are complex, but their effect is simply expressed: one hundred percent social security offsets, being against public policy, are made prohibitively expensive through the sanction of income taxes.

Add on, step-rate, and off-set coordination formulae differ in the degree to which they typically retain the progressivity of social security. Add-ons preserve it all, off-sets the least, with step-rates somewhere in the middle. The importance of the difference depends on the distribution of final average salaries. If that distribution is fairly narrow, as is likely the case in teacher's plans, the differences could be trivial. In state-wide plans, or the Federal Civil Service plan, the differences would be much greater. Nonetheless, if a major objective is to replicate the pattern of benefits provided by the non-covered plans, off-set coordination schemes are likely to be the preferred choice. It should be noted, however, that a major problem with off-set formulas is that

[3] Reference here is to the USSCS final report.

they require an individual by individual determination of social security benefits, often before the individual is eligible for these social security benefits. Another problem is apportioning that part of the benefit which belongs with the employment covered by the retirement system.

In summary, for technical as well as policy reasons, a coordinated pension that perfectly offset the progressivity of social security replacement rates is highly unlikely. This means that target replacement rates must vary with income, declining as income increases. In turn, this means that, if the replacement rate of a middle income or average worker is to be the same in a covered system as it would be in a noncovered system, then the replacement rates of a low income worker will be higher and the rates of a high income worker will be lower. Whether the costs of the one and savings of the other would offset each other depends on the numbers of each and the way in which the replacement rate varies.

For still other reasons, retirement systems that are coordinated with social security do not produce precisely the same pattern of benefits as those produced by noncovered systems. Not only does social security provide low income workers relatively greater benefits than it does high income workers, it also determines benefits on the basis of all covered earnings rather than the earnings from any single job. Retirement benefits also reflect career earnings more than near-retirement earnings. And, the relative gain from an additional year of participation in social security differs from that of an additional year of participation in a pension system.

Similar difficulties also arise with retirement age. Under the CSR system and many other PERS retirement without reduction in benefits is permitted at age 55 with 30 years of service. In social security, normal retirement is at age 65, with reduced benefits available at age 62. There are two main ways of dealing with the difference:

R–1 Ignore the difference between the presumed normal retirement ages in social security and public pension plans; or

R–2 Offset the difference between presumed normal retirement ages by paying a higher PERS benefit initially and then reducing it when the recipient becomes eligible for social security.

The effect of R–1 could be the same as raising the normal retirement age if the new PERS benefit is not itself sufficient to provide comfortable retirement.

Contributions would be made over a shorter period and benefits paid over a longer one. The net costs of this option may be acceptable since so many PERS now provide for retirement at ages earlier than 62. In addition to the need to coordinate retirement age between social security and PERS another important issue in setting retirement age is the type of work performed. Employees in certain hazardous, occupations such as firefighters, law enforcement officers and air traffic controllers are entitled to special consideration in discussion of early retirement.

There are many other features of typical PERS system that differ from those of social security and which should be considered in designing a pension system. With regard to benefits, the following characteristics should be considered:

- Ratio of benefits to contributions (employee and total),
- Survivors' and spouses' benefits,
- Effects of length of service upon benefit size,
- Disability benefits,
- Hospital benefits,
- COL adjustment to benefits,
- Offset of pension by earnings,
- Taxability of benefits, and
- Vesting.

On the cost side are the characteristics of programming and financing (including total costs of the program and how they are shared, e.g., employee, employer, general revenues).

A final issue is the degree to which a proposed plan conforms to the IRS and ERISA regulations that govern private plans. The influence of the IRS regulations upon the form of private pensions has been mentioned briefly. ERISA rules cover such matters as vesting and portability, often making them more favorable for the employee than the typical PERS. Consequently, if present costs were maintained and ERISA standards were met, some other benefit provisions would have to be reduced. Thus, the issue of appropriate pension characteristics is raised again. The value of portability for public employees is clearly high. For example, it is estimated that only about 40% of all Federal employees remain in government employment long enough to collect their pension.

Public employee retirement systems (and the social security system) are not required to meet IRS and ERISA regulations, but it would seem bad policy for the government to develop for itself pension plans with features that would not be allowed in the private sector.

The relative importance of the various aspects of pension design is a subject of some controversy. To a large degree, their importance to any one member in a cross section of workers would depend upon the circumstances of the individual and the extent to which he or she expects to be better or worse off if an objective is met. The views of a private sector worker, a short-term government employee, and a full career civil servant can be expected to differ. Within each of these categories differences would also occur based on such personal factors as salary or wage level, marital status, number of dependents, other work under the social security system, and perference for present consumption of earnings versus saving.

Handling Unfunded Liabilities

As noted earlier, virtually all public employee retirement systems have some degree of unfunded liability. This liability is not fundamentally different from that which exists in social security; some or all of current contributions are being used to pay current benefits rather than being set aside for future ones. Mandatory coverage could have the effect of diverting contributions from one group of beneficiaries to another or it could have the effect of sharply increasing costs by forcing current contributors to support two groups of beneficiaries rather than one. Several methods could be used to alleviate this problem. One possible method would be for Social Security Trust Funds or the Federal government at large to assume unfunded liabilities. This option is not presently being considered by the Study Group because it penalizes plans that have attempted to build up funds and rewards those that have not. Similarly, it favors plans with generous benefits over those with less. The following approaches are being analyzed by the Study Group:

B–1 Provide some amount of retroactive coverage of previous earnings without cost to affected individuals or their retirement funds;

B–2 Provide coverage at reduced or zero cost for a specified number of years following the effective date; and

B–3 Establish a formula grant program in which each presently noncovered retirement system shares according to the total length of service of present employees

B–3(a) Allow all plans, whether presently covered or not, to share in the formula grant.

With retrospective social security coverage, some current unfunded liabilities could be reduced by offsetting (implicity or explicitly) the social security benefit against the pension

benefit. Depending upon the amount of retroactive coverage provided, (i.e., how many years of previous earnings get covered) some plans could have their unfunded liabilities reduced to zero or less. There are many possible variations on this approach.

Alleviating unfunded liabilities through a formula grant program allows the design of a program that will be as effective as desired merely by determining appropriation levels. Allowing the plans to share in the grant according to the cumulative length of service represented by its active members relates the plan's share to its accrued liability without regard to whether the liability is funded or not or to how generous the plan is.

If the increased revenue from expanded coverage exceeds the future costs, then sharing in the liabilities of the presently noncovered plans could be viewed as a good investment for social security.

Universal coverage would have significant effects upon the financing of the social security program. It has been estimated that additional employer and employee contributions in the first year would amount to $14 billion. These new contributors would, of course, add to the future liabilities of the system. In so far as the system is actuarially sound in the long run, however, these liabilities will be met. On the other hand, if future economic or demographic conditions are sufficiently extreme that the social security system becomes out of balance, then increasing the numbers of people covered will increase the absolute size of the short fall although even that might be offset by elimination of the unintended subsidies.

Closing the Gaps

If Congress decides against universal coverage, it may want to establish standards so that all employed persons, whether in covered employment or not, or whether moving from one type to another, will be assured the basic benefits now provided by social security.

There are several features of retirement under the social security system which, if extended to noncovered public employees would serve to increase pension benefits. Among the most important are spouses' and survivors' benefits, disability benefits which are in part determined by the number of the employee's dependents, and portability of credits from job to job. Adding one or more of these features to an individual's PERS would increase protection or ultimate benefits, but of course would also increase the cost of providing the benefits.

The following options are not necessarily mutually exclusive.

G–1 Require noncovered public employee retirement systems to adopt eligibility criteria for disability and survivors' benefits that equal or exceed the social security criteria.

G–2 Establish procedures whereby service credits could be transfered between the noncovered systems and social security

G–3 Require the noncovered systems to adopt vesting criteria similar to those established by ERISA for pension plans in the private sector

G–4 Require the noncovered systems to adopt improved portability provisions for persons moving from one noncovered job to another

G–1 is sufficiently specific that costs could be estimated. Possibly, G–3 might be costed as well, under the assumption that the plans would adopt the least costly version of the several possibilities offered by ERISA.

Other studies have recommended a variant of G–2 under which a transfer of credit occurs only at the time of a casualty or other contingent event. The Study Group does not believe that this is an appropriate technique in an insurance context.

Reducing Unintended Benefits

It may be decided that universal mandatory coverage is not feasible in the near future and possibly not even in the long run. In this event, the Congress may wish to consider ways of reducing the social security benefits that might otherwise be recieved by persons able to pursue careers both in covered and noncovered employment. There are three broadly different ways of doing this.

S–1 Reduce the return on covered earnings by offsetting some or all of any pensions received from uncovered employment.

S–2 Reduce the return on covered earnings by using the relationship of covered to noncovered earnings.

S–2(a) Pay a modified social security benefit equal to the difference between the benefit that would have been paid if all of an individual's employment had been covered and the benefit that would have been paid if only the public employment were covered

S–2(b) Pay a modified social security benefit that is computed by taking the ratio of covered earnings to total earnings and applying it to the social security benefit derived from covered employment

S–3 Modify the social security benefit formula so that it provides relatively greater returns to persons with longer periods of covered earnings

S–3(a) Compute the benefit on an annual basis and average, i.e., divide the social security benefit formula by the number of years elapsed since 1950 minus five, apply the result to each year's covered earnings and sum the results

There is a precedent for the first approach, S–1, specifically, the spouses' offset in existing law. Under this provision, persons otherwise eligible for a spouses' benefit will have that benefit reduced one dollar for each dollar of pension income received from noncovered employment. The provision was added by the Social Security Amendments of 1977 but its application for female spouses was deferred until 1982. The Administration has proposed a somewhat more complicated version that would reduce social security retirement benefits for persons also receiving Federal Civil Service annuities by an amount related to the difference between the annuity and average social security benefits.

Several persons have suggested the second approach, S–2, among them Mr. Robert Myers, a former Chief Actuary of the Social Security Administration. The reduction in social security benefits produced by this approach can be relatively mild or severe depending upon the particular formula employed. Option S–2(a) could produce substantial reductions in benefits, unless it were associated with some sort of guaranteed minimum. In contrast, option S–2(b) produces much smaller reductions.

Both the policy implications and the administrative feasibility vary among the three approaches. The first approach adds an explicit income test, i.e., two persons with identical amounts of covered and noncovered earnings could receive different social security amounts if one received a more generous pension than the other. It also poses an enforcement problem since the receipt of pensions is information not routinely available to the Social Security Administration.

The second could only be applied prospectively since the Social Security Administration did not begin collecting individual data on noncovered earnings until 1979.

The third approach would produce much more sweeping changes in the social security program because it would affect the benefits of persons who only work in covered employment as well as the benefits of those who worked in both. There are doubtless many possible alternatives within this approach. The Study Group has thus far focused its attention on just the one (S–3(a)).

Status Quo

Should Congress determine that none of the options are viable, neither

mandatory coverage nor any of the others, a final option exists: status quo. This final option is not, however without its own disadvantages. Leaving the Civil Service Retirement System and other noncovered public retirement systems in their current state—without portability and lacking in comprehensive benefits (most notably survivors' and disability)—could be viewed as "costly" to the public employee. Alternatively, some would argue that to leave the public employee outside the system of mandatory social security coverage results in a "cost" to the remaining 90% of the nation's workforce.

Nonetheless, the rules under which the present noncovered systems were established have been in existence for a long time. The rules are open and above board. Changing them now might do more harm than good and be unfair to the noncovered systems and their participants—both active.

Dated: June 18, 1979.

W. Jack Tennant,

Executive Director, Universal Social Security Coverage Study.

[FR Doc. 79-19456 Filed 6-21-79; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-716; FDAA-577-DR]

Mississippi; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Mississippi (FDAA-577-DR), dated April 16, 1979.

DATED: June 7, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICE: This Notice of major disaster for the State of Mississippi dated April 16, 1979, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 16, 1979.

For Public Assistance in addition to Individual Assistance: Copiah County.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Thomas R. Casey,

Deputy Administrator, Federal Disaster Assistance Administration.

[FR Doc. 79-19452 Filed 6-21-79; 8:45 am]

BILLING CODE 4210-22-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Eureka County, Nev.; Special Wilderness Inventory Open to Public Comment

The Bureau of Land Management's Elko District Office has conducted a special project wilderness inventory on about 18,500 acres of public lands in Eureka County, Nevada (NV-010-083A). Based upon inventory findings, the Bureau is recommending that the area be released from any further wilderness consideration because it lacks wilderness characteristics. A 30-day public comment period is open until August 2, 1979.

The special project inventory was conducted at the request of several mining companies who desire to initiate mining operations in the area, which is highly mineralized, primarily with barite.

Based upon existing information, the Bureau had recommended that the area undergo an intensive inventory. That recommendation is currently also before the public until July 31. However, the Bureau decided to accelerate that intensive inventory to find out if the area definitely does or does not contain wilderness values. The recommendation is to drop the area from further wilderness consideration because it lacks wilderness characteristics due primarily to the presence of numerous intrusions that are substantially noticeable and detract from the natural character. The field survey also found that the area lacks outstanding opportunities for solitude because of the difficulty for visitors to escape the sights, sounds, and evidence of other people within the area. Primitive recreation opportunities were also found not to be outstanding.

Public comment on the Bureau's recommendation is open until August 2. An open house is scheduled at the BLM district office in Elko on July 16 beginning at 1 p.m. to acquaint the public with the inventory findings. Maps and further information on the areas are available from the BLM in Elko at 2002 Idaho St., 89801 or in Reno, 800 Booth St., Room 3008, 89509.

Date signed: June 14, 1979.

E. I. Rowland,

State Director, Nevada.

[FR Doc. 79-19460 Filed 6-21-79; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Valley Forge National Historical Park: Public Transportation Programs; Public Meetings

In accordance with Title III of Pub. L. 95-344, 92 Stat. 477, 16 U.S.C. Sec. 2301 et seq. (1978), the National Park Service announces its intent to formulate a public transportation plan for Valley Forge National Historical Park.

The Congress, through Pub. L. 95-344, expressed a desire that units of the National Park System be made more accessible by encouraging the use of transportation modes other than personal motor vehicles. It also found that many urban residents in metropolitan areas near units of the National Park System do not have the private motor vehicles to avail themselves of recreational opportunities in such units.

Accordingly, the Service will hold two public meetings to receive citizen opinions and comments on the Superintendent's initial thoughts regarding increased accessibility to Valley Forge National Historical Park for citizens near and within the Philadelphia, Pa. metropolitan area. It is proposed to extend an existing bus route to provide service from city center Philadelphia to Valley Forge National Historical Park. Suggestions of other proposals will be welcome. The first meeting will serve to explain and receive comment on this initial perspective and the general direction proposed for a trial project. The second meeting will serve to explain the complete details of any trial project finalized as a direct result of the first meeting.

The meetings will be held as follows:

Meeting One

Wednesday, July 25, 1979, 1:30 p.m.—Park Headquarters, Valley Forge National Historical Park, Valley Forge, Pa. 19481.

Meeting Two

Wednesday, August 1, 1979, 1:30 p.m.—Park Headquarters.

Persons desiring further information about the meeting should call the Superintendent, Valley Forge National

Histrocial Park, Valley Forge, Pa. 19481 (215–783–7700).

Richard L. Stanton,

Regional Director, Mid-Atlantic Region, National Park Service.

[FR Doc. 79–19502 Filed 6–21–79; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Corps; Proposed Job Corps Center, Donaldson, Ind.; Determination of Negative Environmental Impact

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice-Finding of Negative Environmental Impact.

SUMMARY: The purpose of this notice is to announce a determination by the Department under the National Environmental Policy Act and 40 CFR Part 1500 that the establishment of a Job Corps center at the Divine Heart Seminary, Donaldson, Indiana, does not constitute a major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION: Contact Raymond E. Young, Director, Office of Job Corps and Young Adult Conservation Corps, Room 6100, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213, telephone (202) 376–6995.

SUPPLEMENTARY INFORMATION: Title IV, Part B of the Comprehensive Employment and Training Act (CETA), as amended, 29 U.S.C. 923 *et seq.*, directs the Secretary of Labor to establish Job Corps centers to provide occupational training to disadvantaged youths ages 16 through 21. The regulations governing the Job Corps program are published at 29 CFR Part 97a. Pursuant to his authority, the Secretary is planning to establish a Job Corps center at the Divine Heart Seminary provided an agreement can be reached on acquisition of the facilities.

Pursuant to 40 CFR Part 1500, the Department of Labor conducted an environmental assessment as part of a site utilization study and has determined that preparation of an environmental impact statement is not required since the establishment of this Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR § 1500.6(c). The proposed Job Corps center will be a training center with residential and educational facilities for approximately 300 disadvantaged youth, men and women, ages 16 through 21, who need and can benefit from intensive employment-related services. The function of the center and the staff of approximately 100 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The proposed use of the facility is intended for essentially the same purpose as used by the previous occupant, specifically, residential living and education.

The center will be a self-contained facility located in Donaldson, Marshall County, Indiana, approximately ten miles west of Plymouth, Indiana, on Highway 30. The site surveyed for use by Job Corps consists of nine buildings on 331 acres of land.

Potable water for the facility is obtained from two on-site wells with pumps and treatment facilities located in the main boiler room.

Sanitary sewage disposal is provided by a facility-owned sanitary sewer system and water treatment plant. The system is an aeration packaged treatment plant with a 210,000 gallon stabilization pond.

Storm water disposal is via a storm sewer system which discharges into a creek on the south side of the site and into a pond on the north side of the site.

Natural gas service and electricity is provided to the facility by the Northern Indiana Public Service Company.

The proposed Job Corps center will be operated in compliance with the Job Corps Environmental Standards published at 29 CFR 97a.116, and with applicable Federal, State and local regulations concerning environmental health.

The proposed Job Corps center will comply with the water quality and related standards of the State and local Government, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, with Executive Order 11752, and with regulations and guidelines of the United States Environmental Protection Agency.

The center installation will be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752.

My determination is that the establishment and operation of the center will have no adverse impact upon traffic, transportation systems, pedestrian or vehicular congestion, police protection services, fire protection services, public safety, legal services, or upon the aesthetics or residential quality of the nearby area. I further determine that the establishment and operation of the center will have no adverse effects upon ecological systems, population distribution, air or water pollution, municipal services, or health or life support systems. Accordingly, I hereby determine that the establishment of such Job Corps center will not have a significant adverse impact upon the quality of the human environment of the nearby area.

The Job Corps center will be operated with the pass-leave procedures required by Job Corps Regulations and operational procedures. I find that in light of the enrollment level and utilization of the pass-leave procedures, that congestion in the area will not increase.

There will be no material impact upon transportation or traffic within the area.

It is further determined that the establishment and operation of the center is not likely to have a significant adverse impact upon use of police services or the public safety. Adequate provisions are planned to carefully screen prospective enrollees so as to minimize the possibility of disciplinary problems or center related public safety problems.

Adequate staffing personnel and protection will be provided at the Donaldson Job Corps Center in accordance with Job Corps' operating procedures and regulations.

I further find that fire protection services in the area will not be adversely affected and that systems in the facilities will be upgraded to further reduce risk of fire from the present risk level.

Additionally, local health services will not be adversely affected because basic dental, medical and other health related services will be provided on site with Job Corps' own facilities and personnel.

In conclusion, it is my determination, after careful review and consideration of the nature of Job Corps' proposed action, in light of Job Corps' purposes, objectives and operational procedures, that the impact upon the surrounding community of the establishment of the center at the site will not be significant. It is my careful determination that the environmental assessment conducted by the Department of Labor, pursuant to 40 CFR Part 1500, clearly indicates that preparation of an environmental impact statement is not required since the establishment of the Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR § 1500.6(c).

Signed at Washington, D.C., this 18th day of May 1979.

Raymond E. Young,

Director, Office of Job Corps and Young Adult Conservation Corps.

[FR Doc. 79-19234 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-30-M

Federal Advisory Council on Unemployment Insurance; Meeting Agenda

In the **Federal Register** of May 18, 1979, at 44 FR 98 there was published notice of a meeting of the Federal Advisory Council on Unemployment Insurance to be held in Room S-4215 AB & C, Main Labor Building, located at 200 Constitution Avenue, NW., Washington, D.C., on June 26-27, 1979. In this notice it was stated that an agenda would be published prior to the meeting. The agenda is as follows:

Agenda—June 26-27, 1979

Room S-4215 AB & C, Main Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

June 26

8:30 a.m.—Welcome and Remarks, William U. Norwood, Chairman
9:15 a.m.—Update on Current UI Activities, Robert B. Edwards, UI Administrator
10:30 a.m.—Coffee Break
10:45 a.m.—Proposed Revision of Extended Benefits Trigger
11:45 a.m.—Lunch
1 p.m.—Comparison of NCUC Interim Recommendations and FAC-UI Resolutions including a Reconsideration of FSB & EB Funding
3 p.m.—Coffee Break
3:15 p.m.—FSB & EB Funding (continued)
3:45 p.m.—Current Policy Positions of the Interstate Conference of Employment Security Agencies, William Heartwell, Jr., Executive Vice President, ICESA
4 p.m.—Taxing UI Benefits
5 p.m.—Adjournment

June 27

8:30 a.m.—Reducing UI Benefits by Pension amount received
9:45 a.m.—Coffee Break
10 a.m.—Currently Pertinent Items of UI Program Administration, Robert B. Edwards, UI Administrator
11 a.m.—Plans for next meeting of Council and any remaining Council business
12 noon—Adjournment

Signed at Washington, D.C., this 18th day of June 1979.

Ernest G. Green,

Assistant Secretary for Employment and Training

[FR Doc. 79-19542 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-30-M

Youth Programs Under the Comprehensive Employment and Training Act; Allocations

AGENCY: Employment and Training Administration, Labor.

ACTION: Final allocations.

SUMMARY: The purpose of this document is to publish prime sponsor allocations for implementation of the Summer Youth Employment Program (SYEP).

EFFECTIVE DATE: May 16, 1979.

FOR FURTHER INFORMATION CONTACT: Robert Taggart, Administrator, Office of Youth Programs, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213, 202/376-2646.

SUPPLEMENTARY INFORMATION: These allocations are issued to provide for full implementtion of the FY 1979 SYEP. The listing below sets forth the prime sponsor allocations.

BILLING CODE 4510-30-M

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF ADMINISTRATION AND MANAGEMENT
FY 79 SUMMER YOUTH PROGRAM
5/16/79

	NEW OBLIGATIONAL AUTHORITY	CARRY-IN	TOTAL
BRIDGEPORT CONSORTIUM	1,418,673	181,978	1,600,651
HARTFORD CONSORTIUM	1,801,557	121,433	1,922,990
NEW HAVEN CONSORTIUM	1,458,091	1	1,458,092
STAMFORD CONSORTIUM	545,543	28,381	573,924
WATERBURY CITY	518,865	4,988	523,853
BALANCE OF CONNECTICUT	3,264,859	1,006,407	4,271,266
CONNECTICUT	9,007,588	1,343,188	10,350,776
PENOBSCOT/HANCOCK CSRT	567,130	7,121	574,251
CUMBERLAND COUNTY	606,801	8,026	614,827
BALANCE OF MAINE	1,931,690	128,486	2,060,176
KENNEBECK COUNTY	289,180	14,521	303,701
YORK COUNTY	261,061	30,111	291,172
MAINE	3,655,862	188,265	3,844,127
BOSTON CITY	3,457,887	0	3,457,887
EMHPDA CONSORTIUM	1,136,313	120,921	1,257,234
NEW BEDFORD CONSORTIUM	822,873	0	822,873
HAMPDEN COUNTY CONSORTIUM	1,663,300	110,028	1,773,328
WORCESTER CONSORTIUM	887,543	100,163	987,706
LOWELL CONSORTIUM	791,800	54,667	846,467
BROCKTON CONSORTIUM	693,025	41,778	734,803
FALL RIVER CSRT	870,835	680	871,515
BALANCE OF MASSACHUSETTS	9,924,721	1,111,358	11,036,079
MASSACHUSETTS	20,248,297	1,539,595	21,787,892
ROCKINGHAM/STRAFFORD CSRT	512,601	49,234	561,835
HILLSBOROUGH COUNTY	594,866	0	594,866
BALANCE OF NEW HAMPSHIRE	831,098	60,492	891,590
NEW HAMPSHIRE	1,938,565	109,726	2,048,291
PROVIDENCE CITY	1,104,855	45,867	1,150,722
BALANCE OF RHODE ISLAND	2,363,948	610,414	2,974,362
RHODE ISLAND	3,468,803	656,281	4,125,084
STATE OF VERMONT	1,561,422	164,388	1,725,810
VERMONT	1,561,422	164,388	1,725,810
REGION I	39,880,537	4,001,443	43,881,980
ATLANTIC COUNTY	697,424	91,971	789,395
BERGEN COUNTY	932,712	343,065	1,275,777
BURLINGTON COUNTY	668,955	166,146	835,101
BAL OF CAMDEN COUNTY	1,159,656	0	1,159,656
CAMDEN CITY	582,303	37,702	620,005
CUMBERLAND COUNTY	433,006	19,178	452,184
ELIZABETH CITY	394,243	75,030	469,273
BAL OF ESSEX COUNTY	1,256,390	77,440	1,333,830
GLOUCESTER COUNTY	441,179	20,365	461,544
HUDSON COUNTY CSRT	2,847,869	104,855	2,952,724
BAL OF MERCER COUNTY	445,074	17,529	462,603
MIDDLESEX COUNTY	1,664,764	115,390	1,780,154
MONMOUTH COUNTY	1,285,622	21,362	1,306,984
MORRIS COUNTY	565,171	107,630	672,801
NEWARK CITY	4,594,825	0	4,594,825
OCEAN COUNTY	432,850	188,668	621,518
BAL OF PASSAIC COUNTY	968,223	47,652	1,015,875
PATERSON CITY	827,616	33,816	861,432
SOMERSET COUNTY	250,467	28,447	278,914
TRENTON CITY	400,281	91,124	491,408
BAL OF UNION COUNTY,	699,781	139,701	839,482
BALANCE OF NEW JERSEY	976,894	220,937	1,197,831
NEW JERSEY	22,525,303	1,948,008	24,473,316
ALBANY CITY	453,488	0	453,488
BAL OF ALBANY COUNTY	277,916	0	277,916
BROOME COUNTY	547,136	75,185	622,321
BUFFALO CITY	2,252,707	54,072	2,306,779
CHAUTAUQUA CONSORTIUM	882,744	12,986	895,730
CHEMUNG COUNTY	298,616	58,187	356,803
DUTCHESS COUNTY	453,880	0	453,880
ERIE CONSORTIUM	998,083	55,932	1,054,015
HEMPSTEAD/LONG BEACH CSRT	1,138,169	132,409	1,270,578
ROCHESTER CITY	908,334	99,563	1,007,897
BALANCE OF MONROE COUNTY	344,293	58,101	402,394
BAL OF NASSAU COUNTY CSRT	828,852	54,091	882,943

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF ADMINISTRATION AND MANAGEMENT
FY 79 SUMMER YOUTH PROGRAM
5/16/79

	NEW OBLIGATIONAL AUTHORITY	CARRY-IN	TOTAL
NIAGARA COUNTY	618,324	175,165	793,489
ONEIDA COUNTY	808,165	90,108	898,273
BAL OF ONONDAGA COUNTY	466,027	35,000	501,027
ORANGE COUNTY	293,387	95,107	388,494
OSWEGO COUNTY	348,264	10,277	358,541
RENSSELAER COUNTY	350,332	40,561	390,893
ROCKLAND COUNTY	237,602	88,280	325,882
ST. LAWRENCE COUNTY	321,457	48,626	370,083
SARATOGA COUNTY	362,047	54	362,101
SCHENECTADY COUNTY	269,066	50,693	319,759
STEUBEN COUNTY	304,569	14,276	318,845
SUFFOLK CONSORTIUM	2,340,576	1,882	2,342,458
SYRACUSE CITY	614,411	140,962	755,373
ULSTER COUNTY	279,904	476	280,380
WESTCHESTER CONSORTIUM	1,446,886	365,747	1,812,631
YONKERS CITY	545,178	32,782	577,960
BALANCE OF NEW YORK	4,826,233	576,744	5,402,977
NEW YORK CITY	31,184,231	2,114,612	33,298,841
NEW YORK	55,000,877	4,481,878	59,482,755
BAYAMON MUNICIPIO	775,848	39,049	814,897
CAGUAS MUNICIPIO	703,469	7,741	711,210
CAROLINA MUNICIPIO	668,292	331	668,623
MAYAGUEZ MUNICIPIO	560,952	0	560,952
PONCE MUNICIPIO	998,614	46,830	1,045,444
SAN JUAN CONSORTIUM	2,691,459	72,814	2,764,273
BALANCE OF PUERTO RICO	10,656,527	0	10,656,527
PUERTO RICO	17,055,161	166,765	17,221,926
VIRGIN ISLANDS	312,348	45,080	357,428
VIRGIN ISLANDS	312,348	45,080	357,428
REGION II	94,893,694	6,641,731	101,535,425
DELAWARE MANPOWER CSRT	1,025,591	158,051	1,183,642
WILMINGTON CITY	565,432	697	566,129
DELAWARE	1,591,023	158,748	1,749,771
DISTRICT OF COLUMBIA	6,154,830	2,521,508	8,676,338
DIST OF COLUMBIA	6,154,830	2,521,508	8,676,338
BALANCE OF MARYLAND	998,993	154,081	1,153,074
BALTIMORE CONSORTIUM	6,709,106	1,542	6,710,648
MONTGOMERY COUNTY	552,937	100	553,037
PRINCE GEORGES COUNTY	1,253,351	46,600	1,299,951
WESTERN MARYLAND CSRT	604,014	101,891	705,905
MARYLAND	10,118,401	304,214	10,422,615
LEHIGH VALLEY CONSORTIUM	629,383	95,889	725,272
LANCASTER/LEBANON CSRT	460,813	107,760	568,573
BUCKS COUNTY	534,301	198,889	733,190
CHESTER COUNTY	477,789	83,957	561,746
DELAWARE COUNTY	988,847	26,050	1,014,897
MONTGOMERY COUNTY	681,609	175,604	857,213
PHILADELPHIA CITY/COUNTY	6,181,690	390,942	6,572,632
BERKS COUNTY	684,900	42,122	727,022
BAL OF LACKAWANNA COUNTY	472,210	16,708	488,918
SCRANTON CITY	354,017	60,202	414,219
LUZERNE COUNTY	1,326,758	33,293	1,360,051
SCHUYLKILL/CARBON CSRT	776,430	20	776,450
ERIE CITY	436,286	29,773	466,059
BAL OF ERIE COUNTY	352,319	47,324	399,643
BAL OF ALLEGHENY COUNTY	2,538,349	24,846	2,563,195
PITTSBURGH CITY	3,055,926	378,268	3,434,194
BEAVER COUNTY	276,780	226,943	503,723
WASHINGTON COUNTY	547,915	21,720	569,635
WESTMORELAND COUNTY	722,694	99,724	822,418
TRI-COUNTY CONSORTIUM	720,292	22,136	742,428
FAYETTE COUNTY	562,218	64,316	626,534
LAWRENCE COUNTY	184,471	171,572	356,043
MERCER COUNTY CONSORTIUM	1,049,150	102,256	1,151,406
SOUTHERN ALLEGANY CSRT	1,398,036	118,280	1,516,316
SUSQUEHANNA CONSORTIUM	712,650	204,053	916,703
YORK COUNTY	267,226	50,244	317,470
LYCOMING CONSORTIUM	543,991	1,586	545,577
FRANKLIN COUNTY	206,605	45,252	251,857
BALANCE OF PENNSYLVANIA	2,608,136	268,354	2,876,490
CENTRE COUNTY	300,611	9,368	309,979

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NORTHUMBERLAND COUNTY	428,172	24,603	452,775
PENNSYLVANIA	30,480,574	3,142,054	33,622,628
PENINSULA CONSORTIUM	797,617	103,752	901,369
STAMA CONSORTIUM	1,924,274	246,484	2,170,758
RAMPS CONSORTIUM	1,191,991	125,194	1,317,185
CHESTERFIELD/HENRICO CSRT	122,845	113,791	236,636
ROANOKE CONSORTIUM	443,560	163,208	606,768
ARLINGTON COUNTY	304,210	117,102	421,312
NORTHERN VA MANPOWER CSRT	445,682	209,919	655,601
PRINCE WILLIAM COUNTY	200,542	731	201,273
ALEXANDRIA CITY	248,538	3,521	252,059
BALANCE OF VIRGINIA	5,716,745	1,093,153	6,809,898
VIRGINIA	11,396,004	2,176,855	13,572,859
WEST VIRGINIA STATEWIDE	6,266,322	511,918	6,778,240
WEST VIRGINIA	6,266,322	511,918	6,778,240
REGION III	66,007,154	8,815,297	74,822,451
BALANCE OF ALABAMA	6,710,904	371,946	7,082,850
BIRMINGHAM CONSORTIUM	1,916,515	61,845	1,978,360
HUNTSVILLE CONSORTIUM	538,857	19,303	558,160
MOBILE CONSORTIUM	1,082,966	124,220	1,207,186
MONTGOMERY CONSORTIUM	902,586	3,793	906,379
TUSCALOOSA COUNTY	326,893	18,274	345,167
ALABAMA	11,478,721	599,381	12,078,102
BALANCE OF FLORIDA	3,316,146	570,172	3,886,318
ALACHUA COUNTY	298,513	53,898	352,411
BREVARD COUNTY	908,208	16,953	925,161
BROWARD CONSORTIUM	2,163,609	513,021	2,676,630
MIAMI/DADE CONSORTIUM	4,750,099	1,291,384	6,041,483
ESCAMBIA COUNTY	626,819	40,066	666,885
HEARTLAND MANPOWERCSRT	1,153,174	212,420	1,365,594
LEE COUNTY	192,800	27,872	220,672
LEON/GADSEN CONSORTIUM	543,571	10,368	553,939
NE FLORIDA MANPOWER CSRT	1,801,571	52,249	1,853,820
OKALOOSA COUNTY	281,046	22,290	303,336
ORANGE CNTY/ORLANDO CSRT	940,965	112,975	1,053,940
MANATEE COUNTY	351,664	94,105	445,769
MARION COUNTY	307,780	0	307,780
PALM BEACH COUNTY	1,084,635	82,787	1,167,422
PASCO COUNTY	155,470	58,252	213,722
SEMINOLE COUNTY	355,127	95,640	450,767
ST. PETERSBURG CONSORTIUM	1,498,916	158,575	1,657,491
SARASOTA COUNTY	193,791	27,493	221,284
TAMPA CONSORTIUM	2,171,513	110,235	2,281,748
VOLUSIA COUNTY	682,524	87,985	770,509
FLORIDA	23,777,941	3,638,740	27,416,681
BALANCE OF GEORGIA	7,535,934	1,048,486	8,584,420
CSRA CONSORTIUM	952,615	13,321	965,936
ATLANTA CITY	1,996,523	546,599	2,543,122
CLAYTON COUNTY	239,534	55,514	295,048
COBB COUNTY	525,455	120,834	646,289
COLUMBUS AREA CONSORTIUM	876,577	5,383	881,960
BAL OF DEKALB COUNTY	655,265	262,196	917,461
BAL OF FULTON COUNTY	327,238	114,177	441,415
MID GEORGIA CONSORTIUM	821,809	12,984	834,793
SAVANNAH/CHATHAM CSRT	507,355	33,317	540,672
GWINNETT COUNTY	184,713	18,745	203,458
GEORGIA	14,623,018	2,231,556	16,854,574
BLUE GRASS MANPOWER CSRT	764,303	51,600	815,903
LOUISVILLE/JEFFERSON CSRT	1,664,974	485,856	2,150,830
KENTON COUNTY	240,431	114,274	354,705
BALANCE OF KENTUCKY	5,002,124	213,237	5,215,361
EASTERN KEN. RURAL CEP	1,888,565	226,183	2,114,748
KENTUCKY	9,560,397	1,091,150	10,651,547
BALANCE OF MISSISSIPPI	6,914,124	656,467	7,570,591
JACKSON CONSORTIUM	722,380	65,409	787,789
HARRISON COUNTY	339,988	46,941	386,929
MISSISSIPPI	7,976,492	768,817	8,745,309

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BALANCE OF NORTH CAROLINA	11,169,269	854,465	12,023,734
ALAMANCE COUNTY	342,738	22,831	365,569
BUNCOMBE COUNTY	530,037	27,091	557,128
CUMBERLAND COUNTY	954,445	22,601	977,046
CHARLOTTE CITY	490,719	286,409	777,128
DURHAM CITY	343,417	23,497	366,914
GASTON COUNTY	290,340	28,936	319,276
GREENSBORO CONSORTIUM	585,583	140,078	725,661
ONSLOW COUNTY	171,468	21,912	193,380
RALEIGH CONSORTIUM	730,604	176,150	906,754
ROBESON COUNTY	289,475	125,012	414,487
BAL OF WAKE COUNTY	184,312	78,401	262,713
WINSTON SALEM CONSORTIUM	457,982	99,091	557,073
DAVIDSON COUNTY	196,272	129,428	325,700
NORTH CAROLINA	16,736,661	2,035,902	18,772,563
S. CAROLINA STATE CSRT	8,912,941	703,114	9,616,055
SOUTH CAROLINA	8,912,941	703,114	9,616,055
BALANCE OF TENNESSEE	7,953,471	852,609	8,806,080
CHATTANOOGA CITY	439,332	26,319	465,651
MEMPHIS CONSORTIUM	2,172,656	159,200	2,331,856
BAL OF HAMILTON COUNTY	322,396	54,363	376,759
KNOXVILLE CONSORTIUM	959,266	1	959,267
NASHVILLE/DAVIDSONCOUNTY	1,383,648	0	1,383,648
SULLIVAN COUNTY	348,813	19,279	368,092
TENNESSEE	13,579,582	1,111,771	14,691,353
REGION IV	106,645,753	12,180,431	118,826,184
CHICAGO CITY	24,589,409	914,845	25,504,254
BAL OF COOK COUNTY	1,635,914	1,821,053	3,456,967
DUPAGE COUNTY	216,945	205,400	422,345
KANE COUNTY CSRT	406,361	48,285	454,646
LAKE COUNTY	315,524	223,582	539,106
MACON COUNTY	328,983	7,273	336,256
MC HENRY COUNTY	87,465	57,569	145,034
ROCK ISLAND COUNTY	241,078	0	241,078
TAZEWELL COUNTY	106,402	32,272	138,674
LA SALLE COUNTY	122,312	20,855	143,167
ROCKFORD CONSORTIUM	348,177	96,803	444,980
CHAMPAIGN CONSORTIUM	237,183	121,079	358,262
WILL/GRUNDY CONSORTIUM	491,129	8,590	499,719
SANGAMON/CASS CSRT	344,869	45,494	390,363
MADISON COUNTY CONSORTIUM	745,937	78,782	824,719
ST. CLAIR CONSORTIUM	843,495	265,237	1,108,732
PEORIA CONSORTIUM	382,674	38,503	421,177
SHAWNEE CONSORTIUM	354,168	0	354,168
BALANCE OF ILLINOIS	3,441,804	380,875	3,822,679
MC LEAN COUNTY	95,737	15,617	111,354
ILLINOIS	35,335,566	4,382,114	39,717,680
GARY CITY	2,886,548	680,452	3,567,000
HAMMOND CITY	286,517	25,980	312,497
BAL OF LAKE COUNTY	524,361	226,686	751,047
ELKHART COUNTY	194,617	115,677	310,294
SOUTH BEND CITY	681,073	14,585	695,658
BAL OF ST. JOSEPH COUNTY	152,856	50,774	203,630
TIPPECANOE COUNTY	197,919	46,222	244,141
MADISON COUNTY	268,047	114,331	382,378
VIGO COUNTY	226,928	102,515	329,443
INDIANAPOLIS CITY	1,636,099	665,346	2,301,445
LA PORTE COUNTY	228,230	35,739	263,969
FT. WAYNE CONSORTIUM	612,991	668,825	1,281,816
DELAWARE/BLACKFORDCSRT	340,826	48,181	389,007
SOUTHWESTERN CONSORTIUM	1,053,021	85,650	1,138,671
BALANCE OF INDIANA	4,699,852	822,558	5,522,410
INDIANA	13,989,885	3,703,521	17,693,406
BALANCE OF MICHIGAN	4,845,154	859,863	5,705,017
FLINT/GENESSEE CONSORTIUM	1,482,477	250,219	1,732,696
LANSING CONSORTIUM	1,057,254	155,410	1,212,664
REGION II CONSORTIUM	832,488	145,676	978,164
GRAND RAPIDS CONSORTIUM	1,659,799	201,753	1,861,552
MUSKEGON/OCEANA CSRT	623,924	101,757	725,681

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DEARBORN CITY	95,153	60,270	155,423
DETROIT CITY	7,537,578	0	7,537,578
LIVONIA CITY	72,837	41,161	113,998
WARREN CITY	203,169	130,105	333,274
BAY COUNTY	349,031	62,867	411,898
BERRIEN COUNTY	470,775	206,467	677,242
CALHOUN COUNTY	429,442	63,093	492,535
KALAMAZOO COUNTY	486,574	92,542	579,116
BAL OF MACOMB COUNTY	867,386	421,981	1,289,367
MONROE COUNTY	262,201	81,139	343,340
OAKLAND COUNTY	1,011,792	1,317,264	2,329,056
OTTAWA COUNTY	299,166	25,625	324,791
SAGINAW COUNTY	650,000	1,968	651,968
ST. CLAIR COUNTY	473,912	50,335	524,247
BAL OF WAYNE COUNTY	2,465,071	225,382	2,690,453
ANN ARBOR CITY	191,416	59,711	251,127
BAL OF WASHTENAW COUNTY	288,372	252,023	540,395
MICHIGAN	26,654,971	4,806,611	31,461,582
DAKOTA COUNTY	176,505	141	176,646
BAL OF RAMSEY COUNTY	165,160	20,907	186,067
ST. PAUL CITY	817,297	136,838	954,135
QUAD COUNTIES CSRT	396,010	75,983	471,993
REGION III CONSORTIUM	604,910	2,412	607,322
DULUTH CITY	296,714	30,955	327,669
BALANCE OF MINNESOTA	2,465,303	233,400	2,698,703
MINNESOTA RURAL CEP	1,160,569	67,295	1,227,864
BAL OF HENNEPIN COUNTY	477,109	115,453	592,562
MINNEAPOLIS CITY	1,026,285	527,819	1,554,104
MINNESOTA	7,585,862	1,211,203	8,797,065
CINCINNATI CITY	537,829	1,573,586	2,111,415
BUTLER COUNTY	509,159	129,045	638,204
CLARK COUNTY	433,060	22,498	455,558
BAL OF HAMILTON COUNTY	412,161	153,940	566,101
LORAIN COUNTY	598,598	127,949	726,547
AKRON CONSORTIUM	1,419,540	194,290	1,613,830
CANTON CONSORTIUM	876,452	107,743	984,195
CLEVELAND CONSORTIUM	6,042,247	501,784	6,544,031
COLUMBUS CONSORTIUM	1,860,598	285,960	2,146,558
CENTRAL OHIO RURALCSRT	475,442	86,240	561,682
TOLEDO CONSORTIUM	1,516,143	205,498	1,721,641
NORTH EAST OHIO MANPOWER	2,093,127	56,337	2,149,464
BALANCE OF OHIO	6,797,858	798,865	7,596,723
ALLEN COUNTY	344,492	47,961	392,453
GREENE COUNTY	119,539	1,430	120,969
CLERMONT/WARREN CSRT	438,775	62,431	501,206
PORTAGE COUNTY	159,140	52,576	211,716
RICHLAND/MORROW CSRT	420,263	113,761	534,024
SCIOTO COUNTY	376,970	0	376,970
LAKE COUNTY	255,257	110,192	365,449
ASHTABULA COUNTY	294,867	127,291	422,158
DAYTON CITY	1,080,357	200,403	1,280,760
MONTGOMERY/PREBLE CSRT	215,577	99,308	314,885
OHIO	27,277,451	5,059,088	32,336,539
OUTAGAMIE COUNTY	239,788	378	240,166
ROCK COUNTY	244,477	122,704	367,181
MILWAUKEE COUNTY	2,444,446	335,818	2,780,264
MADISON/DANE CONSORTIUM	473,003	123,865	596,868
WOW CONSORTIUM	430,725	181,363	612,088
WINNE/FOND CONSORTIUM	302,141	63,712	365,853
TRICO CETAC	679,228	158,893	838,121
BALANCE OF WISCONSIN	4,370,975	40,401	4,411,376
WISCONSIN NORTHWEST CEP	642,215	884	643,099
MARATHON COUNTY	153,456	114,132	267,588
WISCONSIN	9,980,454	1,142,150	11,122,604
REGION V	120,824,189	20,304,687	141,128,876
CENTRAL ARKANSAS CSRT	1,163,281	107,347	1,270,628
TEXARKANA CONSORTIUM-ARK	9,947	163,136	173,083
BALANCE OF ARKANSAS	5,912,353	121,252	6,033,605
ARKANSAS	7,085,581	391,735	7,477,316

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RAPIDES PARISH	410,753	26,876	437,629
BATON ROUGE CITY	819,317	54,829	874,146
LAFAYETTE PARISH	301,901	16	301,917
CALCASIEU/JEFF CONSORTIUM	628,391	17,650	646,041
OUACHITA PARISH	398,379	23,515	421,894
NEW ORLEANS CITY	2,088,288	291,872	2,380,160
JEFFERSON PARISH	770,388	63,961	834,349
SHREVEPORT CITY	632,536	1,159	633,695
BALANCE OF LOUISIANA	5,991,055	353,551	6,344,606
LOUISIANA	12,041,008	833,429	12,874,437
ALBUQUERQUE CONSORTIUM	962,620	94,131	1,056,751
BALANCE OF NEW MEXICO	2,527,671	16,050	2,543,721
NEW MEXICO	3,490,291	110,181	3,600,472
COMANCHE COUNTY	258,661	825	259,486
BAL OF OKLAHOMA COUNTY	464,991	34,134	499,125
OKLAHOMA CITY CONSORTIUM	1,082,109	176,958	1,259,067
BAL OF CLEVELAND COUNTY	180,108	17	180,125
TULSA CONSORTIUM	1,159,324	102,453	1,261,777
BALANCE OF OKLAHOMA	4,539,302	297,159	4,836,461
OKLAHOMA	7,684,495	611,546	8,296,041
TEXARKANA CONSORTIUM-TEX	257,440	0	257,440
TEXAS PANHANDLE CSRT	443,108	142,160	585,268
CAPITAL AREA CONSORTIUM	1,099,830	101,976	1,201,806
SOUTH EAST TEXAS CSRT	935,982	87,662	1,023,644
GREATER PASADENA CSRT	99,623	66,209	165,832
CAMERON COUNTY	739,164	41,963	781,127
COASTAL BEND CSRT	1,221,065	164,679	1,385,744
DALLAS CITY	1,937,650	117,461	2,055,111
DALLAS COUNTY CSRT	517,626	97,997	615,623
SOUTH PLAINS CONSORTIUM	495,419	79,691	575,110
WEST CENTRAL TEXASCSRT	640,462	80,863	721,325
EL PASO CONSORTIUM	1,305,053	33,967	1,339,020
FT. WORTH CONSORTIUM	1,349,821	101,369	1,451,190
BAL OF TARRANT COUNTY	153,107	20,454	173,561
GALVESTON COUNTY	515,796	57,407	573,203
HOUSTON CITY	3,310,434	401,536	3,711,970
BAL OF HARRIS COUNTY	703,050	12,176	715,226
CENTRAL TEXAS CONSORTIUM	478,910	1,931	480,841
HIDALGO COUNTY CONSORTIUM	1,117,011	0	1,117,011
ALAMO CONSORTIUM	3,724,533	200,000	3,924,533
REGION XI CONSORTIUM	778,383	23,018	801,401
NORTH TEXAS STATE CSRT	585,054	59,161	644,215
WEBB COUNTY	816,233	24,161	840,394
GULF COAST CONSORTIUM	1,001,864	115,147	1,117,011
EAST TEXAS MANPOWER CSRT	1,269,730	121,930	1,391,660
BALANCE OF TEXAS	5,164,008	655,474	5,819,482
PERMIAN BASIN CSRT	704,940	24,591	729,531
TEXAS	31,365,296	2,832,983	34,198,279
REGION VI	61,666,671	4,779,874	66,446,545
BALANCE OF IOWA	4,004,614	262,906	4,267,520
BLACKHAWK COUNTY	280,420	0	280,420
CEN. IOWA REGIONALCSRT	933,668	78,913	1,012,581
LINN COUNTY MANPOWER CSRT	168,326	53,829	222,155
WOODBURY COUNTY	183,588	76,102	259,690
SCOTT COUNTY CSRT	245,266	10,651	255,917
IOWA	5,815,882	482,401	6,298,283
BALANCE OF KANSAS	2,916,328	90,105	3,006,433
KANSAS CITY CONSORTIUM	572,348	43,050	615,398
JOHNSON/LEAVENWORTH CSRT	174,893	94,615	269,508
WICHITA CITY	757,995	0	757,995
TOPEKA CONSORTIUM	296,350	110,889	407,239
KANSAS	4,717,914	338,659	5,056,573
BALANCE OF MISSOURI	5,221,634	499,877	5,721,511
SPRINGFIELD CITY	346,008	2,029	348,037
BAL OF JACKSON COUNTY	205,809	64,097	269,906
KANSAS CITY CONSORTIUM	2,153,445	298,043	2,451,488
JEFFERSON/FRANKLINCSRT	483,075	5,848	488,923
ST. LOUIS COUNTY	1,821,857	140,210	1,962,067

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ST. LOUIS CITY	3,360,313	405,470	3,765,783
INDEPENDENCE CITY	256,616	9,712	266,328
ST. CHARLES COUNTY	221,934	47,100	269,034
MISSOURI	14,070,691	1,472,386	15,543,077
BALANCE OF NEBRASKA	2,102,938	165,685	2,268,623
LINCOLN CITY	299,317	71,537	370,854
OMAHA CONSORTIUM	1,547,257	1,701	1,548,958
NEBRASKA	3,949,512	238,923	4,188,435
REGION VII	28,553,999	2,532,369	31,086,368
ADAMS COUNTY	479,788	87,644	567,432
ARAPAHOE COUNTY	138,988	28,114	167,102
BOULDER COUNTY	381,789	389	382,178
COLORADO SPRINGS CRST	582,959	4,532	587,491
DENVER CITY/COUNTY	1,673,652	192,310	1,865,962
JEFFERSON COUNTY CSRT	195,074	48,100	243,174
LARIMER COUNTY	182,295	58,202	240,497
PUEBLO COUNTY	311,614	30,997	342,611
WELD COUNTY	142,923	115,862	258,785
BALANCE OF COLORADO	1,194,616	225,829	1,420,445
COLORADO	5,283,698	791,979	6,075,677
RURAL CEP	242,677	0	242,677
STATE OF MONTANA	1,668,248	245,958	1,914,206
MONTANA	1,910,925	245,958	2,156,883
STATE OF NORTH DAKOTA	1,402,377	231,955	1,634,332
NORTH DAKOTA	1,402,377	231,955	1,634,332
S. DAKOTA STATEWIDE CSRT	1,530,710	77,080	1,607,790
SOUTH DAKOTA	1,530,710	77,080	1,607,790
UTAH STATEWIDE CONSORTIUM	2,972,331	430,213	3,402,544
UTAH	2,972,331	430,213	3,402,544
STATE OF WYOMING	742,488	104,220	846,708
WYOMING	742,488	104,220	846,708
REGION VIII	13,842,529	1,881,405	15,723,934
BALANCE OF ARIZONA	1,860,877	12,576	1,873,453
PHOENIX CITY	1,984,143	623,073	2,607,216
BAL OF MARICOPA COUNTY	1,653,073	33,017	1,686,090
TUCSON/PIMA CONSORTIUM	991,652	303,598	1,295,250
ARIZONA	6,489,745	972,264	7,462,009
BAL OF ALAMEDA COUNTY	1,289,482	826,011	2,115,493
BERKELEY CITY	726,925	0	726,925
BAL OF CONTRA COSTA CNTY	1,146,590	218,454	1,365,044
MARIN COUNTY	525,761	9,220	534,981
OAKLAND CITY	2,102,675	205,782	2,308,457
RICHMOND CITY	388,622	11,735	400,357
SAN FRANCISCO CITY/COUNTY	3,412,928	250,000	3,662,928
SAN MATEO COUNTY	1,211,100	130,349	1,341,449
SONOMA COUNTY	798,971	88,358	887,329
SANTA BARBARA COUNTY	655,432	149,689	805,121
GLENDALE CITY	199,935	36,379	236,314
LONG BEACH CITY	1,203,929	137,268	1,341,197
BAL OF LOS ANGELESCOUNTY	10,786,545	521,181	11,307,726
LOS ANGELES CITY	10,212,750	1,708,222	11,920,972
ORANGE CNTY MANPOWER CSRT	2,984,519	284,024	3,268,543
PASADENA CITY	477,209	72,682	549,891
TORRANCE CITY	173,845	55,227	229,072
VENTURA COUNTY	941,459	157,937	1,099,396
BALANCE OF CALIFORNIA	3,082,876	578,221	3,661,097
HUMBOLDT COUNTY	353,187	120,761	473,948
SANTA CLARA VALLEY	2,929,181	270,152	3,199,333
SOLANO COUNTY	514,141	3,018	517,159
SUNNYVALE CITY	186,579	31,230	217,809
BUTTE COUNTY	236,469	87,671	324,140
SACRAMENTO CSRT	2,148,443	0	2,148,443
YOLO COUNTY	483,400	0	483,400
STOCKTON/SAN JOAQUIN CSRT	1,188,393	133,186	1,321,579

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF ADMINISTRATION AND MANAGEMENT
FY 79 SUMMER YOUTH PROGRAM
5/16/79

	NEW OBLIGATIONAL AUTHORITY	CARRY-IN	TOTAL
STANISLAUS COUNTY	737,281	288,787	1,026,068
SHASTA COUNTY	465,673	0	465,673
MONTEREY COUNTY	705,272	121,149	826,421
SANTA CRUZ COUNTY	421,068	137,151	558,219
FRESNO CITY/COUNTY	1,800,551	79,215	1,879,766
IMPERIAL COUNTY	431,204	72	431,276
KERN COUNTY	1,156,941	47,136	1,204,077
MERCED COUNTY	471,907	43,446	515,353
INLAND MANPOWER ASSN	3,446,642	375,452	3,822,094
SAN LUIS OBISPO COUNTY	150,416	192,914	343,330
TULARE COUNTY	726,872	95,136	822,008
SAN DIEGO RSTC	3,934,276	1,486,734	5,421,010
CALIFORNIA	64,809,449	8,953,949	73,763,398
BALANCE OF HAWAII	583,923	51,981	635,904
HONOLULU CITY/COUNTY	2,001,152	28,265	2,029,417
HAWAII	2,585,075	80,246	2,665,321
BALANCE OF NEVADA	327,185	49,978	377,163
LAS VEGAS CONSORTIUM	1,106,244	156,023	1,262,267
WASHOE COUNTY	366,929	144,643	511,572
NEVADA	1,800,358	350,644	2,151,002
AMERICAN SAMOA	43,494	8,192	51,686
AMERICAN SAMOA	43,494	8,192	51,686
GUAM	573,351	57,018	630,369
GUAM	573,351	57,018	630,369
PACIFIC ISLANDS	56,204	13,684	69,888
PACIFIC ISLANDS	56,204	13,684	69,888
NORTHERN MARIANAS	24,178	0	24,178
NORTHERN MARIANAS	24,178	0	24,178
REGION IX	76,381,854	10,435,997	86,817,851
MUNICIPALITY OF ANCHORAGE	388,305	424	388,729
BALANCE OF ALASKA	1,131,441	407,032	1,538,473
ALASKA	1,519,746	407,456	1,927,202
IDAHO STATEWIDE CSRT	2,426,123	183,391	2,609,514
IDAHO	2,426,123	183,391	2,609,514
PORTLAND CITY	1,388,988	298,962	1,687,950
BAL OF CLACKAMAS COUNTY	405,753	189,359	595,112
LANE COUNTY	844,589	91,610	936,199
MULTNOMAH/WASHINGTON CSRT	896,857	46,114	942,971
MID WILLAMETTE VALLEY CSR	851,361	31,372	882,733
JACKSON COUNTY CONSORTIUM	579,602	67,008	646,610
BALANCE OF OREGON	2,566,842	244,544	2,811,386
OREGON	7,533,992	968,969	8,502,961
SPOKANE CONSORTIUM	848,538	47,671	896,209
CLARK COUNTY	263,888	38,280	302,168
KING/SNOHOMISH CONSORTIUM	4,806,230	826,641	5,632,871
KITSAP COUNTY	236,092	10,557	246,649
TACOMA CITY	790,847	70,936	861,783
BAL OF PIERCE COUNTY	689,438	44,449	733,887
YAKIMA COUNTY	524,531	119,666	644,197
BALANCE OF WASHINGTON	2,912,634	675,876	3,588,510
WASHINGTON	11,072,198	1,834,076	12,906,274
REGION X	22,552,059	3,393,892	25,945,951
NATIONAL TOTAL	631,248,439	74,967,126	706,215,565

[FR Doc. 79-19504 Filed 6-21-79 8:45 am]

BILLING CODE 4510-30-C

Comprehensive Employment and Training Act; Training and Employment Opportunities for Displaced Homemakers Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces the plans of the Employment and Training Administration for allocating and distributing funds for the Displaced Homemakers Program.

FOR FURTHER INFORMATION: Mr. Robert Anderson, Administrator, Office of Comprehensive Employment Development, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213, Telephone: (202) 376-6254.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration, ETA, under Title III, Section 301(b) of the Comprehensive Employment and Training Act (CETA) has initiated a program known as the Displaced Homemakers Program. CETA Title II prime sponsors are being advised that funds are available for programs to provide employment and training and appropriate services to low-income, unemployed individuals, displaced due to separation, divorce, or loss of the primary wage earner because of disability or death, with skills which will enable such individuals to obtain permanent unsubsidized employment. The program is intended to improve the skill levels and career opportunities in the labor force of such persons. This effort is being undertaken through competitive procurement procedures at the regional office of the Employment and Training Administration as well as the National Office.

A Solicitation for Grant Application (SGA) is being issued to all Fiscal Year 1980 Title II prime sponsors. A separate SGA will be made available upon request to groups interested in applying for funds to operate a program administered by the National Office.

Eligibility for Grant

Only CETA Title II prime sponsors are eligible to apply for a grant for their locale. However, prime sponsors may subgrant or contract all or part of the program operations to other organizations which are capable of effectively providing services as indicated in the program description and instructions provided in the SGA. Organizations which are interested in participating may contact the prime sponsor in the area in which the organization is located or operates.

Application Procedure

A grant application will be mailed to each prime sponsor by the appropriate ETA Regional Office on or before June 22, 1979. Prime sponsors which do not receive a grant application may contact their ETA Regional Office. Applications must be submitted to the appropriate ETA Regional Administrator no later than September 14, 1979.

Inquiries

Inquiries may be directed to the appropriate Regional Administrator for Employment and Training in the 10 Regional Offices listed below:

Region I—Timothy M. Barnicle, Regional Administrator, Employment and Training Administration, Room 1703, J. F. Kennedy Bldg., Government Center, Boston, Massachusetts 02203.

Region II—Mr. James A. Ware, Regional Administrator, Employment and Training Administration, 1515 Broadway, Room 3713, New York, New York 10036

Region III—Mr. William J. Haltigan, Regional Administrator, Employment and Training Administration, Post Office Box 8796, Philadelphia, Pennsylvania 19101.

Region IV—Mr. David Duncan, Regional Administrator, Employment and Training Administration, Room 405, 1371 Peachtree Street, NE., Atlanta, Georgia 30309.

Region V—Mr. Charles T. Ross, Acting Regional Administrator, Employment and Training Administration, 230 South Dearborn Street, Chicago, Illinois 60604.

Region VI—Mr. Richard A. Flores, Jr., Acting Regional Administrator, Employment and Training Administration, 555 Griffin Square Building, Room 316, Griffin and Young Streets, Dallas, Texas 75202.

Region VII—Mr. Richard Miskimins, Regional Administrator, Employment and Training Administration, Federal Building, Room 1000, 911 Walnut Street, Kansas City, Missouri 64106.

Region VIII—Mr. Floyd E. Edwards, Regional Administrator, Employment and Training Administration, 16122 Federal Office Building, 1961 Stout Street, Denver, Colorado 80202.

Region IX—Ms. Carolyn Golding, Regional Administrator, Employment and Training Administration, Post Office Box 36084, San Francisco, California 94102.

Region X—Mr. Jess Ramaker, Regional Administrator, Employment and Training Administration, 1145 Federal Office Building, 909 First Avenue, Seattle, Washington 98174.

Allocation of Funds

A total of $3.25 million has been provided for the program. The funds are allocated on a regional basis as follows:

Region I	$150,000
Region II	368,350
Region III	365,700
Region IV	723,450
Region V	540,600
Region VI	320,650
Region VII	150,000
Region VIII	150,000
Region IX	331,250
Region X	150,000

Signed in Washington, D.C., this 19th day of June 1979.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 79-19503 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-79-78-C]

Bethlehem Mines Corp.; Petition for Modification of Application of Mandatory Safety Standard

Bethlehem Mines Corporation, Bethlehem, Pa. 18016, has filed a petition to modify the application of 30 CFR 75.305 (weekly examination), to its Somerset Mine, located in Washington County, Pa. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Public Law 95-164.

The substance of the petition follows:

1. The roof has deteriorated in certain return-airway entries of the petitioner's mine. In these entries, travel is hazardous and, in some places, impossible because of roof falls.

2. As an alternative to making weekly examinations for hazardous conditions in these return-airway entries, the petitioner proposes the following:

(a) An air monitoring station will be established at a safe location that is safely accessible.

(b) A certified, competent person will take daily methane and air readings, keeping a log of the readings at the station.

(c) A marked variation in airflow or 0.5 percent increase in methane content will prompt immediate action to determine the cause and appropriate action will be taken if necessary.

(d) In addition to the underground record, the daily reading will be posted in a record book kept on the surface for this purpose. The record book will be available for inspection to all interested persons.

3. The petitioner states that this alternative will achieve no less protection for its miners than that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before July 23, 1979. Comments must be filed

with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 8, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-19237 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-83-C]

Bishop Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Bishop Coal Company, Horsepen, Virginia 24619, has filed a petition to modify the application of 30 CFR 75.313 (methane monitors) to its Bishop Nos. 34, 33-37 and 36 Mines located in McDowell County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petition concerns the use of methane monitors which automatically deenergize the petitioner's continuous mining machine in the presence of excessive methane concentrators.

2. When the concentration of methane reaches a maximum of 2.0 volume per centum of methane the entire mining machine is deenergized. The petitioner proposes to rewire the methane monitor to deenergize only the cutting head rather than the entire machine. This arrangement would leave the tram motors energized.

3. Deenergization of the cutting head would cause the cutting rotation to cease and thus eliminate the primary ignition source (sparks) for any methane concentrations present.

4. With only the cutting head deenergized, the mining machine could be trammed to a safe place in the event of an emergency. Miners would not be exposed to timbering adverse places and electricians would not be exposed to possible roof dangers while repairing the methane monitor itself, resulting in greater safety.

5. When the mining machine is trammed to a safe position, the entire machine will be deenergized and a methane examination made of the area. The mining machine will not be re-energized until the area is within permissible limits of methane concentration.

6. The petitioner states that its alternative method will achieve no less than the same measure of protection as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before July 23, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 8, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-19236 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-84-C]

Bishop Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Bishop Coal Company, Horsepen, Virginia 24619, has filed a petition to modify the application of 30 CFR 75.321 (stoppage of fans) to its Dry Fork Mine located in McDowell County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The Petitioner's Dry Fork Mine and Bishop No. 33 Mine are interconnected. Two fans provide ventilation for the Dry Fork Mine, while the No. 33 Mine is ventilated by one fan at the No. 33 Mine and the two Dry Fork fans.

2. Currently, when any of the three fans goes off, power must be cut off in both mines. With power off in the Dry Fork Mine, vital pumping operations cease, and if the pumps are off for a sufficient period of time, operating sections will flood out, causing loss of equipment and production.

3. Non-operation of the No. 33 Mine fan will not result in a significant deterioration of ventilation as it pertains to health and safety in the Dry Fork Mine.

4. As an alternative for its Dry Fork Mine, the petitioner proposes the following:

(a) When the No. 33 Mine fan is not operating and both Dry Fork fans are operating, the power in the Dry Fork Mine will be left on for the pumping operations; personnel necessary to maintain the pumping systems will be allowed to travel throughout the mine.

(b) All other persons will be withdrawn from the working section.

(c) Before production is resumed, the working places will be examined for accumulations of methane.

(d) The No. 33 Mine will fully comply with the requirements of the standard in the event of a fan stoppage in that mine.

5. The petitioner states that its alternative method will achieve the same measure of protection for its mines as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before July 23, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 8, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-19235 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-87-C]

Dominion Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Dominion Coal Corporation, Box 46, Vansant, Virginia 24656, has filed a petition to modify the application of 30 CFR 75.1719 (illuminated), to its following mines: Oakwood Red Ash No. 3 Mine, Oakwood Red Ash No. 5 Mine, Youngs Branch No. 14 Mine, Youngs Branch No. 15 Mine, Winston No. 9 Mine, Winston No. 10 Mine, and Winston No. 13 Mine, all located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petition concerns illumination for underground self-propelled mining equipment in the petitioner's mines.

2. "Low seam" conditions exist in these mines, with heights frequently only 28 to 30 inches.

3. The petitioner's self-propelled mining equipment is 27 to 28 inches high.

4. Under these conditions, the equipment operator's field of vision is limited to the side of the equipment.

5. Lighting fixtures on the side of such equipment would "blind" the operators and other miners nearby or require them to constantly adjust to changes in illumination, or both, impairing their vision and posing a safety hazard to themselves and other miners.

6. Stationary light fixtures could be placed only along the rib, posing similar safety hazards. Stationary lights would also create additional, debilitating heat in the close confines in which the miners must work.

7. Additionally, lighting fixtures on the sides or tops of the equipment would be sheared off or the lamps frequently broken, diminishing the operator's safety by increasing the prospects of more serious equipment failure, wedging, jamming or upset.

8. Lighting fixtures on the equipment could also shear off roofbolts, crossbeams and straps, thereby damaging or destroying roof support.

9. For these reasons, the petitioner believes that the use of stationary light fixtures or top and side light fixtures on its self-propelled mining equipment increases the danger of injury to its equipment operators and other miners, and therefore requests relief from the application of the standard to its mines.

Request for Comments

Persons interested in this petition may furnish written comments on or before July 23, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 11, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-19238 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-43-M

[Docket Nos. M-79-79-C and M-79-80-C]

Itmann Coal Co.; Petitions for Modification of Application of Mandatory Safety Standard

Itmann Coal Company, Horsepen, Virginia 24619, has filed separate petitions to modify the application of 30 CFR 75.1100-2(b) (fire protection) to its Itmann No. 2 (M-79-79-C) and Itmann No. 3-A Mines (M-79-80-C), located in Wyoming County, West Virginia. The petitions are filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petitions follows:

1. Due to the development of specified areas in the petitioner's mines prior to 1969, the belt conveyors are not isolated from the track, making the waterline and water outlets easily accessible from the tracks. However, the outlets do not project into the belt conveyor entries.

2. Fire hose at designated locations in each mine is sufficiently long to cover any area of the belt conveyor, using the track outlets. Each mine is equipped with a water car that can quickly reach any point along the belt and that can couple directly to the track outlets.

3. Belt sensors, located at 125 foot intervals along the entire length of the belt conveyor, give warning if any problems arise along the belt.

4. The present water outlets located along the track in each mine provide more protection than would outlets along the belt conveyors due to the accessibility of the outlets, the fact they are clearly visible and the lack of isolation problems caused by permanent stoppings.

5. The petitioner states that the proposed alternative method will achieve no less protection for its miners than that provided by the standard.

Request for Comments

Persons interested in these petitions may furnish written comments on or before July 23, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petitions are available for inspection at that address.

Dated: June 11, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-19239 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-82-C]

McCoy Elkhorn Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

McCoy Elkhorn Coal Corporation, Pikeville, Kentucky 41501, has filed a petition to modify the application of 30 CFR 75.1710 (canopies), to its No. 1 Mine, located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petition concerns the installation of cabs or canopies on electric face equipment in section 2 of the petitioner's mine.

2. Due to undulations in the low coal seam of this section, the installation of canopies has resulted in the loss of roof support when canopies have ripped out roof bolts.

3. In addition, the limited operating compartment under these canopies restricts the equipment operator's view, possibly leading to accidents.

4. For these reasons, the petitioner requests relief from the application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before July 23, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 8, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-19240 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Oregon State Standards; Oregon Roll-Over Protective Structures (ROPS) Standards: Tentative Decision to Reject

Background

On August 16, 1977, a notice was published in the **Federal Register** (42 FR 41333) entitled Oregon State Standards—Intent to Reject. This notice described the technical requirements of the Oregon safety standards for Roll-Over Protective Structures (ROPS) for tractors used in agricultural operations and the corresponding Federal OSHA standards reviewed by the Regional Administration. This standards review is required by and conducted pursuant to Section 18(c)(2) of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) which, among other things, requires a State under an approved plan to provide for the development and enforement of safety and health Standards, which "* * * are or will be at least as effective in providing safe and healthful employment and places of employment as the (OSHA) standards, promulgated under section 6". Following his review of the State standards the Regional Administrator, under a delegation of authority from the Assistant Secretary for Occupational Safety and Health (hereinafter the Assistant Secretary) (29 CFR 1953.4) determined that the State standards, which provide for an exemption from the roll over protective structure requirements for track-type agricultural tractors and for the reasons cited in the August 16, 1977 notice are

not at least as effective as the comparable Federal safety standards. Consistent with 29 CFR 1953.23(d)(2), such a finding is followed by an opportunity for the State to submit a revised standards submission or, in the alternative, to show cause why a proceeding should not be commenced for rejection of the State standards. Although meetings and discussions between Federal and State personnel were held in order to resolve the differences in the ROPS standards, these discussions proved unfruitful and by letter dated September 8, 1977 Oregon requested a hearing on the matter. The notice of Intent (42 FR 41333) included a summary of the differences between the State and Federal ROPS standards, the basis for rejection, and an invitation to interested persons to submit written data, views, and arguments by September 16, 1977, concerning whether the state standards should be approved. In response to this notice, comments were received from the Grain Growers Association Membership and Insurance Trust, P.O. Box 538, Lewiston, Idaho 82501 requesting a hearing concerning the proposed rejection.

On October 26, 1977, a notice was published in the **Federal Register** (42 FR 56564) entitled Oregon State Standards—Proposed Rejection of Oregon Roll-Over Protective structures (ROPS) Standards; Hearing. This notice provided the time and place for the hearing; provisions for interested persons, including the state, to file notices of intent to appear for presenting views, evidence, arguments, and to participate in the hearing; and conduct of the hearing.

The hearing was held in Pendleton, Oregon on December 1, 1977 and was presided over by Administrative Law Judge Rhea Burrow who was appointed by the Chief Administrative Law Judge of the U.S. Department of Labor.

Appearances: William H. Magness, Esq., Office of the Solicitor, U.S. Department of Labor, Washington, D.C., for the Secretary of Labor; Harold Mackey, Supervisor, Standards Section, Workmen's Compensation Board, Salem Oregon, for the State; Lawrence B. Rew, Esq., Pendleton, Oregon, for the Oregon Wheat Growers Association. Fourteen witnesses appeared and provided testimony and evidence for the record. Additionally, fifty-six exhibits were entered into the record.

In this hearing, the only decision to be reached is whether the Oregon State Standards for Roll-Over Protective Structures (ROPS) for track-type agricultural tractors are as efective as the Federal; OSHA's standards.

The Oregon standards read as follows:

General Requirements

437–81–2813 (formerly 33–29–1) Agricultural tractors manufactured after October 25, 1976, shall meet the following requirements:

(1) Roll-over protective structure. A roll-over protective structure (ROPS) shall be provided by the employer for each tractor operated by an employee:

(2) Except as provided in Rule 437–81–2829 (formerly 33–29–6), ROPS used on wheel type tractors shall meet the test and performance requirements of Rules 437–81–2843 (formerly 33–29–20) through 437–81–2943 (formerly 33–29–54), and ROPS used on track-type tractors shall meet the test and performance requirements of Rules 437–83–5299 (formerly 34–21–8) through 437–83–5339 (formerly 34–21–21).

437–81–2829 (formerly 33–29–6) Exempted uses. Rules 437–81–2813 (formerly 33–29–1) and 437–81–2819 (formerly 33–29–3) do not apply to the following uses:

(1) "Low profile" tractors while they are used in orchards, vineyards or hop yards where the vertical clearance requirements would substantially interfere with normal operations, and while their use is incidental to the work performed therein;

(2) "Low profile" tractors while used inside a farm building or greenhouse in which the vertical clearance is insufficient to allow a ROPS equipped tractor to operate, and while their use is incidental to the work performed therein;

(3) Tractors while used with mounted equipment which is incompatible with ROPS (e.g. cornpickers, cotton strippers, vegetable pickers and fruit harvesters);

(4) Track-type agricultural tractors whose overall width (as measured between the outside edges of the tracks) is at least three times the height of their rated center of gravity, and whose rated maximum speed in either forward or reverse is not greater than 7 mph, when used only for tillage or harvesting operations and while their use is incidental thereto, and which;

(a) Does not involve operating on slopes in excess of 40 degrees from horizontal, and

(b) Does not involve operating on piled products or residue, as for example, silage in stacks or pits, and

(c) Does not involve operating in close proximity to irrigation ditches or other excavations more than two feet deep which contain slopes more than 40 degrees from the vertical.

The Federal standard reads as follows:

§ 1928.51 Roll-over protective structures (ROPS) for tractors used in agricultural operations.

* * * * *

(b) *General requirements.* Agricultural tractors manufactured after October 25, 1976, shall meet the following requirements:

(1) *Roll-over protective structure.* A roll-over protective structure (ROPS) shall be provided by the employer for each tractor operated by an employee. Except as provided in paragraph (b)(5) of this section, ROPS used on wheel type tractors shall meet the test and performance requirements of § 1928.52 or § 1928.53 of this part or § 1926.1002 of Part 1926, and ROPS used on track-type tractors shall meet the test and performance requirements of § 1926.1001 of Part 1926.

* * * * *

(5) *Exempted uses.* Paragraphs (b)(1) and (b)(2) of this section do not apply to the following uses:

(i) "Low profile" tractors while they are used in orchards, vineyards or hop yards where the vertical clearance requirements would substantialy interfere with normal operations, and while their use is incidental to the work performed therein.

(ii) "Low profile" tractors while used inside a farm building or greenhouse in which the vertical clearance is insufficient to allow a ROPS equipped tractor to operate, and while their use is incidental to the work performed therein.

(iii) Tractors while used with mounted equipment which is incompatible with ROPS (e.g. cornpickers, cotton strippers, vegetable pickers and fruit harvesters).

* * * * *

One of the issues raised at the public hearings that were held during the promulgation process leading to adoption of the OSHA standard was the exemption of track-type tractors. Evidence presented at that time demonstrated that track-type tractors used in agriculture are, indeed, subject to roll-over. (A more thorough discussion of this issue is found in 40 FR 18256 dated April 25, 1975.) Therefore, an exemption for track-type tractors was not included in the Federal standard.

The intent to reject the Oregon standard was based on the foregoing. The exemption of roll-over protective structures from these tractors was not considered to be at least as effective as the OSHA standard in that the absence of this overhead protection exposes the

tractor operator to death or serious physical harm in the event of a tractor roll-over.

Discussion

The evidence clearly establishes that section 18(b) of the OSH Act provides for any State to assume responsibility for the development and enforcement of safety and health standards by submitting a State plan to that effect; and section 18(c) of the Act requires those State standards, developed by the State, to be at least as effective as the Federal standards in providing safe and healthful employment.

Some States adopt standards identical to the Federal standards and therefore, no detailed standards comparison is required for submission to the Regional Administrator. However, some States, such as Oregon, develop and submit their own standards, in which event, those standards must be submitted to the Regional Administrator in proper comparison format to be evaluated in order to satisfy the at least as effective as criteria in Title 29, Code of Federal Regulations §§ 1902.3(c) and 1902.4(b).

Authority for the review and approval or rejection of State standards has been delegated to the Regional Administrators of the Occupational Safety and Health Administration.

The State of Oregon has adopted exemptions from the requirements for roll-over protective structures for track-type agricultural tractors which exemptions do not appear in the corresponding OSHA standards, 29 CFR 1928.51 (b)(1) and (b)(5) (i), (ii), and (iii).

Testimony presented indiates that track-type tractors, used in agricultural operations, have not rolled over in the State of Oregon. However, other testimony presented indicates that such tractors have experienced roll-overs in other areas having similar terrain and that serious injuries and deaths have occurred.

It was further testified that exempting the ROPS protection, and in turn limiting the operations of such tractors, places complete reliance on the operator alone and does not provide the physical protection of the ROPS.

Findings of Fact

1. Delegation of authority in accordance with 29 CFR 1953.4, was given to the Regional Administrators (formerly Assistant Regional Directors) for the review and approval of safety and health standards for States having approved plans.

2. The approval of a State plan, submitted to Regional Administrators, is based on a finding that the State has, or will have, an "at least as effective" program for the enforcement and setting of standards in accordance with 29 CFR 1953.2.

3. On August 2, 1976, the State of Oregon submitted to the Regional Administrator their official comparison to 29 CFR Part 1928, Subpart C, Roll-over Protective Structures. This comparison exempts track-type tractors from the requirement for ROPS; whereas, the Federal standard does not contain such an exemption.

4. On September 23, 1976, a letter (Granchi to Wilson) from Region X, OSHA, notified the State of defects in their ROPS standard as grounds for disapproval.

5. On September 30, 1976, a letter (Granchi to White) form Region X, OSHA, advising OSHA National Office of the deficiencies in the Oregon ROPS standards.

6. On October 11, 1976, a letter (Wilson to Corn) from the State of Oregon to the OSHA National Office requested a reversal of Region X's decision to disapprove the Oregon ROPS standard. This letter offers a rebuttal to Region X's decision to reject the Oregon standard.

7. On November 10, 1976, a letter (Corn to Wilson) from the OSHA National Office to the State of Oregon advising the State that Region X must first complete a formal notice of intent to reject prior to any appeal to the Assistant Secretary of Labor for OSHA.

8. On February 17, 1977, a letter (Granchi to Mackey) from Region X to the State of Oregon officially rejected the Oregon standard on Agricultural Tract Type Tractors.

Conclusion of Law

1. Section 18(c)(2) of the OSH Act of 1970 requires a State, having a State Plan, to promulgate standards that are at least as effective as the Federal OSHA standards.

2. The State of Oregon Plan for the Development and Enforcement of an Occupational Safety and Health Program, which was signed by the Assistant Secretary of Labor for OSHA on December 22, 1972, and was implemented by State legislation signed by the Governor on July 22, 1973, contains under section V. Standards stipulations for the State to adopt standards as effective as those promulgated by the Secretary of Labor.

3. The State of Oregon is at all times subject to the OSH Act and the standards promulgated thereunder.

4. The Secretary of Labor has jurisdiction and control over all State standards adopted in response to Federal standards.

5. The Assistant Secretary of Labor for OSHA has jurisdiction in the final decision as stipulated within the purview of § 1902.22(b)(1).

Decision

In accordance with 29 CFR 1902.21(a) and based on the foregoing findings of fact, conclusions of law, and the entire record, the tentative decision rejects Oregon's standards 483–81–2813 (1) and (2), and 437–81–2829 (1), (2), (3), and (4) (a), (b), and (c) and being not as effective as the comparable Federal OSHA standards § 1928.51 (b)(1) and (b)(5) (i), (ii), and (iii).

Interested persons who participated in the hearing may file exceptions in quadruplicate to this tentative decision with the Assistant Secretary of Labor, Occupational Safety and Health Administration, U.S. Department of Labor, 3rd and Constitution Avenue, Washington, D.C. 20210 within thirty days of its publication in the **Federal Register** and objections in quadruplicate to such exceptions within fifteen days thereafter.

Thereafter, the Assistant Secretary will issue a final decision in the matter.

Signed at Seattle, Washington, this 30th day of March 1979.

James W. Lake,

Regional Administrator—OSHA.

[FR Doc. 79-19505 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

[TA-W-5,588, et al.]

Adriana Coat Co., et al., Jersey City, N.J., et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or

subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligibile to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 2, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 2, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of June 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Adriana Coat (ILGWU)	Jersey City, N.J.	6/12/79	6/5/79	TA-W-5,588	Ladies' coats.
Avante (ILGWU)	Hoboken, N.J.	6/12/79	6/5/79	TA-W-5,589	Ladies' coats.
Avondale Mills, Eufaula Plant (company)	Eufaula, Ala	6/12/79	6/1/79	TA-W-5,590	30/2 cotton yarn.
Avondale Mills, Ozark Plant (company)	Ozark, Ala	6/12/79	6/1/79	TA-W-5,591	18/1-20/1 cotton yarn.
Avondale Mills, Tifton Dye Plant (company)	Tifton, Ga	6/12/79	6/1/79	TA-W-5,592	Dyeing of acrylic and cotton yarn.
Cousins (ILGWU)	West New York, N.J.	6/12/79	6/5/79	TA-W-5,593	Ladies' coats blazers.
Cowen & Frank Yours of California (ILGWU)	San Francisco, Calif	6/7/79	6/1/79	TA-W-5,594	Juniors dresses.
Dante (ILGWU)	Hoboken, N.J	6/12/79	6/5/79	TA-W-5,595	Ladies' coats.
Delba (ILGWU)	Hoboken, N.J	6/12/79	6/5/79	TA-W-5,596	Ladies' coats and raincoats.
Delcor (ILGWU)	Jersey City, N.J	6/12/79	6/5/79	TA-W-5,597	Ladies' coats.
Ella (ILGWU)	Jersey City, N.J	6/12/79	6/5/79	TA-W-5,598	Ladies' coats.
Florence (ILGWU)	Hoboken, N.J	6/12/79	6/5/79	TA-W-5,599	Ladies' coats.
H and P (ILGWU)	Hoboken, N.J	6/12/79	6/5/79	TA-W-5,600	Ladies' coats.
Hobet Mining & Construction Co. (workers)	Boone County, W. Va	6/7/79	6/1/79	TA-W-5,601	Cleaning of coal.
Hobet Mining & Construction Co., Mine 21 (workers).	Boone County, W. Va	6/7/79	6/1/79	TA-W-5,602	Mining of steam coal.
J and M (ILGWU)	Union City, N.J	6/12/79	6/5/79	TA-W-5,603	Ladies' coats.
K and M (ILGWU)	North Bergen, N.J	6/12/79	6/5/79	TA-W-5,604	Ladies' dresses and sportswear.
LeSande Shoe Co. (workers)	Haverhill, Mass	6/12/79	5/14/79	TA-W-5,605	Ladies' novelty shoes.
Lucy Rose Anna Coat Company (ILGWU)	Hoboken, N.J	6/12/79	6/5/79	TA-W-5,606	Ladies' coats.
Madam (ILGWU)	Jersey City, N.J	6/12/79	6/5/79	TA-W-5,607	Ladies' coats.
Modern (ILGWU)	Union City, N.J	6/12/79	6/5/79	TA-W-5,608	Ladies' coats.
Modern Coat Company, Annex (ILGWU)	Union City, N.J	6/12/79	6/5/79	TA-W-5,609	Ladies' coats.
Nickoletta (ILGWU)	Jersey City, N.J	6/12/79	6/5/79	TA-W-5,610	Ladies' coats.
Park Fashions (ILGWU)	Hoboken, N.J	6/12/79	6/5/79	TA-W-5,611	Ladies' coats.
Peaker Run Coal Co. (workers)	Bolair, W. Va	6/12/79	6/7/79	TA-W-5,612	Mine, truck and load semibituminous coal and metallurgical coal.
Princeton Textile (workers)	New York, N.Y	6/12/79	6/4/79	TA-W-5,613	Textile printing of mens' shirts and womens' dresses.
Randy Coat (ILGWU)	Hoboken, N.J	6/12/79	6/5/79	TA-W-5,614	Ladies' coats.
Verdi (ILGWU)	Hoboken, N.J	6/12/79	6/5/79	TA-W-5,615	Ladies' coats and suits.
Winter Scene (ILGWU)	Hoboken, N.J	6/12/79	6/5/79	TA-W-5,616	Ladies' coats and suits.

[FR Doc. 79-19506 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5238]

Amboy Knits, Inc., Perth Amboy, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 16, 1979 in response to a worker petition received on April 10, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing knitwear fabrics at Amboy Knits, Incorporated, Perth Amboy, New Jersey. The investigation revealed that the plant produces primarily men's and women's sweaters and knit shirts. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that production and employment declines began at Amboy Knits in the first quarter of 1979.

A Departmental survey was conducted with the manufacturers who contract sweater production to Amboy knits. The survey revealed that one manufacturer utilized foreign sources during the first quarter of 1979. This manufacturer, however, increased its contracts with Amboy Knits and decreased its amount of foreign contracts in the first quarter of 1979 compared to the first quarter of 1978.

Some customers attributed their reduced reliance on Amboy Knits to their expectation to increase use of in-house production facilities in 1979.

Conclusion

After careful review, I determine that all workers of Amboy Knits, Incorporated, Perth Amboy, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-19507 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5102]

Atlantic Products Corp., General Utility Bag Division; Jersey City, N.J.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on April 4, 1979 in response to a worker petition received on March 30, 1979 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing vinyl baggage at Atlantic Products Corp., General Utility Bag Division, Jersey City, New Jersey.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of luggage increased absolutely and relative to domestic production in 1977 compared to 1976 and in 1978 compared to 1977.

Atlantic Products Corp. imports of luggage has substantially increased in 1977 compared to 1976 and in 1978 compared to 1977.

Sales of Atlantic Products Corp. luggage as a percentage of total Atlantic Products Corp. luggage sales increased substantially in 1977 compared to 1976 and again in 1978 compared to 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with luggage produced at Atlantic Products Corp., General Utility Bag Division contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of Atlantic Products Corp., General Utility Bag Division, Jersey City, New Jersey who became totally or partially separated from employment on or after March 26, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 18th day of June 1979.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 79-19508 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5281]

Atomic Textile Co., Inc., Fort Lee, N.J.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on April 25, 1979 in response to a worker petition received on April 20, 1979 which was filed on behalf of workers and former workers producing sweaters and baby shawls at Atomic Textiles. The investigation revealed that the correct name of the company is Atomic Textile Company, Incorporated. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's sweaters increased both absolutely and relative to domestic production from 1975 to 1976. Imports of sweaters in 1977 were greater than the average level of imports for the years 1973 through 1976. The ratio of imports of sweaters to domestic production (IP ratio) exceeded 140 percent in 1976 and in 1977. The IP ratio in 1977 was higher than the average IP ratio for the period 1973 through 1976. This ratio is not yet available for 1978.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased absolutely from 1976 to 1977 and from 1977 to 1978; imports continued to increase in the first quarter of 1979 when compard to the same quarter of 1978.

U.S. imports of baby blankets, which includes baby shawls, increased absolutely from 1977 to 1978 and during the first quarter of 1979 when compared to the same quarter in 1978. The ratio of imports to domestic production increased from 1977 to 1978.

A Department of Labor investigation revealed that Atomic Textile Company, Incorporated manufactured baby shawls and producd men's and ladies' sweaters on a contract basis. A Departmental survey of customers who purchased baby shawls from Atomic indicated that customers decreased purchases from Atomic from 1977 to 1978 and increased pruchases of imports. The survey results also showed that several of Atomic's customers had declining sales. A survey of these firms' retail customers indicated that the retail customers decreased purchases from Atomic's customers and increased purchases of imported baby shawls in 1978 compared to 1977.

A Departmental survey of men's and ladies' sweater manufacturers indicated that several firms decreased contract work with Atomic from 1977 to 1978 and increased either purchases of imported sweaters or contracts with foreign sources.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and ladies' sweaters and baby shawls produced at Atomic Textile Company, Incorporated, Fort Lee, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of Atomic Textile Company, Incorporated, Fort Lee, New Jersey who became totally or partially separated from employment on or after July 10, 1978 and before April 30, 1979 are eligible to apply for adjustment assstance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 19th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-19509 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5,574, et. al.]

A.T.P. Processing, Ltd., et al.; Paterson, N.J., et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker adjustment assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdividion thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 2. 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 2, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of June 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: (Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
A.T.P. Processing, LTD (ACTWU)	Paterson, N.J	6/12/79	6/6/79	TA-W-5,574	Dyed print and finished fabrics for men's shirts and women's wear.
Berbardi Fashions (ILGWU)	Jersey City, N.J	6/12/79	6/5/79	TA-W-5,575	Ladies' coats.
Brierwood Shoe Corp. (company)	Kutztown, Pa	6/14/79	6/13/79	TA-W-5,576	Headquarters and men's, women's and children's shoes.
Brierwood Shoe Corp., Wenton Shoe Division (company).	Kutztown, Pa	6/14/79	6/13/79	TA-W-5,577	Men's, women's and children's shoes.
Brierwood Shoe Corp., Wenton Shoe Division (company).	Bernville, Pa	6/14/79	6/13/79	TA-W-5,578	Men's, women's and children's shoes.
Brierwood Shoe Corp., Wenton Shoe Division (company).	Westminster, Md	6/14/79	6/13/79	TA-W-5,579	Men's, women's and children's shoes.
Cosmic Fashions (ILGWU)	Hoboken, N.J	6/12/79	6/5/79	TA-W-5,580	Ladies' garments.
Craftsman Coat Co., Inc. (ILGWU)	Hoboken, N.J	6/12/79	6/7/79	TA-W-5,581	Ladies' coats and suits.
Genoa (ILGWU)	Hoboken, N.J	6/12/79	6/5/79	TA-W-5,582	Ladies' coats.
Italian Fashions (ILGWU)	Hoboken, N.J	6/12/79	6/5/79	TA-W-5,583	Ladies' coats.
Jersey Made (ILGWU)	Hoboken, N.J	6/12/79	6/5/79	TA-W-5,584	Ladies' coats.
Kleinert's Inc. (company)	Kutztown, Pa	6/14/79	6/13/79	TA-W-5,585	Men's, women's and children's shoes.
M.C.M. (ILGWU)	Hoboken, N.J	6/12/79	6/5/79	TA-W-5,586	Ladies' coats.
M.C.R. (ILGWU)	Hoboken, N.J	6/12/79	6/5/79	TA-W-5,587	Ladies' coats.

[FR Doc. 79-19510 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5234]

Beth-Elkhorn Coal Corp., Mine No. 22, Jenkins, Ky.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on April 16, 1979 in response to a worker petition received on April 10, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers mining coal at Mine No. 22 of the Beth-Elkhorn Coal Corporation, Jenkins, Kentucky. In the following determination, without regard to whether any of the criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof and to the absolute decline in sales or production.

Beth-Elkhorn is a wholly owned subsidiary of the Bethlehem Steel Corporation. Bethlehem utilizes Beth-Elkhorn to supply its need for metallurgical grade coal. Sources stated that the quality of the coal remaining in Mine No. 22 has been declining and that it is no longer suitable for coking. In early 1978 Beth-Elkhorn began selling bituminous coal from Mine No. 22 to customers producing steam. By August of 1978 all of the output from the mine was being sold to customers producing steam. U.S. imports of steam coal are negiligible, well less than 1 percent.

During the certifiable period when a part of Mine No. 22's output was still being sold for metallurgical coal purposes, April–July 1978, production increased compared to the same period in 1977, excluding the strike period in July, 1977.

Conclusion

After careful review, I determine that all workers of Mine No. 22 of the Beth-Elkhorn Coal Corporation, Jenkins, Kentucky are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-19511 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5,559, et al.]

Black Diamond Service Co., Inc. et al., Fayettesville, W. Va., et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 2, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 2, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of June 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Black Diamond Service Co., Inc. (workers)	Fayetteville, W. Va	6/11/79	6/5/79	TA-W-5,559	Buy and sell used mining equipment also manufacture roof-bolters.
Casuals of Maine (workers)	Lewiston, Maine	6/11/79	6/5/79	TA-W-5,560	Men's and women's shoes.
Comfort Products Company (workers)	Worcester, Mass	6/11/79	6/1/79	TA-W-5,561	House slippers.
L. B. Evans & Sons Company (workers)	Wakefield, Mass	6/11/79	6/7/79	TA-W-5,562	Slippers and shoes.
Fortex Manufacturing Co., Inc. (ACTWU)	Fort Deposit, Ala	6/7/79	6/1/79	TA-W-5,563	Boxer shorts, jogging shorts, ladies' blouses, pajamas and men's shirts.
Fortex Manufacturing Co., Inc. (ACTWU)	Greenville, Ala. (Commerce St.)	6/7/79	6/1/79	TA-W-5,564	Sewing boxer shorts, jogging shorts, ladies' blouses, pajamas and men's shirts.
Fortex Manufacturing Co., Inc. (ACTWU)	Greenville, Ala. (Thamen St.)	6/7/79	6/1/79	TA-W-5,565	Cutting boxer shorts, jogging shorts, ladies' blouses, pajamas and men's shirts.
Green Valley Mining Corporation (workers)	Pearl River, N.Y	6/7/79	5/30/79	TA-W-5,566	Mining of coal.
Island Creek Coal Company, Northern Division, Birch 2A Mine (U.M.W.A.).	Craigsville, W. Va	6/11/79	6/7/79	TA-W-5,567	Mining and transporting of coal.
Lynn Dale Coal Co., Inc., Mine #2 (workers)	Rainelle, W. Va	6/7/79	5/21/79	TA-W-5,568	Mining of coal.
Manila Mining Company (workers)	Madison, Va	6/11/79	6/4/79	TA-W-5,569	Mining of steam coal.
Playskool, Inc., Touhy Avenue Division (workers).	Chicago, Ill	6/11/79	5/30/79	TA-W-5,570	Injection molding of toys.
Roanoke Fashions, Division of Tultex Corp. (workers).	Chilhowie, VA	6/11/79	5/30/79	TA-W-5,571	Beach jackets, jogger shorts, "T" shirts, sweat shirts and girl's rompers.
Smith of Galeton Gloves (workers)	Galeton, Pa	6/11/79	6/4/79	TA-W-5,572	Leather gloves.
Toler, Browning & Toler Mining Company (workers).	Wharncliff, W. Va	6/7/79	6/1/79	TA-W-5,573	Contract mining of coal.

[FR Doc. 79-19512 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5284]

Carla Leather, Inc., New York, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on April 25, 1979 in response to a worker petition received on April 9, 1979 on behalf of workers and former workers producing shearling leather goods, coats, jackets, and skirts at Carla Leather, Incorporated, New York, New York. It is concluded that all of the requirements have been met.

U.S. imports of leather coats and jackets increased absolutely and relative to domestic production in 1978 compared to 1977 and increased absolutely in the first quarter of 1979 compared to the first quarter of 1978.

Imports of leather coats and jackets by Carla Leather increased in value in 1978 compared to 1977 and accounted for a greater percentage of total company sales in 1978 compared to 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with leather coats and jackets produced at Carla Leather, Incorporated, New York, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of Carla Leather, Incorporated, New York, New York who became totally or partially separated from employment on or after September 8, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 15th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-19513 Filed 6-21-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-5407]

CMM, Inc., Philadelphia, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on May 16, 1979 in response to a worker petition received on May 14, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing wedding and bridesmaid gowns at CMM, Incorporated, Philadelphia, Pennsylvania. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of women's, misses' and children's dresses decreased from 1976 to 1977, increased from 1977 to 1978 and then declined in the first quarter of 1979 when compared to the same period in 1978. Industry sources stated that wedding and bridesmaid gowns are rarely imported. Foreign producers have tended to avoid manufacturing these gowns for export because the small volume of sales makes successful entry into the U.S. market uncertain.

A Departmental investigation revealed that CMM, Incorporated produces wedding and bridesmaids gowns on a contract basis for one manufacturer. A survey of this manufacturer revealed that it neither utilizes foreign contractors for the production of gowns nor imports any finished gowns. In addition, sales of this manufacturer have increased in each year since 1976.

Conclusion

After careful review, I determine that all workers of CMM, Incorporated, Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-19514 Filed 6-21-79; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-5268]

Going On Sportswear, Inc., Hauppauge, N.Y., and New York, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on April 18, 1979 in response to a worker petition received on April 10, 1979 which was filed on behalf of workers and former workers producing ladies' and juniors' sportswear at the Hauppauge, New York facility of Going On Sportswear, Inc. The investigation revealed that Going On Sportswear, Inc. primarily produces ladies' and juniors' pants and skirts and to a lesser extent ladies' and juniors blouses and shirts. The investigation was expanded to include the New York City, New York facility of Going On Sportswear.

In the following determination, at least one of the criteria has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

In the fourth quarter of 1977, Going On Sportswear began to import ladies' Sportswear through two wholly owned subsidiaries (Sunday's Workclothes, Inc., and Headline Sportswear, Inc.). This influx of imported garments caused Going On Sportswear to actually increase employment in 1978 compared to 1977. Thus the company's viability depended on its imported sportswear. When difficulties were experienced with these imports, Going On Sportswear

entered a period of financial distress and was eventually forced to cease all activities.

Conclusion

After careful review, I determine that all workers of the New York, New York and Hauppauge, New York facilities of Going On Sportswear, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-19515 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5275]

Interstate Mining Co., Mine No. 1, Mohawk, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regrding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 23, 1979 in response to a worker petition received on April 2, 1979 which was filed by the United Mine Workes of America on behalf of workers and former workers producing low volatile metallurgical coal at the Interstate Mining Company, Mine #1, Mohawk, West Virginia. In the following determination, at least one of the criteria has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

There was a United Mine Workers of America strike in December 1977 to March 1978. There was also a Norfolk and Western Railroad strike from July 1978 to October 1978. Except for these periods employment levels at the Interstate Mining Company, Mine #1, were stable in the last three quarters of 1978, and increased in January-April 1979.

Conclusion

After careful review, I determine that all workers of Interstate Mining Company, Mine #1, Mohawk, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

FR Doc. 79-19516 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5260]

Kim Michaels, Inc., Burlington, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on April 18, 1979 in response to a worker petition received on April 12, 1979 which was filed on behalf of workers and former workers producing women's skirts and pants at Kim Michaels, Incorporated, Burlington, New Jersey, a division of Riverview Sportswear, Incorporated Riverside, New Jersey. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Kim Michaels, Incorporated, a division of Riverview Sportswear, Incorporated, operated as a cut and sew plant producing women's skirts and pants. Riverview Sportswear, Incorporated acted as the central and sales office for Kim Michaels and two other cut and sew plants. Production and sales of women's skirts and pants at Riverview Sportswear increased in value in 1977 compared with 1976, in 1978 compared with 1977, and during the first four months of 1979 compared with the same period of 1978.

Kim Michaels, Incorporated ceased production on March 2, 1979. Production was transferred from Kim Michaels to its parent firm, Riverview Sportswear in Riverside, New Jersey.

Conclusion

After careful review, I determine that all workers of Kim Michaels, Incorporated, Burlington, New Jersey, a division of Riverview Sportswear, Incorporated, Riverside, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-19517 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5244]

Lee-Norse Co., Beckley, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on April 16, 1979 in response to a worker petition received on April 10, 1979 which was filed by the Chauffeurs, Teamsters and Helpers Union on behalf of workers and former workers producing underground mining machines at the Lee-Norse Company, Beckley, West Virginia. In the following determination, at least one of the criteria has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Mining machinery cannot be considered to be like or directly competitive with coke as alleged on the petition. Imports of mining machinery must be considered in determining import injury to workers producing mining machinery at the Lee-Norse Company, Beckley, West Virginia.

United States imports of mining machinery declined both absolutely and relative to domestic production in 1978 compared to 1977. In 1978, the value of exports exceeded that of imports by over four and one half times.

Conclusion

After careful review, I determine that all workers of the Lee-Norse Company, Beckley, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-19518 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5541]

Monclo Mining Co., Sharples, W. Va.; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on June 8, 1979 in response to a worker petition received on June 4, 1979 which was filed by the United Mine Workers Union on behalf of workers and former workers mining coal at the Monclo Mining Company, Sharples, West Virginia.

The Monclo Mining Company has mined coal since October, 1978. Due to the short term of operation of the Monclo Mining Company there is not sufficient information in this case upon which to base a determination. In addition, worker qualifying requirements in section 231 of the Act may not be met. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 13th day of June 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-19519 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5340, et al.]

Olga Coal Co., et al.; McDowell County, W. Va., et al.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

Olga Coal Company; Caretta Mine No. 4 (TA-W-5340); War Creek Mine No. 5 (TA-W-5341); Road Fork Mine No. 2 (TA-W-5342); Olga Mine (TA-W-5343); and Olga Preparation Plant (TA-W-5344), McDowell County, W.Va.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation were initiated on May 2, 1979 in response to a worker petition received on April 23, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers mining coal at the following facilities of Olga Coal Company: Caretta Mine No. 4, War Creek Mine No. 5, Road Fork Mine No. 2, Olga Mine; and on behalf of workers and former workers cleaning coal at the Olga Preparation Plant of Olga Coal Company, McDowell County, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increase of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Sales and production of coal by Olga Coal Company (Caretta Mine No. 4, Road Fork Mine No. 2, Olga Mine and Olga Preparation Plant), excluding the periods of the strike by the United Mine Workers of America from December 5, 1977 through March 27, 1978, and the strike at the N & W Railroad from July 7 through October 10, 1978, increased in 1978 compared with 1977. Sales and production of coal in the non-strike months of April, May, June, October and November were greater in 1978 than in the corresponding months in 1977. Employment of production workers at the mines also increased in the non-strike months of 1978 compared with the same months in 1977.

Olga Coal Company's War Creek Mine No. 5 was heavily damaged by a fire in July 1978. Coal mining operations at the mine never resumed and the mine was permanently shut down in December 1978. All production workers were laid off by the end of 1978.

Conclusion

After careful review, I determine that all workers of Olga Coal Company (Caretta Mine No. 4, War Creek Mine No. 5, Road Fork Mine No. 2, Olga Mine and Olga Preparation Plant), McDowell County, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc 79-19520 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5262]

Perennial Print Corp., Paterson, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on April 18, 1979 in response to a worker petition received on April 16, 1979 which was filed on behalf of workers and former workers printing fabric at Perennial Print Corporation, Paterson, New Jersey. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that Perennial Print Corporation prints woven and knit finished fabric on a contractual basis for fabric converters.

A Departmental survey was conducted with the converters from whom Perennial Print Corporation received contract work. The survey revealed that the converters did not purchase imported printed fabric in 1976, 1977 or 1978.

A secondary survey was conducted with apparel manufacturers, who are the customers of the fabric converters. This survey revealed that the apparel manufacturers did not purchase imported fabric.

Conclusion

After careful review, I determine that all workers of Perennial Print Corporation, Paterson, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc 79-19521 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5299]

Seal Tanning Co., Manchester, N.H.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on April 25, 1979 in response to a worker petition received on April 23, 1979 which was filed by the Amalgamated Meat Cutters and Butcher Workmen of North America on behalf of workers and former workers producing finished leather for shoe uppers at Seal Tanning Company, Manchester, New Hampshire. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increase of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that imports of tanned and finished cattlehides increased both absolutely and relative to domestic production and consumption from 1977 to 1978, and continued to increase absolutely during the first quarter of 1979 compared to the same period in 1978.

Seal Tanning Company tans and finished leather predominantly for use as shoe uppers. The petition alleges that increased imports of shoes have caused a large drop in the demand for the finished leather manufactured by Seal Tanning. Some of the Customers of Seal Tanning who were surveyed indicated they reduced purchases of finished leather from Seal Tanning because of the negative impact that imported shoes have had on their domestic shoe production.

Imports of shoes which incorporate the finished leather are not "like or directly competitive" with finished leather within the meaning of Section 222 (3) of the Trade Act of 1974.

Conclusion

After careful review, I determine that all workers of Seal Tanning Company, Manchester, New Hampshire are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 79-19522 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5096]

Specialty Leather Goods Co., Inc., New York, N.Y.; Negative Determination Regarding Eligibility To Apply for worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on March 30, 1979, in response to a worker petition received on March 26, 1979, which was filed by the Leather Goods, Plastics, Handbags and Novelty Workers Union on behalf of workers and former workers producing men's and ladies' wallets and french purses at Specialty Leather Goods Company, Incorporated, New York, New York. The investigation revealed that the plant produces primarily men's wallets. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Customers of Specialty Leather Goods Company, Incorporated were surveyed by the Department. None of the respondents in the survey decreased purchases of men's wallets from the subject firm while increasing imports of men's wallets in 1978 compared to 1977 or in the first quarter of 1979 compared to the first quarter of 1978.

Conclusion

After careful review, I determine that all workers of Specialty Leather Goods Company, Incorporated, New York, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 18th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc 79-19523 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5367]

Theber, Inc., Bridgeton, N.J.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on May 8, 1979 in response to a worker petition received on May 1, 1979 which was filed by the Amalgamated Clothing and Textile Worker's Union on behalf of workers and former workers producing boys' pants at Theber, Incorporated, Bridgeton, New Jersey. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' dress and sport trousers and shorts increased from 1977 and 1978. U.S. imports of men's and boys' tailored suits increased during the first quarter of 1979 compared to the same period of 1978.

Theber, Incorporated produces boys' pants on contract for one manufacturer. That manufacturer sells the pants, together with coats and vests, as boys' suits. A Department survey, conducted

with customers of the manufacturer, revealed that these customers decreased purchases of boys' suits from the manufacturer during the first quarter of 1979. The survey further revealed that these customers increased purchases of boys' suits from foreign sources from 1977 to 1978 and continued to do so in 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with boys' pants produced at Theber, Incorporated, Bridgeton, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of Theber, Incorporated, Bridgeton, New Jersey who became totally or partially separated from employment on or after November 28, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 14th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc 79-19524 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5311]

Victory Clothes Co., Inc., Philadelphia, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmateive determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on April 26, 1979 in response to a worker petition received on April 24, 1979 which was filed by the Amalgmated Clothing and Textile Workers Union on behalf of workers and former workers producing men's suits and sportcoats and ladies' suits at Victory Clothes Company, Incorporated, Philadelphia, Pennsylvania. The investigation revealed that the plant produces primarily ladies' suits. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of women's, misses', and children's suit (including pantsuits and jumpsuits) increased in 1978 compared to 1977. January–March 1979 imports of women's, misses', and children's suits (including pantsuits and jumpsuits) declined compared to imports levels in the first quarter of 1978.

Imports of men's and boys' tailored suits declined in 1978 compared to 1977.

Imports of men's and boys' outer coats and jackets declined in 1978 compared to 1977. Imports of men's and boys' tailored suits increased in the first quarter of 1979 compared to the first quarter of 1978.

Imports of men's and boys' outer coats and jackets declined in 1978 compared to 1977. Imports of men's and boys' outer coats also declined in the first quarter of 1979 compared to 1978 import levels.

Victory Clothes Company, Incorporated's largest customer in 1978 was a manufacturer of ladies, suits. In the first quarter of 1979, Victory Clothes Company, Incorporated's largest customer increased in-house production while reducing purchases from Victory Clothes Company, Incorporated and from other domestic contractors.

Other surveyed customers of Victory Clothes Company, Incorporated decreased orders from the subject firm and other domestic manufacturers. None of the customers surveyed used offshore contractors.

Conclusion

After careful review, I determine that all workers of Victory Clothes Company, Incorporated, Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc 79-19525 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5266]

Wiley Manufacturing Co., Port Deposit, Md.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

The investigation was initiated on April 18, 1979 in response to a worker petition received on April 12, 1979 which was filed by the Industrial Union of Marine and Shipbuilding Workers of America on behalf of workers and former workers producing ocean going ships and cranes at the Port Deposit, Maryland facility of the Wiley Manufacturing Company. The investigation revealed that the company primarily produces fabricated plate metal products for marine use. In the following determination, at least one of the criteria has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Wiley Manufacturing Company produces a wide range of fabricated metal products designed for marine applications. All of the company's business is secured through competitive bids. The investigation revealed that none of the bids made by the Wiley Manufacturing Company in 1977, 1978 or in the first quarter of 1979 were lost to foreign competitors.

Conclusion

After careful review, I determine that all workers of the Wiley Manufacturing Company in Port Deposit, Maryland are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of June 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc 79-19528 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

Proposed Revision of Certain Information Required on Annual Reports

AGENCY: Department of Labor.

ACTION: Notice of proposed revision of form.

SUMMARY: This document contains proposed revisions of the Forms 5500, 5500–C, and 5500–K (annual return/report forms) filed under the Employee Retirement Income Security Act of 1974 (the Act) and of the Schedule A (insurance information) which is attached by certain employee benefit plans to the annual return/report. If adopted, the revisions would affect the reporting of certain information relating to the acquisition of insurance coverage by employee benefit plans.

DATE: Written comments concerning the proposed revisions must be received by the Department on or before August 21, 1979.

ADDRESSES: Written comments should be addressed to "Schedule A," Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4461, 200 Constitution Avenue, NW., Washington, D.C. 20216.

All written comments will be available for public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4477, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Wayland Coe, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C. 20216, (202) 523–8805. This is not a toll free number.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department has under consideration proposed revisions to Forms 5500, 5500–C, and 5500–K (annual return/report forms) and to the Schedule A on which insurance information is reported annually to the Department by employee benefit plans, any of whose benefits are provided by an insurance company or similar organization.

Section 103(e) of the Act requires that employee benefit plans for which any benefits under the plan are purchased from and guaranteed by an insurance company, insurance service or other similar organization, shall include in their annual report, among other things, "the names and addresses of the brokers, agents, or other persons to whom commissions or fees were paid, the amount paid to each, and for what purpose." The Department has implemented this statutory provision in Item 3 of the Schedule A (5500 series).

The format of Item 3 for plan years beginning in 1975 and 1976 required the reporting of all insurance commissions and fees paid to insurance agents. A number of commentators argued that this requirement was too broad because it would include, for example, the payment of "override commissions" to general agents. These commentators argued that the disclosure of override commissions would be misleading because it would suggest that insurance companies which utilize general agencies were paying higher commissions than companies which employed branch managers, since branch managers' salaries were not required to be disclosed although the functions of a general agent and a branch manager were similar. The commentators also pointed out that it is the commission paid to the soliciting agent, who deals directly with the plan, which should be the focus of any disclosure requirement. In light of these comments, Item 3 for plan year 1977 was revised to require the disclosure of commissions paid only to soliciting agents.

Item 3 also was revised for plan year 1977 to require that first year and renewal commissions be reported separately. The purpose of this revision was to obtain information with respect to the replacement of insurance policies and the commissions generated by such replacements.

Soon after the publication of the revised Schedule A for 1977 plan years, the Department received a number of requests urging further changes to the form or, in the alternative, a deferral of the effectiveness of the new requirements, in order to provide insurance companies and plans sufficient time to comply with the changes. In light of these comments, the Department announced on March 8, 1978, that plans would have the option of using either the 1976 or 1977 format for plan year 1977. This option was continued for plan year 1978.

The Department now is proposing further revisions to the Schedule A which it believes would provide information in a manner that would be as useful to the Department and to plan participants and less burdensome to plans and insurance companies than previous requirements.[1]

As noted above, the changes to the 1977 Schedule A were designed to provide information to the Department concerning commissions and other fees paid with respect to the sale of insurance. Some commentators pointed out, however, that general agents occasionally write policies and receive sales commissions as soliciting agents. In addition, under the laws of some states, in the case where an insurance policy is sold by a non-resident agent, a resident agent is entitled to part of the commission even though the resident agent might not consider himself under these circumstances to be a "soliciting agent". Thus, the current requirement may not provide complete information concerning commission and fees. In view of these comments, the form is proposed to be revised to require the disclosure of sales commissions and fees paid to all agents and brokers, excluding payments to general agents and managers for managing an agency or performing other administrative functions.

The Schedule A also would be revised with respect to the disclosure of first year and renewal commissions. A number of commentators noted that the requirement to report separately first year and renewal commissions would be very costly to insurance companies and that the information would not necessarily be useful in determining the extent to which policies had been replaced. After considering these comments, the Department is proposing to delete the requirement that first year commissions be reported separately. Instead, the Department intends to add a question to the annual report inquiring whether any insurance policy or annuity has been replaced since the period covered by the previous report. This question would be on the annual report forms, rather than on the Schedule A, because an employee benefit plan may utilize a number of different insurance carriers and/or policies for which separate Schedule A's would be required.[2]

[1] It should be noted that the Department has under consideration changes to the filing requirements for certain small plans, which would require such plans to file annual reports on a cyclical basis. In the event that such changes are adopted, the frequency with which insurance commission and fee information is reported by these plans could be affected, but it is anticipated that the information to be reported would be unaffected.

[2] Another question will be added to the annual report form inquiring whether individual or group

Footnotes continued on next page

A number of commentators urged that the Department require the reporting of insurance commissions on a percentage basis (i.e., commissions as a percentage of premiums paid) in lieu of requiring the disclosure of the dollar amount of commissions paid. The commentators argued that the disclosure of percentages would be more informative than dollar amounts, would be easier for plant to compile and would be consistent with conditions included in Prohibited Transaction Exemption (PTE) 77-9 (42 FR 253, June 24, 1977).

The Department has tentatively determined that insurance commission and fee information would be most useful to both the Department and to participants and beneficiaries when reported on a dollar basis. The Department currently receives commission and fee information on a dollar basis and believes, based on its experience, that reporting on a dollar basis facilitates its analysis of this information. The reporting of such information on a dollar basis also would be consistent with other reporting requirements, which would permit comparison of this information with data, such as payments for services, reported elsewhere in the annual report.

In addition, the department does not believe that the cited provision in PTE 77-9 is relevant for the purpose of determining the information which should be disclosed on the Schedule A. PTE 77-9 requires that certain information be disclosed to a plan fiduciary prior to the time the fiduciary makes a decision concerning the investment of plan assets. In that situation, the actual dollar amount of commissions to be paid may not be known because a policy has not yet been purchased. However, in the case of a plan required to file a Schedule A, an insurance contract has been purchased. Therefore, the dollar amount of commissions and fees paid as a result of that particular transaction can be determined.

It should be noted that Item 3 currently requires the reporting of commissions and fees "paid" but does not require that a particular method of accounting be used in calculating the amounts of such commissions and fees. The Department is considering revising the instructions to Item 3 to specifically require that such information be reported on an "accrual" basis. The Department solicits comments on whether it should revise the instructions in this regard, and whether similar changes should be made with respect to the reporting of premium information on the Schedule A. The Department also solicits comments on whether and to what extent it is necessary to define the term "accrual" for purposes of these revisions.

Proposed Form

It is proposed that pursuant to the authority in sections 103(e), 109(a) and 505 of the Act, Item 3 of Schedule A (Form 5500) and line item 15 of forms 5500, 5500-C, and 5500-K for plan years beginning in 1979 be amended as follows:

Schedule A (Form 5500)

Item 3

3. Insurance commissions and fees paid to agents and brokers:

(a)	(b)	(c)	(d)	
			Fees paid	
Contract or identification number	Names and addresses of the agents or brokers to whom commissions or fees were paid	Amount of commissions paid	Amount	Purpose

Specific Instruction

3. All sales commissions are to be reported in column (c) regardless of the identity of the receipient. Override commissions, salaries, bonuses, etc., paid to a general agent or manager for managing an agency, or for performing other administrative functions, are not to be reported. Fees to be reported in column (d) represent payments by insurance carriers to agents and brokers for items other than commissions (e.g., service fees, consulting fees and finders fees). Fees paid by insurance carriers to persons other than agents and brokers should be reported in Parts II and III on Schedule A as acquisition costs, administrative charges, etc., as appropriate. Fees paid by employee benefit plans to agents, brokers and other persons are to be reported in Item 12 of the Form 5500, Item 19 of the Form 5500-C and Item 14 of the Form 5500-K.

Form 5500, 5500-C, and 5500-K

Item 15

15. (a) Since the end of the plan year covered by the last report, has there been a termination in the appointment of any trustee, accountant, insurance carrier, enrolled actuary, administrator, investment manager or custodian? Yes —— No ——

If "Yes", explain, and include the name, position, address and telephone number of the person whose appointment has been terminated.

(b) Have any insurance policies or annuities been replaced during the plan year? Yes —— No ——

If "Yes", explain the reason for the replacement.

(c) At any time during the plan year, was the plan funded with:

(I) —— Individual policies or annuities.

(II) —— Group policies or annuities.

(III) —— Both.

Note.—Item 15(a) is unchanged, in substance, from current Item 15.

Signed at Washington, D.C., this 15th day of June 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 79-19386 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-29-M

Footnotes continued from last page
policies are used by the plan to fund benefits. The response to this question will further aid the Department in analyzing plan investment decisions with respect to insurance policies.

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on the Bailly Generating Station, Nuclear 1; Meeting

The ACRS Subcommittee on the Bailly Generating Station, Nuclear 1, will hold a meeting on July 9, 1979, at the Holiday Inn, 6200 Melton Road, Portage, IND 46368, to discuss proposed modifications to piling design at this Station.

In accordance with the procedures outlined in the **Federal Register** on October 4, 1978 (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Monday, July 9, 1979

1:00 p.m. until the conclusion of business. The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary

opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the Northern Indiana Public Service Company, and their consultants, pertinent to this review.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with section 10(d) of Pub. L. 92–463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Ragnwald Muller (telephone 202/634–1413), between 8:15 a.m. and 5 p.m., EDT.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the West Chester Township Public Library, 125 South Second St., Chesterton, IN 46304.

Dated: June 19, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79–19468 Filed 6–21–79; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR–26, issued to Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment authorizes a reduction in the number of hydraulic snubbers required by the Technical Specifications, reflecting redesign of the support systems of certain safety-related pipe lines.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 9, 1979, (2) Amendment No. 55 to License No. DPR–26, 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 NW., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 12th day of June.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79–19471 Filed 6–21–79; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–334]

Duquesne Light Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR–66, issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which adds a licensing condition and revises Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. This amendment is effective as of the date of its issuance.

The amendment adds a condition to the license relating to facility modifications for fire protection, corrects Technical Specifications to list additional safety-related snubbers, modifies a Technical Specification on non-radiological chemical releases, and clarifies the Technical Specifications with respect to License Amendement No. 11 to permit the initial fire protection surveillances performed after January 30, 1977, to be done within the time period normally allowed for completion of each surveillance activity.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commisson's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commisson's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated June 17, 1976, October 27, 1976, February 11, 1977, September 29, 1978, December 11, 1978, January 11, 1979 and February 21, 1979 on Fire Protection, April 19, 1979 on snubbers and December 14, 1978 on chemical releases, (2) Amendment No. 18 to License No. DPR–66, 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 B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pa. 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of June, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79–19472 Filed 6–21–79; 8:45 am]

BILLING CODE 7590–01–M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA working group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG–D9, "Design Aspects of Radiological Protection During Operational States," has been developed. An IAEA working group, consisting of Mr. R. Hock of the Federal Republic of Germany; Mr. B. F. Chamany of India and Mr. P. A. Solari of the United Kingdon of Great Britain and Northern Ireland, developed SG–D9 from an IAEA collation during meetings on April 17–20, 1978 and October 16–20, 1978. We are soliciting public comment on Revision 2 dated February 28, 1979. Comments on this draft received by July 27, 1979 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Md., this 11th day of June 1979.

For the Nuclear Regulatory Commission.

Ray G. Smith,

Acting Director, Office of Standards Development.

[FR Doc. 79-19473 Filed 6-21-79; 8:45 am]

BILLING CODE 7590-01-M

International Atomic Energy Agency Draft Safety Guide; Notice of Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA working group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG–D10, "Fuel Handling and Storage Systems in Nuclear Power Plants," has been developed. An IAEA working group consisting of Mr. F. Krainer of the Federal Republic of Germany; Mr. R. I. Facer of the United Kingdom and Mr. S. Rolandson of Sweden, developed SG–D10 from an IAEA collation during a meeting on January 8–19, 1979, and we are soliciting public comments on it. Comments on this draft received by August 8, 1979 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Md., this 14th day of June 1979.

For the Nuclear Regulatory Commission.

Ray G. Smith,

Acting Director, Office of Standards Development.

[FR Doc. 79-19474 Filed 6-21-79; 8:45 am]

BILLING CODE 7599-01-M

[Docket No. 50-331]

Iowa Electric Light & Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License No. DPR–49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment will: (1) clarify the requirements for permanent retention of certain records, (2) add two more snubbers to the list of snubbers on the recirculation system in the drywell, and (3) bring a note associated with the table on control rod block instrumentation into agreement with the table.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 27, 1977, (2) Amendment No. 51 to License No. DPR–49, 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 Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 15th day of June 1979.

For the Nuclear Regulatory Commission.

Richard J. Clark,

Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-19475 Filed 6-21-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Provisional Operating License DPR-16, issued to Jersey Central Power and Light Company for operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment establishes Appendix B Technical Specifications.

Issuance of this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see Amendment No. 37 to License No. DPR-16 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Ocean County Library, Brick Township Branch, Brick Town, New Jersey. A copy of the amendment may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Maryland, this 6th day of June 1979.

For the Nuclear Regulatory Commission.

Wm. H. Regan, Jr.,

Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc. 79-19476 Filed 6-21-79; 8:45 am]

BILLING CODE 7590-01-M

[Byproduct Material License No. 29-13613-02]

Radiation Technology, Inc.; Notice of Oral Argument

In the matter of Radiation Technology, Inc., Lake Denmark Road, Rockaway, New Jersey 07866.

Notice is hereby given that the Appeal Board's order of June 13, 1979, has calendared oral argument on the licensee's and staff's cross-appeals in this civil penalty proceeding for 10:00 A.M., Wednesday, July 18, 1979, in the Nuclear Regulatory Commission's Public Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland.

Dated: June 14, 1979.

For the Appeal Board.

Romayne M. Skrutski,

Secretary to the Appeal Board.

[FR Doc. 79-19477 Filed 6-21-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company [the licensees], which revised Technical Specifications for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications concerning the Reactor Core Safety Limit Curve, the Reactor Protection System Instrumentation Trip Setpoints and the maximum Reactor Coolant Hot Leg Temperature for departure from nucleate boiling margin. This amendment also makes minor editorial corrections to Technical Specifications Figure 2.1-2 and Table 5.7-1.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 23, 1978, (2) Amendment No. 16 to License No. NPF-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of June 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch #4 Division of Operating Reactors.

[FR Doc. 79-19478 Filed 6-21-79; 8:45 am]

BILLING CODE 7590-01-M

Virginia Electric and Power Co. (Surry Power Station, Units 1 and 2); Request for Action Under 10 CFR 2.206

[Docket Nos. 50-280 and 50-281]

Notice is hereby given that by petition dated April 18, 1979, the Potomac Alliance, *et al.*, requested that an order be issued to the Virginia Electric and Power Company to suspend further action on the steam generator repair program at the Surry Power Station, Units 1 and 2, pending preparation of an Environmental Impact Statement and completion of other relief requested. This petition is being treated as a request for action under 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the petition within a reasonable time.

Copies of the petition are available for inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and in the local public document room at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Bethesda, Maryland this 8th day of June, 1979.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 79-19479 Filed 6-21-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-338]

Virginia Electric & Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. NPF-4, issued to Virginia Electric and Power Company (licensee), which revised Technical Specifications, Appendices A and B for operation of the North Anna Power Station, Unit No. 1 to reflect a reorganization of the Production Operation and Maintenance Department both onsite and offsite. The license was also amended to add a new condition which provides for surveillance of the emergency diesel generator batteries. The North Anna Power Station, Unit No. 1 is located in Louisa County, Virginia. The amendment is effective as of its date of issuance.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's requirements. The licensee requested an amendment to reflect a reorganization of the Production Operations Department in a letter dated, August 31, 1978 and supplemented by a letter, dated December 26, 1978. By NRC letter, dated June 14, 1978, we requested that the licensee propose surveillance requirements which demonstrate the operability of the diesel generator batteries. The licensee responded by letter, dated August 14, 1978 proposing changes to the surveillance requirements for the diesel generator batteries. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment, dated August 31, 1978 as supplemented on December 26, 1978, and NRC letter, dated June 14, 1978, and the licensee's reply, dated August 14, 1978, (2) Amendment No. 11 to License No. NPF-4, and (3) the Commission's related Safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D.C. and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of these items may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland this 14th day of June, 1979.

For the Nuclear Regulatory Commission.

Olan D. Parr,

Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 79-19480 Filed 6-21-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. PRM-50-22]

Response to and Partial Denial of Petition for Rulemaking Filed by the Public Interest Research Group, et al.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Response to and denial of Petition for Rulemaking filed by the Public Interest Research Group, et al. (Docket No. PRM-50-22).

SUMMARY: On July 5, 1977, as supplemented October 7, 1977, and January 3, 1978, the Public Interest Research Group, et al., petitioned the Commission to initiate rulemaking to promulgate regulations for nuclear power plant decommissioning which would require Part 50 licensees to post bonds, to be held in escrow, to ensure that funds will be available for proper and adequate isolation of radioactive material upon each plant's decommissioning. Other issues and funding alternatives raised in the PIRG petition and its supplements will be considered within the context of the NRC decommissioning rulemaking proceedings noticed in the Federal Register of March 13, 1978 (43 FR 10370). These include: criteria for financial arrangements to fund decommissioning; alternative financial arrangements, such as an escrow account or sinking fund; and NRC jurisdiction to regulate the financial arrangements for decommissioning.

For reasons explained herein, the Commission denies the petitioners' request to inititate rulemaking now to implement a specific decommissioning funding plan, that in, that nuclear power plant operators post surety bonds to cover decommissioning costs. To the extent that petitioners' request asks the Commission to reconsider the adequacy of its regulations on decommissioning, their request is granted but a decision as to the specific method or methods for funding decommissioning is deferred.

FOR FURTHER INFORMATION CONTACT: Mr. Don F. Harmon, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone 301-443-5910).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the U.S. Nuclear Regulatory Commission (hereinafter "NRC" or "Commission") has decided to deny in part and defer in part the petition dated July 5, 1977, as supplemented October 7, 1977, and January 3, 1978, filed by the Public Interest Research Group (PIRG), Arizonans for Safe Energy, Citzens United Against Radioactive Environment (CURE), Community Action Research Group (CARG), Critical Mass Energy Project, Environmental Action Foundation, Environmental Action, Inc., New Mexico Public Interest Research Group (NMPIRG), New York Public Interest Research Group (NYPIRG), North Anna Environmental Coalition, Texas Public Interest Research Group (TexPIRG), and National Consumer Law Center Energy Project (hereinafter the "petitioners"). However, as was announced in a Federal Register notice on March 13, 1978 (43 FR 10370), the Commission is presently reevaluating its overall policy with regard to decommissioning nuclear facilities *and to that extent the petition is granted.* On May 25, 1978, the NRC announced a rulemaking proceeding to reexamine existing regulatory requirements for demonstrating financial qualifications necessary to obtain Part 50 licenses for production and utilization facilities. Any

requirements which bear on funding decommissioning costs that are developed in this rulemaking proceeding will be incorporated into NRC's financial qualifications regulations as appropriate. It is estimated that this rulemaking proceeding will be completed by late 1980.

Description of the Petition

In a petition dated July 5, 1977, as supplemented October 7, 1977, and January 3, 1978, the petitioners requested the Commission to initiate rulemaking to promulgate regulations for nuclear power plant decommissioning which would require Part 50 licensees to post bonds, to be held in escrow, prior to each plant's operation, to ensure that funds will be available for proper and adequate isolation of radioactive material upon each plant's decommissioning. The petitioners also stated that the regulations should require that licensees for nuclear power plants already in operation should establish plans and immediately post bonds, to be held in escrow, to ensure proper decommissioning. In their January 3, 1978, supplement to the petition, petitioners advanced two other options in addition to surety bonding, to finance the costs of decommissioning:

1. Funds would be set aside in an escrow account before commencing reactor operations, sufficient to finance the projected decommissioning, i.e., the present discounted estimate of the decommissioning cost increased by inflation to the time when the plant ceases operation.

2. Funds would be accumulated in a sinking fund during the life of the plant, in an amount sufficient to cover projected decommissioning costs at the end of plant operations. However, since all of the necessary money would not actually be set aside during the plant's operating life, a surety arrangement would be necessary to allow for the risk that the licensed utility went bankrupt before the sinking fund had sufficient funds. The Licensee would be required to purchase a surety bond guaranteeing the availability of the above specified amount of money when decomissioning is needed. The bond would be purchased at the outset as a capital cost to run until the sinking fund reached the specific amount.

The petitioners stated that a formula should be established for setting aside adequate funds to cover the costs of guarding and/or disposing of decommissioned nuclear power reactors, both for reactors which have been licensed and for those which will be licensed in the future, and that the Commission should establish general procedures to be followed in isolating radioactive components from decommissioned reactors.

The petitioners' arguments to the NRC can be summarized as follows. At the end of its useful life, a nuclear power reactor and associated structures are contaminated with radioactive isotopes that take thousands of years to decay and which will require several millions of dollars to isolate. In their view, their proposed regulations would ensure that the power companies which operate reactors, and not future generations, bear the cost of decommissioning. Since decommissioning will not occur until after the 40-year operating license has expired, and may require substantial capital expenses for hundreds of years thereafter, companies which are now financially stable may not have the capacity to pay decommissioning and guardianship costs when necessary.

Present NRC Requirements Relating to Financial Qualifications of Nuclear Power Plant Operators

The present NRC regulations relating to the financial qualifications of an applicant for a permit or license are contained in §§ 50.33(f) and 50.71(b), and Appendix "C" of Title 10, Code of Federal Regulations, Part 50, entitled, "Licensing of Production and Utilization Facilities." Section 50.33(f) requires, in part, a determination of an applicant's financial qualifications to operate, shut down, and maintain a nuclear power plant in a safe condition. Section 50.33(f) states in part, "If the application is for an operating license, such information shall show that the applicant possesses or has reasonable assurance of obtaining the funds necessary to cover the estimated costs of operation for the period of the license or for 5 years, whichever is greater, plus the estimated costs of permantly shutting the facility down and maintaining it in a safe condition."

Under the provisions of § 50.71(b) of Part 50, ". . . each license and each holder of a construction permit shall, upon each issuance of its annual financial report, including the certified financial status during the operating life of a nuclear power plant. Appendix C of Part 50 is intended to apprise applicants of the general kinds of financial data and other related information that will demonstrate the financial qualifications of the applicant to carry out the activities for which the license is sought. The foregoing requirements do not provide procedures or methods for funding the decommissioning of nuclear power plants. Neither do they specify particular decommissioning methods *or implementing mechanisms for accumulation of funds.* They do, however, provide for determination (prior to plant operation) that a nuclear power plant licensee possesses or has reasonable assurance of obtaining sufficient funds for shutting down and maintaining his nuclear power plant in a safe condition.

NRC Evaluations and Findings

Following receipt of the subject petition, the Commission published a notice in the **Federal Register** on August 8, 1977 (42 FR 40063), and requested public comments and suggestions on the issues raised in the petition. Public comments were originally requested by October 7, 1977. However, the comment period was subsequently extended until January 3, 1978, for reasons stated in **Federal Register** notices on October 17, 1977 (42 FR 40063), and November 18, 1977 (42 FR 59574). The NRC staff also invited comments on the subject petition from all fifty State Public Utility Commissions and the Puerto Rico Public Service Commission in a letter dated November 7, 1977. Comments on the petition were requested from the U.S. Federal Energy Regulatory Commission (FERC) in a letter dated November 15, 1977. Comments relating to the availability, terms and conditions, and costs of performance bonds were invited from leading surety companies in the United States in a letter dated May, 1, 1978.

Fifty replies, representing 26, individuals, 16 conservation and public interest groups, 37 utilities, 4 State agencies, and 4 industrial groups, were received to the Commission's **Federal Register** notice of August 8, 1977. Most of the individual respondents asked the NRC to: (1) accelerate research on decommissioning, (2) update its regulations in line with the conclusions of the Atomic Industrial Forum's study on nuclear power plant decommissioning, and (3) require utilities to establish a $13 million escrow account to cover decommissioning. The remaining individuals and groups essentially supported the request of the petitioners. One reply from a State Health Department stated that the request was "reasonable" and "should require a responsible response."

All of the remaining respondents (i.e., utilities, State agencies, and industrial groups) were essentially opposed to the specific rulemaking proposed by petitioners. Their views were basically as follows: (1) present requirements are adequate to protect the public health and safety in that they provide reasonable assurance that nuclear power plant licensees will have sufficient funding to defray

decommissioning costs, (2) placing a bond in escrow is both uneconomical and inflexible when compared to other available methods for achieving essentially the same results, (3) any new or different requirements, if needed, should be based on an orderly, systematic evaluation of the less expensive alternatives to bonding, (4) neither the Atomic Energy Act nor the National Environmental Policy Act provides the NRC with authority over matters of economic regulation and utility financing, and (5) FERC and State Public Utility Commissions are the appropriate agencies for determing legitmate expenses of utilities, and the NRC should not adopt regulations which would infringe upon the authority of these agencies.

Nineteen replies from State Public Utility Commissions were received by the NRC staff to its letter of November 7, 1977. Comments on the letter were also received from the Tennessee Valley authority, Washington Public Power Supply System, and Arkansas Department of Health. The views expressed in the replies from the State Pulbic Utility Commissions ranged from "no opinion" to strong opposition, ". . . because the expected benefits would be minimal and the costs considerable compared to alternatives currently used." Most State Public Utility Commissions which have considered the funding issue of nuclear power plant decommissioning endorsed the concept of financial responsibility of the licensees to decommission their plants at the expense of current beneficiaries and not by future generations. However, none endorsed the bonding concept proposed by the petitioners. Most of the State Public Utility Commissions which suggested alternatives favored net negative salvage depreciation methods or other funding arrangements. Many also expressed the view that the most helpful Federal action would be to identify decommissioning costs and to develop general decommissioning standards and criteria. However, particular funding arrangements, such as funded reserves, escrow accounts, depreciation allowances, etc., should be left to the State Commissions in view of their legal responsibilities under State laws and the specific needs of individual States. For example, one Commission urged that, "whatever regulations are adopted on this matter do not infringe upon the individual State Commission's authority to determine the reasonableness of such expense." Another stated, ". . . while I am generally opposed to Federal intervention in State regulatory matters, I believe that the decommissioning issue should be faced squarely with Federal intervention only as a last resort and only to the extent necessary." The Arkansas Department of Health endorsed the concept of licensee financial reponsibility. It further stated that, "While the proposal outlined in the petition for rulemaking may not be the optimum solution, the consideration of decommissioning procedures, costs and methods of financing under the assumption of license default or inability to satisfactorily decommission a facility should be pursued by the Commission."Finally, the Tennessee Valley Authority and the Washington Public Power Supply System both expressed the view that the bonding requirement proposed by the petitioners was unneeded and should be denied.

During a meeting with FERC on December 13, 1977, the NRC staff was advised that FERC regulates the interstate sale of wholesale electricity and establishes uniform utility accounting requirements. The FERC staff expressed the view that they favored the net negative salvage depreciation method for funding the decommissioning of nuclear power plants. The FERC staff also expressed the view that other, less expensive, methods than bonding could be developed to reasonably ensure that decommissioning funds are available when needed.

Eight replies from surety companies were received by the NRC to its letter of May 1, 1978, concerning the availability, terms and conditions, and costs of bonding arrangements as proposed by the petitioners. In its letter to each surety company, the NRC staff requested information on the following items:

1. Would your company be interested and able to write a long term (40-year or more) surety bond in the amount of $50 million? If interested, could your company independently write such a bond or would it be necessary to enter into a joint venture with one or more companies?

2. If such a bond could be written, what underwiting criteria, such as collateral requirements, would be utilized in determining whether a utility could qualify for a bond?

3. What would be the annual cost for a $50 million bond over the long term?

The NRC staff recognizes that the 40-year operating period and the $50 million may not be exact for a specific power plant. The 40-year period was chosen to conform to the present NRC license term and the $50 million was based on recent studies for dismantling a current-generation pressurized water reactor.

All eight respondents to the NRC staff inquiry stated that such long term bonds in the amount stated are not available at the present time. Seven of the respondents stated their company would not be interested in such obligations stretching over such lengthy periods of time and/or the time and amounts involved would make such an approach totally impractical. One company indicated that such a bond might be arranged under certain conditions; i.e., that the payment (at 2% of the bond amount annually) of the premium for the full term of the bond be made in advance and that the bond be structured in such a manner whereby the surety could not be called upon for payment until the end of the 40-year licensed period. Others indicated that costs for such bonds were not available at this time but depending on circumstances, would probably range from 0.25 to 2% per year of the bond value.

Bases for Partial Denial of the PIRG Petition

The bases for partial denial of the PIRG petition and deferral of July 5, 1977 petitions are:

1. Surety bonds of the nature proposed by petitioners appear to be unavailable based on information obtained by the Commission from leading U.S. surety companies;

2. Surety bonds, like guarantees of other types, do not provide for current funding of future costs as implied by petitioner. In fact, the surety bond would only provide funds for decommissioning costs in the event that the utility is unable to pay for decommissioning (one example would be bankruptcy). In that case, the current beneficiaries of the eletricity in the utility service areas have—in a sense—paid the decommissioning costs in that surety costs were included in the current utility rates. On the other hand, it is substantially more likely that the utility will remain solvent and would then raise the funds for decommissioning at the end of plant operations. If the funds were raised at that time, electricity users not then receiving the benefits of the plant would nonetheless by paying decommissioning costs.

3. With respect to the immediate need for surety bonds the Commission believes its present requirements are adequate and satisfactory in the interim period during which present NRC regulations are being re-evaluated. Present NRC regulations require a determination that an applicant is financially qualified to operate, shut

down, and maintain a nuclear power plant in a safe condition. The regulations also require operating licensees to file annual financial reports or certified financial statements. These requirements provide the NRC staff with current information about a licensee's financial status during the operating life and decommissioning of a nuclear power plant.

The foregoing partial denial does not mean that the Commission has reached a decision on the need for amendments to its regulations to provide more specific guidance on decommissioning criteria for nuclear power plants. Nor does the partial denial of the petition to require surety bonds now preclude the use of surety bonds, if they become available as one of several decommissioning financial alternatives in the future. It does mean that, based on current information the Commission has determined that it *should not* amend its regulations to require bonding at this time as specifically suggested by petitioners. In this manner the Commission provides a more timely response to petitioners' request than delaying action until other potential alternatives can be assessed. As was announced in a **Federal Register** notice on March 13, 1978 (43 FR 10370), the Commission is presently engaged in a comprehensive reevaluation of its practices relating to decommissioning nuclear facilities. The detailed plan and schedule for reevaluation is described in an NRC staff report entitled, "Plan for Reevaluation of NRC Policy on Decommissioning of Nuclear Facilities" (NUREG–0436), dated March 1978, and Revision 1 of that document, dated December 1978. One major component of this overall reevaluation is an extensive examination of the financial assurance needed to cover decommissioning costs of nuclear power plants. It is intended during this examination to assess the relative merits of several different financial assurance techniques, such as escrow accounts, sinking fund accounts, etc., and to weigh and judge the financial assurance needed in regard to decommissioning the various classes of nuclear facilities. The Commission notes that the petitioners may seek to become a participant in any subsequent NRC rulemaking action on financing the costs of decommissioning and present the arguments made in their petition regarding the need for and benefits of surety bonds or other alternatives such as use for escrow accounts or sinking funds.

Copies of the petition for rulemaking, the associated public comments, and the Commission's letter to the petitioner are available for inspection or copying in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555.

Dated at Washington, D.C. this 15th day of June 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-19566 Filed 6-21-79; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Ad Hoc Subcommittee on the Three Mile Island, Unit 2, Accident Bulletins and Orders; Meeting

The ACRS Ad Hoc Subcommittee on the Three Mile Island, Unit 2 Accident Bulletins and Orders, will hold an open meeting on July 9, 1979 in Room 1046, 1717 H St., NW, Washington, DC 20555 to consider the response of vendors/utilities to the NRC Office of Inspection and Enforcement Bulletins and NRC Orders.

In accordance with the procedures outlined in the **Federal Register** on October 4, 1978, (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Monday, July 9, 1979; 8:30 a.m. Until the Conclusion of Business

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendation to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hold discussions with representatives of the NRC Staff, various utilities and industries, and their consultants, pertinent to this review.

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 Designated Federal Employee for this meeting, Dr. Thomas G. McCreless, (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 20, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-19654 Filed 6-21-79; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21096; 31-770]

American Can Co.; Application for Exemption

June 13, 1979.

Notice is Hereby Given that the American Can Company ("American"), a holding company, has filed an application for exemption pursuant to sections 3(a)(3)(A) and 3(a)(5) of the Public Utility Holding Company Act of 1935 ("Act"). All interested persons are referred to the application, which is summarized below, for a description of American and its subsidiaries and a statement as to the basis upon which an exemption is requested.

American, a New Jersey corporation, is engaged directly and, through its subsidiaries, indirectly primarily in the manufacture, distribution and sale of containers and packaging products and consumer products and in resource recovery and chemical operations. In 1978, American and its subsidiaries reported net sales of $3,981,000,000 and net income of $105,600,000.

One of American's subsidiaries is Marathon Corporation Canada Limited ("Marathon"). Marathon is wholly owned by American, except for directors' qualifying shares, and is headquartered in Ontario, Canada. It is engaged directly, and through subsidiaries, in the manufacture and distribution of paper products.

American Can of Canada Limited ("American Ltd."), a wholly-owned Canadian subsidiary of Marathon, owns and operates manufacturing facilities in the Town of Marathon, Ontario, Canada. At its facilities, American Ltd. generates electrical power sufficient to meet its manufacturing needs. Any excess electrical power is sold to Peninsula Utilities Limited ("Peninsula"), also a Canadian subsidiary of Marathon, which is engaged solely in the business of purchasing excess electrical power from American Ltd. and distributing and selling such power to commercial and residential customers in the Town of Marathon. Peninsula does not sell electrical power in any other location.

For 1978, Peninsula reported sales of $483,000 and a net loss of $43,000 (figures in Canadian dollars). During that period, Peninsula distributed approximately 16,000,000 Kwh of electrical power to the 2,400 residents of the Town of Marathon.

American states that its only interest, direct or indirect, in the sale of electricity is its indirect ownership of Peninsula. The revenues of Peninsula for 1978 constitute approximately 1/100th of 1 percent of American's 1978 consolidated revenues.

Section 3(a)(3)(A) provides that the Commission shall exempt a holding company and its subsidiaries if:

"such holding company is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company and * * * not deriving, directly or indirectly, any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public-utility company * * *."

Similarly, Section 3(a)(5) provides that the Commission shall exempt a holding company and its subsidiaries if:

"such holding company is not, and derives no material part of its income, directly or indirectly, from any one or more subsidiary companies which are, a company or companies the principal business of which within the United States is that of a public-utility company."

American states that, on the basis of the facts stated in its application and summarized herein, it is entitled to an exemption under either Section 3(a)(3)(A) or Section 3(a)(5). Section 3(a) provides that the Commission shall grant an application for exemption "unless and except insofar as it finds the exemption detrimental to the public interest or the interest of investors and consumers * * *."

Notice is Further Given that any interested person may, not later than July 10, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted in the manner provided in Rule 23 of the General Rules and Regulations promulgated under the Act or the Commission may 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 and orders issued in this matter, including notice of the date of hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-19435 Filed 6-21-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21097 and 70-6163]

Central & South West Corp., et al.; Proposed Increases in Short-Term Borrowing Authorizations and Extensions; Order Authorizing Changes in Banks From Which Borrowings May Be Made

June 13, 1979.

Notice is hereby given that Central and South West Corporation ("CSW"), a registered holding company, and five of its subsidiary companies, Central Power and Light Company ("CPL"), Southwestern Electric Power Company ("SWEPCO"), West Texas Utilities Company ("WTU"), Public Service Company of Oklahoma ("PSO") and Central and South West Services, Inc. ("CSWS") (collectively the "subsidiaries") have filed with this Commission post-effective amendments to their application-declaration previously filed and amended in this matter pursuant to Sections 6, 7, 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45 and 50 promulgated thereunder concerning the following proposed transactions. All interested persons are referred to the amended applications-declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders dated June 30, 1978, October 27, 1978, March 29, 1979 and May 9, 1979 (HCAR Nos. 20608, 20749, 20978 and 21041), applicants-declarants were authorized to incur short-term borrowings through December 31, 1979, in an aggregate collective amount of $200,000,000 and in the following individual amounts: CSW, $200,000,000; CPL, $71,000,000; PSO, $74,000,000; SWEPCO, $50,000,000; WTU $25,000,000; and CSWS, $2,000,000.

The short-term borrowings are pursuant to a CSW System money pool ("money pool") under which applicants-declarants coordinate their short-term borrowings and make borrowings outside the money pool from banks and through the issuance of commercial paper. The money pool consists of funds from the following sources: (i) surplus funds of CSW; (ii) surplus funds of any of the subsidiaries; (iii) borrowings by CSW or the subsidiaries from banks; and (iv) proceeds from CSW's sales of commercial paper.

CSW administers the money pool by matching up, to the extent possible, short-term cash surpluses and loan requirements of itself and its subsidiaries. Subsidiary requests for short-term loans are met first from surplus funds of the other subsidiaries which are available to the money pool and then from CSW's corporate funds, to the extent available. When these sources of funds are insufficient to meet short-term loan requests, borrowings are made from outside the system. CSW is authorized to issue and sell its commercial paper to commercial paper dealers at a discount rate not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity sold by issuers to commercial paper dealers, and at an interest cost not exceeding the effective cost of money for unsecured prime rate commercial bank loans prevailing on the date of issue of such commercial paper.

CSW and its subsidiaries are also authorized, in the event that such borrowings would produce a lower effective cost of money than the issuance by CSW of its commercial paper, to borrow from banks to meet short-term borrowing needs which could not be met by the money pool. Such bank borrowings are also authorized even when the cost of such borrowings is not less than the cost of equivalent borrowings through the money pool if and only to the extent that such bank requires that the borrowings be made as a condition of maintaining the subsidiary's line of credit with the bank, subject to an aggregate limit at any one time outstanding of $10,000,000 for all such bank borrowings and of $5,000,000 for any one subsidiary.

The interest rate applicable to all loans of surplus funds through the money pool is the rate published in *The Wall Street Journal* for commercial paper placed directly by a major finance company and having a term most nearly

equal to the term of the particular money pool loan in question. The interest rate applicable to the funds borrowed by CSW from external sources and loaned through the money pool is equal to CSW's net cost for the external borrowings.

By post-effective amendments applicants-declarants seek authorization (1) to change the banks from which they may make short-term borrowings; (2) to increase the aggregate borrowing limits for all companies except CSWS; and (3) to extend the period within which they may make such borrowings through December 31, 1980.

Concerning the proposed changes in banks from which they may make short-term borrowings, it is stated that applicants-declarants have made arrangements for the bank lines set forth in the table below. Borrowings are at the prime rate in all cases except for loans from First National Bank in Dallas, Republic National Bank, Irving Trust Company, Security Pacific National Bank, Citibank and Chemical Bank, in all cases the rate being 107% of prime, and except for loans from the trust departments of Texas Commerce Bank, Mercantile National Bank at Dallas, Republic National Bank and First City National Bank of Houston, the details of which are set forth following the table.

Bank	Amount of line	Compensation basis
Bankers Trust Company	$25,000,000	Balances.[a]
First National Bank of Chicago	15,000,000	Balances.[a]
First National Bank in Dallas	6,500,000	$4 million balances[a] and $2.5 million fees.[b]
Republic National Bank	5,000,000	$2.5 million balances[a] and $2.5 million fees.[b]
Irving Trust Company	5,000,000	$2.5 million balances[a] and $2.5 million fees.[b]
Marine Midland Bank	5,000,000	Balances.[a]
Mercantile-Safe Deposit & Trust Co	5,000,000	Fees.[c]
Security Pacific National Bank	5,000,000	$2.5 million balances[a] and $2.5 million fees.[b]
Citibank	5,000,000	Fees.[b]
Chemical Bank	5,000,000	Fees.[b]
Bank of Delaware	4,500,000	Balances.[a]
First National Bank of Denver	3,000,000	Balances.[a]
Harris Trust & Savings Bank	2,000,000	Balances.[a]
First City Bank of Dallas	2,000,000	Balances.[a]
Service Area Banks		
CPL (23 local banks)	39,939,000	Balances.[a]
PSO (1 local bank)	10,000,000	Balances.[a]
SWEPCO (37 local banks)	24,215,000	Balances.[a]
WTU (6 local banks)	11,875,000	Balances.[a]
Total	178,929,000	

[a] Balances maintained in support of lines of credit are generally non-segregated working funds of applicants-declarants and are not restricted as to withdrawal. These non-segregated balances generally aggregate approximately 10% of the line of credit. Substantial usage under these lines of credit could result in increased compensating balance requirements.

[b] Line or designated portion thereof is supported by fee equal annually to 7% of principal amount times the prime rate.

[c] Line or designated portion thereof is supported by fee equal annually to ½ of 1% of principal amount.

In addition to the above, applicants-declarants have made arrangements for borrowings of up to $10,000,000, $5,000,000, $5,000,000, and $10,000,000 from funds managed by the trust departments of Texas Commerce Bank, Mercantile National Bank at Dallas, Republic National Bank and First City National Bank of Houston, respectively. The Texas Commerce Bank trust fund borrowings would be evidenced by notes payable on demand or a stated maturity date not exceeding six months from date of issuance and would bear interest at a rate equal to the 90-day rate on General Motors Acceptance Corporation's commercial paper, or, if CSW has outstanding commercial paper with a 90- to 180-day maturity, at the highest effective rate to the ultimate purchasers of such paper. The Mercantile Bank at Dallas, Republic National Bank and First City National Bank of Houston trust fund borrowings would be evidenced by notes payable on demand and would bear interest at a rate equal to the highest annual interest rate on 30- to 179-day commercial paper placed by a major finance company as reported in *The Wall Street Journal.*

The cost of compensating balances and fees paid to banks to maintain credit lines are initially allocated to the subsidiaries on the basis of 10% to WTU and 30% each to CPL, PSO and SWEPCO, and such costs are retroactively reallocated at the end of each calendar year on the basis of relative maximum outstanding short-term borrowings of each company (including CSW when it borrows for its own corporate needs). Thus each company is reallocated that proportion of the total line of credit costs which is equal to the percentage which its maximum short-term borrowings during the year represents of the aggregate of the maximum short-term borrowings, on a non-coincidental basis, of all the companies.

Concerning the proposed increases in aggregate borrowing limits, applicants-declarants seek authorization for short-term borrowings through December 31, 1980, in an aggregate collective amount of $250,000,000 and in the following individual amounts:

CSW—$250,000,000.
CPL—$100,000,000.
PSO—$90,000,000.
SWEPCO—$75,000,000.
WTU—$35,000,000.
CSWS—$2,000,000.

It is stated that the requested authorizations were arrived at by cash flow forecasts which assumed that each subsidiary might have to postpone by two months its presently anticipated issuances of long-term seciruties.

The proceeds from the short-term borrowings will be used (1) in the case of borrowings by CPL, PSO, SWEPCO and WTU, for the interim financing of their construction programs and to provide for other temporary working capital needs; (2) in the case of borrowings by CSW, for loans or contributions to capital to the subsidiaries for such purposes; (3) in the case of borrowings by CSWS, to provide working capital for its operations; and (4) to repay borrowings previously incurred for such purposes.

The estimated capital programs for 1979 and 1980 for the operating companies are as follows:

	1979	1980
CPL	$193,000,000	$195,000,000
PSO	157,000,000	138,000,000
SWEPCO	132,000,000	166,000,000
WTU	19,000,000	12,000,000

None of the proceeds from such borrowings shall be utilized to pay the cost of facilities which would not be needed to provide service to customers of any of the operating companies if such operating company were not part of the CSW System, nor will any expenditures be made by any of the operating companies for the construction or acquisition of any facility not so needed prior to the time all funds covered by this application-declaration have been expended. For the

purpose of the foregoing representation, there are included within the meaning of the term facilities all facilites, the construction or acquisition of which are or would be part of any proposal for synchronous interstate operation of the CSW System forming the subject of the proceedings in *Central and South West Corporation, et al.* (Admin. Proc. File No. 3-4951), which would not also be required for the continuation of the dissynchronous interstate/intrastate operation in the mode presently prevailing in the Central and South West System.

CSW requests exemption from the competitive bidding requirements of Rule 50 for its proposed issuance of commercial paper pursuant to Rule 50(a)(5).

The additional fees and expenses to be encurred in connection with the proposed transactions are estimated at $250. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 10, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended by said post-effective amendments, 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 Exchenge Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendments or as it may be further amended, may be granted and 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 and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

It appearing that the amended application-declaration, insofar as it proposes changes in the banks from which short-term borrowings may be made, should be granted and permitted to become effective forthwith:

It is ordered that the amended application-declaration regarding changes in the banks from which short-term borrowings may be made be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-19436 Filed 6-21-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21098; 70-6292]

Louisiana Power & Light Co.; Proposal by Public Utility Subsidiary To Obtain a Sixty Year Franchise To Operate a Municipal Electric System and an Option To Acquire That System

June 13, 1979.

Notice is hereby given that Louisiana Power & Light Company ("LP&L"), and electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

LP&L is a public utility company engaged in the business of generating, transmitting, distributing and selling electric power and energy. It operates in 46 of the 64 parishes in the State of Louisiana, including the Parish of Richland.

The Town of Rayville ("Town") is a municipal corporation of the State of Louisiana, located in the Parish of Richland, in the northeasterly part of the State. Its population is approximately 4,400 people. The Town owns, operates and maintains a system for the generation, distribution and sale of electric power and energy to customers within its corporate limits as well as to some customers outside such corporate limits ("Electric System"). As of December 31, 1978, the Town had 2,408 electric customers, of which 2,023 were classified as residential, 340 were classified as commercial, 5 were classified as industrial, and 40 were classified as government and municipal customers. The Electric System immediately adjoins and is connected to LP&L's electric system and facilities.

LP&L states that, for finanacial and other reasons, including difficulty in obtaining fuel, the Town has been encountering increasing difficulty in the operation and maintenance of the Electric System and has concluded that these problems would continue to become worse in the future. At the request of the Mayor and Board of Aldermen of the Town, representatives of LP&L have negotiated with representatives of the Town and on November 20, 1978 submitted to the Mayor and Board of Aldermen an offer ("Offer") for the operation and possible ultimate acquisition of the Electric System by LP&L as set forth in an operating agreement ("Operating Agreement").

Under the terms of the Operating Agreement LP&L will be obligated, at its own expense, to operate and maintain the entirety of the Electric System exclusive of the generating facilities ("Distribution System"), providing for the entirety of the electric power supply requirements of the Distribution System and its customers, and LP&L may (but will no be obligated to) operate and/or maintain the Electric System's generating facilities ("Generating Facilities") or any part thereof; to make such additions, improvements and replacements to, extensions of, and retirements with respect to, the Distribution System as LP&L considers necessary or desirable, and may (but will not be obligated to) make additions, improvements and replacements to, and retirements with respect to, the Generating Facilities; to read the meters and bill the customers of the Distribution System; and to maintain in effect certain insurance coverages with respect to the Electric System. Additions, improvements, replacements and extensions so made shall be an shall remain the property of LP&L, but provisions is made for the acquisition thereof by the Town in the event the Operating Agreement is terminated or nullified without LP&L acquiring ownership of the Electric System.

Further, under the terms of the proposed Operating Agreement the rates to be charged or made available by LP&L to the various classes or categories of customers of the Distribution System shall be the same rates which LP&L charges or makes avalable to the same classes or categories of customers elsewhere in the State of Louisiana.

Such rates are regulated by the Louisiana Public Service Commission.

LP&L will retain all revenues collected by it under the Operating Agreement. It will however, be obligated to make Amortization Fund Deposits to a designated fiscal agent in amounts sufficient to pay the principal of and interest on the Town's outstanding bonds. The Town presently has outstanding bonds in the aggregate principal amount of $1,859,000 which are payable from the income and revenues of its waterworks and electric systems and plants ("Bonds"), consisting of the principal amounts presently outstanding of four different series of such bonds issued during the years 1962 through 1973 (the Bonds issued in 1973 being dated December 1, 1972), maturing on December 1st of the years 1979 through 1997, and bearing interest at rates from 3¼% to 5¼% per annum. The average rate of the Bonds is 4.80% per annum. The aggregate annual amounts of the Amortization Fund Deposits to be made by LP&L vary from a high of $182,035.50 in 1980 to a low of $5,162.50 in 1997. As long as the Operating Agreement or the franchise to be granted to LP&L by the ordinance hereinafter discussed or any replacement or successor or successive franchise remains in effect, LP&L is also obligated to pay the Town 2% of the revenues from residential and commercial customers within the corporate limits of the Town, but if the aggregate of such 2% payments and LP&L's ad valorem taxes in the Town for any calendar year total less than $65,000, LP&L will pay the Town the difference within 30 days after the end of such calendar year, and if residential and commercial revenues within the corporate limits exceed $923,000 in any calendar year, the $65,000 will be increased for such calendar year by an amount equal to 1% of such excess. The Town is also protected during the same period against the possibility that increased electric rates may cause the annual cost to the Town of LP&L's municipal electric service to the Town to become greater than the aggregate of the annual payments set forth above. LP&L will not assume or be liable for any contracts, accounts payable or financial obligations or liabilities of the Town. LP&L will have the right, under the Operating Agreement, to pay and refund any or all of the Bonds, and/or to pre-refund any of the Bonds which may not then be callable.

The Operating Agreement will give LP&L the further right, at any time that LP&L considers it economically feasible to do so, to require the Town to issue and sell refunding bonds in an amount sufficient to pay and refund and/or pre-refund all of the Bonds then outstanding, either (a) on the basis of the replacement of the Operating Agreement with a lease-purchase agreement whereunder LP&L would become the lessee of the Electric System, the lease payments made by LP&L would be sufficient to assure the payment of the refunding bonds, and LP&L would have the right to acquire the Electric System on the same basis as provided for in the Operating Agreement, or (b) on the basis of the replacement of the Operating Agreement with a new operating agreement reflecting such changes as necessarily result from such refunding but otherwise having substantially the same terms, conditions and provisions as the Operating Agreement. The Town may require LP&L to participate in such a refunding provided that the last maturing refunding bonds mature no later than the last maturity date of any of the Bonds and that the annual debt service on the refunding bonds is no greater for any year than the amount of the Amortization Fund Deposit for such year.

The Operating Agreement will further provide that at such time as no Bonds or refunding bonds are outstanding (pre-refunded Bonds and/or pre-refunded refunding bonds being considered as no longer outstanding), LP&L will have the right and option, for the considerations resulting from the terms of the Operating Agreement (or the terms of any lease-purchase agreement or new operating agreement in connection with any refunding bonds), to acquire from the Town the entirety of the Electric System.

The Offer also provides for the Mayor and Board of Aldermen of the Town to adopt an orinance which ordinance will order the Mayor of the Town to execute and deliver the Operating Agreement and such other deeds, conveyances and contracts as may be necessary thereafter to carry out and consummate the offer and the terms of the Operating Agreement, and will grant a 60-year electric franchise throughout the Town to LP&L.

To avoid the situation which would otherwise exist if the Operating Agreement is ever terminated or nullified without LP&L acquiring the ownership of the Electric System and LP&L's franchise is still effective, the Offer also provides for the Company to execute and deliver to the Town a letter in which the Company agrees that in such a situation it will, on demand, release and relinquish such franchise.

The fees, commissions and expenses to be incurred by LP&L in connection with the proposed transaction are estimated at $10,000, including legal fees of $8,000. It is stated that no state 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 July 9, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-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 application-declaration, as filed or as it may be amended, may be granted and 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. 79-19437 Filed 6-21-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10729; 812-4400]

Minneapolis Shareholders Co.; Filing of Application Pursuant to the Act for an Order Exempting Proposed Transaction

June 13, 1979.

Notice is hereby given that Minneapolis Shareholders Company ("Applicant"), a Minnesota corporation and a closed-end, non-diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on December 4, 1978, and an amendment thereto on March 23, 1979, for an order pursuant to Section 17(b) of the Act exempting from the

provisions of Section 17(a) of the Act a proposed sale by Applicant to Federal Financial Corp. ("FFC") of furniture, equipment and leasehold improvements owned by Applicant. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that FFC is a wholly owned subsidiary of Jacobs Industries, Incorporated ("JII") and that JII holds approximately 84 percent of Applicant's outstanding common stock. The application states that, by reason of the foregoing relationships, FFC is an affiliate of an affiliated person (JII) of the Applicant within the meaning of Section 2(a)(3) of the Act.

Applicant states that on November 3, 1978, its Board of Directors unanimously adopted a Plan of Dissolution, Complete Liquidation and Termination of Existence ("Plan") pursuant to which Applicant will be dissolved voluntarily in accordance with the laws of the State of Minnesota. The Plan was approved by shareholders on December 21, 1978, and a certificate of dissolution was filed subsequently with the Secretary of State of Minnesota. Applicant states that its shares were delisted from the Midwest Stock Exchange in January 1979 and have not been traded since adoption of the Plan. Upon dissolution of Applicant and the distribution of substantially all of its assets to shareholders, Applicant intends to file an application with the Commission for an order that it has ceased to be investment company under the Act.

Applicant states that while substantially all of its assets are held in certificates of deposit, Applicant carried on its books at cost, as of December 31, 1978, approximately $36,802 worth of furniture, equipment and leasehold improvements less accumulated depreciation of approximately $5,303. The furniture and equipment were purchased during the period from June 1977 through August 1978 at a cost of approximately $26,000 with the principal amount of purchases arising in 1977. Leasehold improvements were made in late 1977 and early 1978 at a cost of approximately $23,500 less a lessor's advance of $12,500. Applicant states that it presently leases its office facilities from FFC pursuant to a sublease.

Applicant states that on November 14, 1978, an appraisal of the furniture, equipment and leasehold improvements valued such items at $8,700. On that date the officers of the Applicant entered into an agreement ("Agreement") with FFC for the sale of those items to FFC and the termination of the sublease between Applicant and FFC for a payment to Applicant by FFC of $10,000 subject to the issuance of an order by the Commission to the effect that the proposed sale of furniture, equipment and leasehold improvements is exempt from the provisions of Section 17(a) of the Act. The shareholders of Applicant approved the Agreement, including a payment equal to or greater than $10,000, on December 21, 1978. Applicant states that shareholder approval was not required by law and therefore was not a condition precedent to the closing of the Agreement. Applicant states that following shareholder approval of the Agreement, Applicant determined that the $10,000 purchase price appeared to be low in view of how recently some of the furniture had been purchased and FFC's apparent intention to remain a tenant in the leased space. Following futher consideration on the question of price for the furniture, equipment and leasehold improvements a new price of $31,499, the depreciated book value of the items, was agreed upon and the Agreement was amended to reflect that price on March 1, 1979.

Section 17(a)(2) of the Act, with certain exceptions not here relevant, prohibits an affiliated person or an affiliated person of such person, acting as principal, knowingly to purchase from a registered company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, shall exempt a transaction from the provisions of Section 17(a) of the Act if the evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and the general purposes of the Act.

Applicant contends that to insure that the sale of the assets results in the most favorable return to its shareholders such assets should be sold as a package. Applicant represents that FFC will utilize the facilities and therefore will place the highest value on such assets. Applicant further contends that the Agreement will permit a quick sale and will enable the Applicant to wind up its affairs more quickly, thereby saving the expense of continued operation. Applicant also points out that while the appraisal of the items being sold was $8,700, the Agreement provides that Applicant will sell them and be permitted to terminate its sublease with FFC for $31,499. For these reasons, the Applicant believes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned. Applicant represents that the proposed transaction is consistent with its stated investment policy and with the general purposes of the Act.

Notice is further given that any interested person may, not later than July 9, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-19438 Filed 6-21-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-15929; File No. SR-NESDTC-79-2]

New England & Securities Depository Trust Co.; Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on May 18, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows: Statement of the

Terms of Substance of the Proposed Rule Change.

The proposed rule change sets forth the procedures and fees for a Collateral Loan Program whereby Participants in New England Securities Depository Trust Company ("NESDTC") can pledge securities within NESDTC.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to provide a vehicle at NESDTC whereby Participants can collateralize loans by means of a pledge shown on the books of NESDTC as permitted by the Uniform Commercial Code.

The proposed rule change extablishes a program within NESDTC whereby its Participants are enabled to pledge securities within the Depository. This is far more efficient and safe than requiring the securities to be withdrawn from the Depository to a transfer agent for transfer, essentially landing in the vaults of a lending bank, and, when the loan is paid, reversing the procedure.

No comments have been solicited or received with respect to the program.

Competition between depositories will be enhanced by the program. Other depositories already are offering the program to their participants and NESDTC's program and fees are competitive with the others.

On or before July 30, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 16, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 15, 1979.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-19439 Filed 6-21-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-15928; File No. SR-OCC-1979-3]

Options Clearing Corp.; Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 12, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would provide for compensation of the members of the Board of Directors at such rates as the Board of Directors may from time to time determine.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The pupose of the proposed rule change is to provide for compensation of the members of the Board of Directors. Members of the Board of Directors will be compensated at such rates as the Board of Directors may from time to time determine.

The proposed rule change contributes to the public interest and the protection of investors by improving the self-regulatory organization's ability to attract and retain qualified directors.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change imposes any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C., 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 16, 1979.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: June 15, 1979.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-19440 Filed 6-21-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-15927 File No. SR-SCCP 79-9]

Stock Clearing Corp. of Philadelphia; Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 4, 1979 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed Rule change as follows:

Statement of Terms of Substance of the Proposed Rule Change

Stock Clearing Corporation of Philadelphia (SCCP) proposes an amendment to Rule 23, Compensation, instituting a deposit reject fee of $5.00 per item for all deposits submitted to the PHILADEP depository not in good form. The fee will be waived if the member could not have reasonably known why the item was not in good form, or if the member's rejects are 2 percent or less of his total deposits for the month.

Also, SCCP proposes to further amend Rule 23 to reflect a $75.00 maximum value charge for each purchase or sale transaction which has been effective

and in practice since October 1975. This maximum charge was inadvertently omitted from Rule 23 when it was revised in August 1977.

The text of the proposed Rule change is attached as Exhibit 2.

Statement of Basis and Purpose of Proposed Rule Change

The purpose of the proposed Rule change is to make it more cost-related for the additional servicing involved in handling members' deposits not in good form.

The proposed Rule change provides equitable allocation of reasonable dues, fees and other charges among participating members in accordance with the standards set forth in Section 17A(b)(3)(D) of the Act.

No formal comments have been solicited or received regarding the proposed Rule change.

No burden on competition will be imposed by the proposed Rule change. The proposed rate schedule does not discriminate between marketplaces nor does it inhibit clearing interfaces.

The foregoing Rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed Rule change, the Commission may summarily abrogate such Rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 16, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 15, 1979.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-19441 Filed 6-21-79; 8:45 am]

BILLING CODE 8010-01-M

INTERSTATE COMMERCE COMMISSION

[Notice 98]

Assignment of Hearings

June 19, 1979.

Cases are assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC F-13629, Shoemaker Trucking Company—Purchase (Portion)—Herrett Trucking Co., Inc., MC-F-13627, Shoemaker Trucking Company—Purchase (Portion)—Herrett Trucking Co., Inc.

MC 138875 (Sub-93F), Shoemaker Trucking Company, now assigned for hearing on September 12, 1979 (3 days), at Portland, Oregon in a hearing room to be later designated.

FF 511F, Key Forwarding Co., now assigned for hearing on September 17, 1979 (2 days), at Portland, Oregon, in a hearing room to be later designated.

MC 141911 (Sub-3F), Arthur Dennis Demontigny d/b/a/ Demontigny Trucking, now assigned for hearing on September 19, 1979 (3 days), at Portland, Oregon in a hearing room to be later designated.

MC 720 (Sub-58F), Bird Trucking Company, Inc., No. MC-139577 (Sub-27F), Adams Transit, Inc., now assigned for hearing on September 11, 1979 (9 days), at Madison, Wisconsin, in a hearing room to be later designated.

MC 136393 (Sub-2F), NY. NJ. Conn. Freight & Messenger Corp., transferred to Modified Procedure.

MC 139323 (Sub-5F), Kars Transport, Inc., now assigned for hearing on July 30, 1979 (1 week), at Miami, Fl., in a hearing room to be later designated.

MC 104656 (Sub-14F), Mandrell motor Coach, Inc., now being assigned for hearing on July 25, 1979 (3 days), at Easton, MD in a hearing room to be later designated.

AB-7 (Sub-68F) Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Debtor, Abandonment near Ortonville and Fargo, IN. Big Stone and Traverse Counties, MN: Roberts County, SD, and Richland and Cass Counties, ND. now being assigned for hearing on July 23, 1979 (5 days), at Wahpeton, ND. in a hearing room to be designated later.

AB-7 (Sub-78F) Stanley E. G. Hillman, Trustee of the property of Chicago, Milwaukee, St. Paul and Pacific RR Co. Debtor Abandonment near Fairfield and Agawam, IN. Teton County, MT. now being assigned for hearing on August 13, 1979 (5 days), at Chouteau, MT. in a hearing room to be designated later.

MC 143328 (Sub-15F), Eugene Tripp Trucking now assigned for hearing July 10, 1979 at San Francisco, California and will be held in Room 510 5th Floor 211 Main St.

No. 37101, Pacific States Railcar Company V. The Atchison, Topeka and Santa Fe Railway Company, Et Al now assigned for hearing July 16, 1979 at San Francisco, California and will be held in Room 510 5th Floor 211 Main St.

MC 140389 (Sub-36F), Osborne Transportation, Inc., now assigned for hearing July 18, 1979 at San Francisco, California and will be held in Room 510 5th Floor 211 Main St.

MC 120098 (Sub-31F), Uintah Freightways now assigned for hearing July 17, 1979 at Salt Lake City, Utah and will be held in Room 3421 Federal Bldg., 215 State St.

MC 51146 (Sub-640F) Scheider Transport, Inc., now assigned for hearing July 23, 1979 at Chicago, Illinois and will be held in Room 3855 230 South Dearborn St.

MC 8472 (Sub-7F), South End Cartage now assigned for hearing July 24, 1979 at Chicago, Illinois and will be held in Room 3855 230 S. Dearborn St.

MC 119789 (Sub-527F), Caravan Refrigerated Cargo, Inc., now assigned for hearing July 20, 1979 at Chicago, Illinois and will be held in Room 1319 E. M. Dirksen Bldg., 219 South Dearborn St.

MC 133655 (Sub-128F), Trans-National Truck, Inc., now assigned for hearing July 26, 1979 at Chicago, Illinois and will be held in Room 349 230 South Dearborn St.

AB-1 (Sub-73F) Chicago and North Western Transportation Company Abandonment near Marathon and Alton in Buena Vista, Clay, O'Brien and Sioux Counties, IA now being assigned for hearing on July 23, 1979 (5 days), at Alton, IA. in a hearing room to be designated later.

MC 123407 (Sub-494F), Sawyer Transport, Inc., now assigned for hearing on June 19, 1979 at Washington, D.C., is cancelled and application dismissed.

MC 113678 (Sub-775F), Curtis, Inc. now being assigned for prehearing conference on July 31, 1979 at the offices of the Interstate Commerce Commission Washington, D.C.

MC 25798 (Sub-349F), Clay Hyder Trucking Lines, Inc. now being assigned for hearing on October 9, 1979 (9 days), at Orlando, FL. in a hearing room to be later designated.

MC 14252 (Sub-37F), Commercial Lovelace Motor Freight, Inc. now being assigned for hearing on September 11, 1979 (9 days), at Louisville, KY. in a hearing room to be later designated.

FF 514, Southern Pacific Marine Transport, Inc., now assigned for hearing on July 25,

1979 at San Francisco, CA. is cancelled and transferred to Modified Procedure.

MC 129480 (Sub-37F), Tri-Line Expressways, LTD, now assigned for hearing on July 16, 1979 (3 days), at Denver, Co., is postponed indefinitely.

MC 46054 (Sub-79F), Brown Express, Inc., now assigned for hearing on July 17, 1979 (9 days), at Dallas, TX., and will be held in the Sheraton Inn, Mockingbird West, 1893 W. Mockingbird.

MC 13655 (Sub-133F), Trans-National Truck, Inc., now assigned for hearing on July 9, 1979 (1 day), at New York, N.Y., and will be held in Room D–2206, Federal Building, 26 Federal Plaza.

MC 128051 (Sub-3F), Makar Trucking, Inc., now assigned for hearing on July 10, 1979 (2 days), at New York, N.Y., and will be held in Room D–2206, Federal Building, 26 Federal Plaza.

No. 37107, William Considine V. New York, N.Y., and will be held in Room D–2206, Federal Building, 26 Federal Plaza.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79–19534 Filed 6–21–79; 8:45 am]

BILLING CODE 7035–01–M

[No. 37137]

National Industrial Traffic League—Petition for Rulemaking—Freight Car Demurrage, Suspension Board Case No. 68867; Increased Demurrage Charges, Nationwide, February 1979

Decided: June 15, 1979.

By petition filed February 15, 1979, under Rule 42 of the Commission's Rules of Practice, 49 CFR 1100.42, The National Industrial Traffic League (League),[1] requests the Commission to institute a proceeding for the purpose of issuing a statement and rule of general applicability designed to implement and interpret 49 U.S.C. Sub Title IV (formerly the Interstate Commerce Act) regarding general freight care demurrage.

In Suspension Board Case No. 68867 by petitions filed on February 20, 1979, and February 21, 1979, Archer-Daniels-Midland Company et al. (A–D–M) and Fort Howard Paper Company, respectively, seek administrative review of the Commission's decision not to investigate or suspend changes in demurrage charges which became effective February 1, 1979. In the alternative, A–D–M requests the institution of an investigation into the lawfulness of the schedules which became effective February 1, 1979 with an accounting of the increased charges collected from the date of the order instituting such investigation. The railroads replied to the A–D–M petition.

In the title proceeding, No. 37137, the League believes that a comprehensive analysis of the operation and effect of present demurrage rules, regulations, and charges is necessary. In its opinion, problems relating to the utilization of freight cars and the car shortages have reached a point in time where *ad hoc* adjustments in demurrage rules, regulations, and charges are inadequate to insure effective car utilizations without undue penalties. To that end, petitioner seeks a comprehensive investigation of the present demurrage rules, regulations, and charges, for the purpose of making improvements in the present arrangements and to achieve car utilization goals. As a predicate for its requested action, petitioner notes that since 1971 there have been a large number of changes in demurrage rules, regulations, and charges, that recently the Commission took no action (failed to suspend or investigate) on increases in demurrage charges, that those changes in rules, regulations and charges since 1971 have resulted in massive burdens to the shipping public accompanied by a deterioration in car service and car utilization, and that, in light of those factors, there is a need for a broad scale review by the Commission of the operation and effect of demurrage charges in achieving the goal of more effective car utilization without undue penalty. Petitioner asserts that a comprehensive review is impossible in the context of specific demurrage proposals by the railroads and that a review could be accomplished only in a rulemaking proceeding. Petitioner suggests at least four broad areas to be addressed in the proposed rulemaking:

1. Identification of the precise effect of changes since 1971 in demurrage rules, regulations, and charges on the car supply and utilization.

2. Establishment of regulations requiring demurrage funds to be used to increase the car fleet or to improve car service.

3. Establishment of a structure of "reverse demurrage" to encourage shippers to release cars more promptly.

4. Development of a structure of penalties and incentives applicable to the Nation's railroads so as to improve car utilization.

These four suggested areas are not meant to be exhaustive of potential areas suitable for investigation.

We believe that the petition in No. 37137 must be denied. Initially, the petition, filed February 15, 1979, appears to be a reaction to the decision in Suspension Board case No. 68867, January 31, 1979, not to suspend or to investigate. Moreover, it is apparent that petitioner's request is extremely broad in nature and would of a necessity severely tax the limited resources of this Commission. Petitioner's intimation that increases in demurrage charges have been authorized without any redeeming value does not comport with the factual situation. To the contrary, the Commission has consistently exercised supervisory powers over demurrage rules, regulations, and charges for the purpose of improving care supply and utilization[2] And its actions in several instances have fostered better care utilization. See for example, Ex Parte No. 241, *Investigation of Adequacy of Freight Car Ownership*, 353 I.C.C. 230 in which a more prompt release of assigned cars was initiated by a service order and subsequently adopted by the railroad.

Moreover, in light of the recent Supreme Court action in denying *certiorari* in Ex Parte No. 289, *supra*, March 19, 1979, and the pendency of Ex Parte No. 344, Terminal Performance Standards Governing The Transportation of Non-Perishable Commodities, instituted June 19, 1978 (see also, Ex Parte No. 270 (Sub-No. 2), *Investigation of Railroad Freight Service*, 345 I.C.C. 2941), we believe that petitioner's request is premature. An evaluation of the results and effects of those proceedings should precede any broad rulemaking proceeding as suggested here by petitioner.

We would also note the possibility of other alternatives with regard to petitioner's objectives of a review of

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[1] Statements in support of the League's request were filed by The Motor Vehicle Manufacturers Association, New Orleans Traffic and Transportation Bureau, Inc., Houston Port Bureau, Inc., Asphalt Roofing Manufacturers Association, and Gulf Supply Company, Inc.

[2] *Allied Chemical Corp.* v. *Burlington Northern Inc.*, 351 I.C.C. 748; 353 I.C.C. 499 (private car owner required to comply with demurrage tariff requirements); *Ormet Corp.* v. *Illinois Central R. Co.*, 337 I.C.C. 653; 341 I.C.C. 647 (origin demurrage practices strictly construed); *Consignees' Obligation to Unload Rail Cars*, 340 I.C.C. 405 (consignee's obligation to clean the car before returning it to the carrier—carrier to retain car on demurrage until cleaned or to bill shipper for transportation of refuse); Ex Parte No. 285, *Maintenance of Records Pertaining to Demurrage*, 352 I.C.C. 739 (railroads required to establish and maintain records pertaining to demurrage); Ex Parte No. 289, *Remittance of Demurrage Charges*, 349 I.C.C. 411; 353 I.C.C. 567, *aff'd, Baltimore and Ohio Chicago Terminal Company, et al.* v. *United States of America, et al.*, 583 F. 2d 678 (3d Cir. 1978), *cert. denied*, March 19, 1979, No. 78–1069 and 78–1049 (remittance to the car owner of demurrage over $10 per day required); and Ex Parte No. 241, *Investigation of Adequacy of Freight Car Ownership*, 353 I.C.C. 230 (prescribed Car Service Rule 16 modified to allow cancellation of assignment of car on one day's notice. Car Service Order No. 1112, *Railroad Operating Regulations for Freight Car Movement*, served October 3, 1972, authorized a storage charge of $5 per car per day for cars assigned to a shipper. A similar provisions was later published in the carriers' demurrage tariff with a one day cancellation notice but the carriers had failed to request modification of Car Service Rule 16).

demurrage rules, regulations, and charges. The Section 5b (now 49 U.S.C. § 10706) agreement relating in part to demurrage tentatively approved by the Commission in *Railroad Per Diem, Mileage, Demurrage—Agreement*, 353 I.C.C. 673, 358 I.C.C. 481, provides in Chapter III that the railroad Committee on Compensation, Association of American Railroads (AAR), shall consider proposals for change in demurrage rules, regulations, and charges submitted by duly designated committees of interested shipper organizations and other. Additionally, the Committee on Compensation shall designate a standing committee to meet with representatives of interested shipper organizations and others concerning proposals for change in demurrage rules, regulations, and charges, to receive suggestions from individual shippers, and to make recommendations to the Committee on Compensation with respect to changes in demurrage rules, regulations, and charges. Approval of an agreement does not give members of a rate bureau unbridled freedom but carries with it responsibility and accountability to others.

We believe that petitioner has the prerogative of developing specific proposals to meet the problems raised in its petition and presenting such proposals to the AAR Committee on Compensation or its standing committee. Congress in the 4 R Act, Public Law 94–210, Section 101(b), sought to balance the needs of carriers, shippers, and the public while at the same time providing the railroad industry with a greater degree of latitude in its day-to-day operations. Consistent with that Congressional philosophy, petitioner may, on its own initiative, develop specific proposals for changes in demurrage for submittal to the AAR Committee on Compensation or its standing committee. Should such an initiative be taken, it will be closely monitored by the Commission including attendance at any rate bureaus meetings on this subject. We wish to make it absolutely clear that we are willing to reconsider this matter if the AAR proceedings are not responsive to shippers' initiatives.

Accordingly, we will deny the petition seeking the institution of a rulemaking proceeding, without prejudice to a refiling at a later time should the circumstances so warrant. As noted previously, the petition is extremely broad in scope. If a refiling is deemed warranted, petitioners should refine and specifically define their proposal. Cf., Rule 30, 49 CFR 1100.30, of the Commission's Rules of Practice.

In the embraced matter Suspension Board Case No. 68867, the Commission on January 31, 1979, took no action and the proposed increases in demurrage charges became effective on February 1, 1979. A–D–M and Fort Howard, in general criticize the inaction by the Commission, argue that protesting shippers were not given the opportunity to review and rebut evidence substantially by the railroads and that an investigation is most appropriate at this time. At the outset it should be noted that formal petitions for administrative review of a decision not to suspend or investigate are not contemplated by the Commission's Rules of Practice. The Commission's decision not to suspend or to investigate was the product of a careful and indpendent evaluation of the evidence submitted by the parties within the framework of the Commission's Rules of Practice. Parties not satisfied by that decision may, of course, always file an appropriate complaint. Nevertheless, we shall treat the requests of A–D–M and Fort Howard as petitions seeking the institution of an investigation. We believe that our comments relating to No. 37137 are equally applicable to A–D–M and Fort Howard. Accordingly, in light of our decision in No. 37137, we shall also deny the petitions seeking the institution of an investigation in Suspension Board Case No. 68867. This is not to be construed as a lack of concern over the problems described on petition. We will closely monitor the situation and will look favorably on a petition for more limited relief as discussed above should circumstances warrant.[3]

It is ordered:

The petition in No. 37137 seeking the institution of a rulemaking proceeding concerning demurrage rules, regulations, and charges is denied without prejudice to refiling at a later date.

The petitions in Suspension Board Case No. 68867 seeking the institution of an investigation into demurrage rules, regulations, and charges are denied.

This decision does not significantly affect the quality of the human environment and is not a major action under the Energy Policy and Conservation Act of 1975.

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

[3] Even if we were to grant the petitions, the burden of proof, as in a complaint case, would still rest with the petitioners.

By the Commission, Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp, and Christian.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-19530 Filed 6-21-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 95]

Motor Carrier Temporary Authority Applications

June 7, 1979

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 2392 (Sub-123TA), filed April 26, 1979. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F St., Omaha, NE 68127. Representative: Keith D. Wheeler, same address as applicant. *Fertilizer solutions, in bulk, in tank*

vehicles, from Columbus, NE to points in IA, KS, and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Getty Refining and Marketing Company, P.O. Box 1650, Tulsa, OK 74102. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 71593 (Sub-28TA), filed April 5, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. 2nd Street, Scotch Plains, NJ 07076. Representative: Peter Wolff, P.O. Box 116, Scranton, PA 18504. *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in the State of California on the one hand, and, on the other, points in the States of KS, LA, MO, OK, and TX, restricted to the transportation of shipments moving on freight forwarder bills of lading, for 180 days. Supporting shipper(s): Coast Carloading Company, 1041 Richmond Street, Los Angeles, CA 90031. Send protests to: Robert E. Johnston, D/S, ICC, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 71593 (Sub-29TA), filed April 5, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 East 2nd Street, Scotch Plains, NJ 07076. Representative: Peter Wolff, P.O. Box 116, Scranton, PA 18504. General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) between Newark, NJ and New York, NY, on the one hand, and, on the other, Meriden, New Haven and Stratford, CT, Auburn, Boston, Brockton, Springfield and Worcester, MA, restricted to the transportation of shipments moving on Freight Forwarder bills of lading for 180 days. Supporting shipper(s): ABC Trans National Transport, Inc., 201–11th Avenue, New York, NY 10001; New England Forwarding Company, Inc., 55 Van Keuren, New Jersey, NJ 07306. Send protests to: Robert E. Johnston, D/S, ICC, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 82492 (Sub-235TA), filed March 9, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle, 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. *Household products and related articles,* except in bulk, from Waxdale, WI to points in the States of MI, OH, Western NY, Western PA. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): S. C. Johnson & Son, Inc., 1525 Howe Street, Racine, WI 53403. Send protests to: C. R. Flemming, D/S, ICC, 225 Federal Building, Lansing, MI 48933.

MC 44932 (Sub-17TA), filed March 30, 1979. Applicant: W. W. YOUNG & SON, INC., 11861 S. Cottage Grove Ave., Chicago, IL 60628. Representative: Jerome J. Netko, same address as applicant. *Scrap iron or steel, in bulk, in dump vehicles,* between Kenosha, Brown, Fond du Lac, Eau Claire, Waupaca, Racine, Walworth, Rock, Green, Dane, Jefferson, Waukesha, Milwaukee, Ozaukee, Washington, Dodge Counties Wisconsin, Chicago, IL commercial zone, Peoria, IL commercial zone, and Danville, IL commercial zone, for 180 days. Supporting shipper(s): Consumers Steel & Supply Co., 17th & Holborn St., Racine, WI; Erman Howell Div., Luria Steel & Trading Corp., 125 S. Wacker Dr., Chicago, IL 60606; Scrap Corporation of America, 666 N. Lakeshore Dr., Chicago, IL 60610. Send protests to: Annie Booker, TA, ICC, 1386 Everett Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 107002 (Sub-551TA), filed April 11, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth (same address as applicant). *Petroleum Naphtha,* in bulk, in tank vehicles, from Greenville, MS to Des Moines, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tenneco Oil Co., P.O. Box 2511, Houston, TX 77001. Send protests to: Alan Tarant, D/S, ICC, Rm. 212, 145 East Amite Bldg., Jackson, MS 39201.

MC 10743 (Sub-1203 TA), filed February 14, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Asphalt,* in bulk, in tank vehicles, from Lima, Ohio to Ennis, TX and Pryor, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Polyguard Products, Inc., P.O. Box 755, Ennis, TX 75119. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.

MC 10743 (Sub-1204 TA), filed March 21, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Dry Petroleum pitch, in bulk, in tank vehicles,* from Lima, OH, to Birmingham, AL, for 180 days. Supporting shipper(s): Boron Oil Co., 314 Midland Bldg., Cleveland, OH 44115. Send protests to: T. M. Esposito, T/A, 600 Arch St., Room 3238, Phila., PA 19106.

MC 10743 (Sub-1205 TA), filed March 23, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Ground limestone, in bulk,* from Whitestone, GA, to Greenville, SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia Marble Co., 2575 Cumberland Pkwy., N.W., Atlanta, GA 30339. Send protests to: T. M. Esposito, T/A, 600 Arch St., Room 3238, Phila., PA 19106.

MC 10743 (Sub-1206 TA), filed March 30, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Industrial lubricants, metal drawing oils and compounds, in bulk, in tank vehicles,* from Detroit, MI to Indianapolis, IN, and Reading, PA, for 180 days. Supporting shipper(s): Emco Chemical, Inc., 4470 Lawton Ave., Detroit, MI 48208. Send protests to: T. M. Esposito, T/A, 600 Arch St., Room 3238, Phila., PA 19106.

MC 107403 (Sub-1207 TA), filed March 21, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Can coating compounds, varnish, paint, paint products, in bulk, in tank vehicles,* from Chicago, IL, to points in GA, IN, IA, MI, MO, MN, OH, PA and WI, for 180 days. Supporting shipper(s): SCM Corp., 900 Union Commerce Bldg., Cleveland, OH 44115. Send protests to: T. M. Esposito, TA, 600 Arch St., Room 3238, Phila., PA 19106.

MC 107403 (Sub-1208 TA), filed April 12, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Ground limestone, in bulk,* from Gantts Quarry, AL to Morristown, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia Marble Co., 2575 Cumberland Pkwy, N.W., Atlanta, GA 30339. Send protests to: T. M. Esposito, TA, 600 Arch St., Room 3238, Phila., PA 19106.

MC 107403 (Sub-1209 TA), filed April 9, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Cement,* from plantsite of Coplay Cement Mfg. Co. at Nazareth, PA to points in CT, DE, MD, NJ, PA, VA, NY, OH, MA, RI, and DC, for 180 days. Supporting shipper(s): Coplay Cement Mfg. Co., Nazareth, PA 18064. Send protests to: T. M. Esposito,

TA, 600 Arch St., Room 3238, Phila., PA 19106.

MC 107403 (Sub-1210 TA), filed April 12, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Maleic anhydride and phthalic anhydride, in bulk, in tank vehicles,* from Neville Island, PA to Bartow, FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Steel Corp., 600 Grant St., Pittsburgh, PA 15230. Send protests to: T. M. Esposito, T/A, 600 Arch St., Room 3238, Phila., PA 19106.

MC 107403 (Sub-1211 TA), filed April 12, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Anhydrous ammonia, in bulk, in tank vehicles,* from Wilder, KY to pts. in OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Landmark, Inc., 35 E. Chestnut St., Columbus, OH 43216. Send protests to: T. M. Esposito, TA, 600 Arch St., Rm. 3238, Phila., PA 19106.

MC 107403 (Sub-1212 TA), filed April 10, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant) *Coke and coke breeze, in bulk, in dump vehicles,* from facilities of Koppers Company, Inc. at Erie, PA and Toledo, OH to all pts. in ME, NH, VT, MA, RI, CT, NY, NJ, DE, MD, DC, VA, WV, PA, OH, KY, IN, MI, IL, WI, MN, IA, and MO, for 180 days. Supporting shipper(s): Koppers Co., Inc., 850 Koppers Bldg., Pittsburgh, PA 15219. Send protests to: T. M. Esposito, TA, 600 Arch St., Rm. 3238, Phila., PA 19106.

MC 114362 (Sub-16TA), filed April 5, 1979. Applicant: ROBERT J. ECKLUND, d.b.a. ECKLUND TRUCKING, P.O. Box 151, Kiester, MN 65051. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. *Feed and feed ingredients* from (1) Red Wing, MN to points in IA and WI; and (2) Minneapolis, MN to points in IA on and south of Interstate Highway 80, for 180 days. Supporting shipper(s): The Pillsbury Company, Manager-Transit and Computer Liaison, 608 Second Avenue South (Mail Sta. M363), Minneapolis, MN 55402. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 115162 (Sub-479 TA), filed April 17, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. DRAWER 500, Evergreen, AL 36401. Representative: Robert E. Tate (P.O. Box Same as Applicant) *Livestock equipment,* (cattle feeders, cattle chutes, hog and cattle scales, gates, corral panels, hog isolets, livestock handling equipment) from Lester Prairie, MN; Duncan, OK; Pittsburgh, KS; and Dodge City, KS, to B & W Feed Service, at or near Lawrence, MS, for 180 days. Supporting shipper(s): B & W Feed Service, P.O. Box 108, Lawrence, MS 39336. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 115162 (Sub-450TA), filed April 11, 1979. Applicant: POOLE TRUCKLINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as Applicant) *(1) Poleline hardware, electrical transmission equipment, parts and transformers* from Centralia and Washington, MO and Houston, TX to points in GA, LA, TX (on and east of Interstate Hwy 35), FL, NC, AL, MS, AR, SC, TN and VA (on and east of Interstate Hwy 95); and (2) *Crane and Derrick Parts* from Houston, TX to Centralia and Grandview, MO. For 180 days. Supporting shipper(s): A. B. Chance Company, 210 North Allen Street, Centralia, MO 65240. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 115322 (Sub-171TA), filed May 4, 1979. Applicant: REDWING REFRIGERATED, INC., 9831 South Orange Avenue, P.O. Box 10177, Taft, FL 32809. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. *Foodstuffs,* from Canajoharie, NY to points in FL for 180 days. Supporting shipper(s): Beech-Nut Foods Corporation, Church Street, Canajoharie, NY 13317. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 115322 (Sub-177TA), filed April 16, 1979. Applicant: REDWING REFRIGERATED, INC., 9831 South Orange Avenue, P.O. Box 10177, Taft, FL 32809. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. *Foodstuffs, viz: sauces, salt, food curing, preserving compounds (not in bulk nor in vehicles requiring mechanical refrigeration)* from facilities of RAGU FOODS, Rochester, NY, to all points in MD, PA, on and east of Route 15, and VA for 180 days. Supporting shipper(s): RAGU FOODS, INC., 33 Benedict Place, Greenwich, CT 06830. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 116073 (Sub-377TA), filed April 27, 1979. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, MN 56560. Representative: John C. Barrett (same address as above). *Travel trailers, 5th wheel travel trailers, tent campers, van conversions and motor homes,* form the plantsite of Travel Equipment Corporation at or near Goshen, IN to points and places in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Travel Equipment Corporation, 64686 U.S. Hwy 33, Goshen, IN 46514. Send protests to: DS, ICC, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 116273 (Sub-228 TA), filed March 29, 1979. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Ave., Cicero, IL 60650. Representative: William R. Lavery, same address. *Liquid Chemicals,* in bulk, in tank vehicles, from Texas City and North Seadrift, TX, to points in AL, IL, IN, MN, MO, OK & WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Carbide Corp., 270 Park Avenue, New York, NY 10017. Send protests to: T/A Annie Booker, Room 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 119493 (Sub-288 TA), filed April 5, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, same as applicant. *Plastic articles and materials and supplies* (except in bulk) used in the manufacture and distribution thereof, between Geneva County, AL and points in the U.S., for 180 days. Supporting shipper(s): Samson Plastic Conduit and Pipe Corporation, 100 Industrial Drive, P.O. Box 325, Samson, AL 36477. Send protests to: John V. Barry, DS, ICC, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 124692 (Sub-281 TA), filed April 23, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, P.O. Box 1680, Fargo, ND 58107. *Pre-fabricated metal buildings, knocked down, component parts, materials and accessories therefor,* from the Spanish Fork, UT Commercial Zone to points in CA, WA, OR, ID, MT, ND, SD, NV, NM, AZ, CO and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kirby Building Systems, 1550 Kirby Lane, Spanish Fork, UT 84660. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, Montana 59101.

MC 12462 (Sub-282 TA), filed April 13, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: James B.

Hovland, P.O. Box 1680, Fargo, ND 58107. *Insulated building and roofing panels,* and *equipment, materials and supplies used in the installation thereof* (except commodities in bulk) from the facilities of Panel Era Corporation at Salt Lake City, UT to points in ND, SD, MT, WY, CO, KS, NM, AZ, ID, CA, MN, WI and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Panel Era Corporation, 1857 South 3850 West, Salt Lake City, UT 84104. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 125433 (Sub-259TA), filed February 20, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). *Aluminum rod* from the plantsite and shipping facilities of the Anaconda Company at or near Columbia Falls, MT to Sycamore, IL, Muskegon, MI and Watkinsville, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anaconda Company, 2700 First National Tower, Louisville, KY. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 127902 (Sub-12TA), filed May 3, 1979. Applicant: DIETZ MOTOR LINES, INC., PO Drawer 1427, Hickory, NC 28601. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th St., NW., Washington, DC 20004. *Tire racks (set up), machinery, and machinery parts* from Hickory, NC to points and places in AL, AR, GA, KY, LA, MS and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Producers Machine & Tool Co., 161 8th St. Dr., SE, Hickory, NC. Send protests to: D/S Terrell Price, 800 Briar Creek Rd.—Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 127902 (Sub-13TA), filed April 19, 1979. Applicant: DIETZ MOTOR LINES, INC., P.O. Box 1427, Hickory, NC 28601. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th St., NW., Washington, DC 20004. *Sugar in bags and packages* from Matthews, LA to points in AL, AR, GA, LA, MS and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The South Coast Corporation, P.O. Box 8036, Houma, LA 70361. Send protests to: Terrell Price, DS, ICC, 800 Briar Creek Rd.—Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 12982 (Sub-46TA), filed March 29, 1979. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, TX 75601. Representative: Fred S. Berry, same as above. *Paper and paper products, materials, supplies and equipment used in the manufacture and distribution thereof (except commodities in bulk),* between the facilities of the Union Camp Corporation at or near Lafayette, LA and points in the States of AR, KS, MS, MO, OK, and TX for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 144572 (Sub-17TA), filed May 7, 1979. Applicant: MONFORT TRANSPORTATION CO., P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717—17th Street, Suite 2600, Denver, CO 80202. *Plastic and Rubber Articles; Plastic and Rubber Articles with wire; and displays,* from facilities of Rubbermaid, Inc. at Wooster, OH to Denver, CO, for 180 days. An underlying ETA seeks authority for 90 days. Supporting shipper(s): Rubbermaid, Inc., 1147 Akron Road, Wooster, OH 44691. Send protests to: District Supervisor R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 135762 (Sub-2TA), filed April 13, 1979. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, 6004 Highway 271 S, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. *Major appliances and home entertainment products* (including, but not limited to washers, dryers, refrigerators, ovens, dishwashers, freezers, air conditioners, television receivers and sets, stereo systems, radios), from points in the states of GA, IA, MN, MI, NC, NJ, TN, and TX, to points in AR (the service to be performed under a continuing contract with Burney-Neal Distributors, Incorporated, of North Little Rock, AR), for 180 days as a contract carrier over irregular routes. Supporting shipper(s): Burney-Neal Distributors, Incorporated, P.O. Box 5231, North Little Rock, AR 72114. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 136123 (Sub-6TA), filed April 23, 1979. Applicant: MEAT DISPATCH, INC., 2103 Seventeenth St., East, Palmetto, FL 33561. Representative: Donald W. Smith, Suite 945–9000 Keystone Crossing, Indianapolis, IN 46240. *Meat* from the facilities of Wilson Foods Corp. at Logansport, IN to points in TX and OK for 180 days. Supporting shipper(s): Wilson Foods Corporation, 4545 North Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: Donna M. Jones, T/A, ICC, Suite 101, 8410 N.W. 53rd Terr., Miami, FL 33166.

MC 139353 (Sub-8TA), filed May 2, 1979. Applicant: DAVIE TRUCKERS, INC., Rt. 1, Advance, NC 27006. Representative: W. P. Sandridge Jr., 2400 Wachovia Building, PO Drawer 84, Winston-Salem, NC 27102. *Contract* Carrier-Irregular routes; *Potato and corn waste by-products and other food by-products except in bulk in tank vehicles* from the facilities of Frito-Lay in Charlotte, NC to points in SC, VA and GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Pillsbury company, 608 2nd Ave., South, Minneapolis, MN 55402. Send protests to: D/S Terrell price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 139482 (Sub-118TA), filed April 16, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein/David Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Bakery goods, other than frozen,* (1) from the facilities of Interbake Foods Inc., at Richmond, VA to points in AL, AR, CT, FL, GA, IL, IN, IA, KS, KY, LA, ME, MA, MI, MN, MS, NE, ND, OH, OK, PA, RI, SD, TN, TX and WI; (2) from the facilities of Interbake Foods Inc., at Battle Creek, MI to points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, KS, KY, LA, MN, MS, MO, NE, NM, ND, OH, OK, SC, SD, TN, TX and WI; and (3) from the facilities of Interbake Foods Inc., at North Sioux City, SD to points in the United States (except AK and HI), for 180 days. Supporting shipper(s): Interbake Foods Inc., P.O. Box 27487, Richmond, VA 23261. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 139482 (Sub-119TA), filed April 18, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein/David Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Candy or confectionery, and bakery goods,* between Milwaukee, WI, Chicago, IL, Philadelphia, PA, Boston, MA, Atlanta, GA, Dallas, TX, New Orleans, LA, and Los Angeles, CA, for 180 days. Supporting shipper(s): Ward Johnston Co., Inc., No. 2 Pennsylvania Plaza, New York City, NY 10001. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 144672 (Sub-11TA), filed April 11, 1979. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Ave., Dayton, OH 45426. Representative: Richard H. Schaefer (same as applicant). *Scrap paper,* from points in DC, GA, IL, IN, IA, KY, MD, MI, MN, MO, NY, OH, PA, TN and VA to West Carrollton, OH, and Neenah, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bergstrom Paper, Division of P. H. Glatfelter, Dan E. Sauve, Traffic Manager, Bergstrom Road, Neenah, WI 54956. Send protests to: Bureau of Operations, ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Room 63238, Philadelphia, PA 19106.

MC 144672 (Sub-12TA), filed April 6, 1979. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Ave., Trotwood, OH 45426. Representative: Richard H. Schaefer (same as applicant). *Insulation and materials and supplies used in the manufacture of insulation,* between Laredo, TX, and points in the U.S., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Goodtemp Corporation, Felipe Berckemeyer, Plant Manager, 13 Bedford, Laredo, TX 78041. Send protests to: Bureau of Operations, ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Room 63238, Philadelphia, PA 19106.

MC 144682 (Sub-11TA), filed April 3, 1979. Applicant: R. R. STANLEY, P.O. Box 95, Mesquite, TX 75149. Representative: D. Paul Stafford, Winkle and Wells, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245. *Clay glaze tile,* from Dallas, TX to points in the United States (except AK and HI) for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Dallas Ceramics Company, 7834 Hawn Freeway, Dallas, TX 75217. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 144713 (Sub-3TA), filed April 20, 1979. Applicant: HAULMARK TRANSFER, INC., 1100 N. Macon St., Baltimore, MD 21205. Representative: Glenn M. Heagerty (same as above). *Contract:* Irregular routes: *Such commodities as are dealt in by drug, variety, and food stores (except in bulk),* from Chicago, IL and Hammond, IN to Baltimore, MD and Secaucus, NJ, under continuing contract or contracts with Lever Brothers Company, New York, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Donald L. Hamm, Lever Brothers Company, 390 Park Ave., New York, NY 10022. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 144842 (Sub-4TA), filed April 24, 1979. Applicant: CLIFFORD L. RIGGINS, dba RIGGINS TRUCKING, 1004 West Maple Street, Springdale, AR 72764. Representative: Nancy Pyeatt, 815 15th Street, NW., Washington, D.C. 20005. *Drugs, animal feed supplements, chemicals, acids, sugar, toilet preparations,* and related *printed matter* (except in bulk), from the facilities of Hoffmann-LaRoche, Inc., as Belvedere, Branchburg, and Nutley, NJ, to San Leandro, Fresno, and Vernon, CA; Des Plaines, IL; Ames, IA; Dallas and Fort Worth, TX, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Hoffmann-LaRoche, Inc., 340 Kingsland Rd., Nutley, NJ 07110. Send protests to: William H. Land, Jr., D/S, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145102 (Sub-28TA), filed April 27, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Cleaning solutions and such commodities as are manufactured, processed, sold, used, distributed or dealt in by manufacturers, converters and printers of paper and paper products* (except commodities in bulk) from facilities of Bay West Paper Co., Div. of Mosinee Paper Corp., at or near Green Bay, WI and from facilities of Mosinee Paper Corp., at or near Mosinee, WI and Columbus, WI to points in AZ, CA, NV, NM, OR, UT, WA, MT, WY, CO & ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bay West Paper Co., Div. of Moinsee Paper Corp., 1100 W. Mason St., Green Bay, WI 54303. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145152 (Sub-73TA), filed April 24, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) *Paper printed products,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, from Ashdown, AR to Adrian, MI; and from Adrian, MI to Chicago, IL and Cleveland, OH, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Uarco, Inc., 1357 Division Street, Adrian, MI 49221. Send protests to: William H. Land, Jr., D/S, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145583 (Sub-2TA), filed March 30, 1979. Applicant: XPRESS TRUCK LINES, INC., 4325 Bath St., Phila., PA 19137. Representative: Anthony A. Cerone (same address as applicant). *General Commodities, except household goods, Class A & B explosives, and commodities in bulk, having a prior or subsequent movement by rail or water* between points in PA, DE, CT, NY, NJ, MD, points in VA within 250 miles of Phila., PA and the District of Columbia, for 180 days. Supporting shipper(s): Florida-Texas Freight, Inc., 11405 NW 36 Ave., Miami, FL 33167. Superior Tea & Coffee Co., 2700 Lively Blvd., Elk Grove Village, IL 60007. Bacardi Imports, Inc., 2100 Biscayne Blvd., Miami, FL 33137. Send protests to: T. M. Esposito, TA, ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 145763 (Sub-3TA), filed April 19, 1979. Applicant: INTER-COASTAL, INC., 131 Beaverbrook Road, Lincoln Park, NJ 07035. Representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Foods, Foodstuffs and food curing and preserving compounds* (except in bulk or in vehicles requiring mechanical refrigeration), from the facilities of Ragu Foods in or near Rochester, NY to points in MD, VA and those in PA on and East of US Route 15, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ragu Foods, Inc., 33 Benedict Place, Greenwich, CT 06830. Send protests to: Joel Morrows, D/S, ICC, 9 Clinton St., Newark, NJ 07102.

MC 146552 (Sub-1TA), filed February 26, 1979. Applicant: KENNETH LEE UTKE, 7530 South Harlem Avenue, Bridgeview, IL 60455, P.O. Box 78, Palos Heights, IL 60463. Representative: Patrick H. Smyth, 19 South LaSalle Street, Suite 521, Chicago, IL 60603. Contract-irregular, *(1) Such commodities as are dealt in by applicance manufacturers, (2) equipment, materials and supplies of #1 above, and (3) commercial paper, documents and written instruments,* between Chicago, Peoria and Rockford, IL and their commercial zones on the one hand, and on the other those points in WI beginning at the WI–IL border on WI Hwy. 78, then on and east of WI Hwy. 78 to U.S. Hwy. 51, then on and east of U.S. Hwy. 51 to WI Hwy. 54, then on and south of WI Hwy. 54 to Algoma, WI; those points in IA beginning at the Mississippi River on U.S. Hwy. 18, then on and south of U.S. Hwy. 18 to IA Hwy. 14, then on and east of IA Hwy. 14 to IA Hwy. 175, then on and north of IA Hwy. 175 to U.S. Hwy. 63, then on and east of U.S. Hwy. 63 to the IA–MO border;

those points in IN beginning at the IN–IL border on U.S. Hwy. 24, then on and north of U.S. Hwy. 24 to IN Hwy. 9, then on and west of IN Hwy. 9 to the MI–IN border; and those points in MI beginning at the MI–IN border on MI Hwy. 66, then on and west of MI Hwy. 66 to MI Hwy. 96, then on and south of MI Hwy. 96 to MI Hwy. 43, then on and south of MI Hwy. 43 to on and near South Haven, MI, for for 180 days. Operations authorized above are restricted against the transportation of commodities in bulk and are under a continuing contract or contracts with General Electric Company. Supporting shipper(s): General Electric Company, 5600 West 73rd Street, Chicago, IL 60638. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 146582 (Sub-2TA), filed March 23, 1979. Applicant: JOHN SHERECK, dba JOHN SHERECK & SONS, 351 East 5th Street, Grafton, ND 58237. Representative: Richard P. Anderson, 502 First National bank Bldg., Fargo, ND 58126. (1) *Non-alcoholic beverages*, from the facilities of Poppe Shoppe, Inc., at or near Duluth, MN to Grafton, ND, and (2) *Empty beverage containers*, from Grafton, ND to the facilities of Poppe Shoppe, Inc., at or near Duluth, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wally's Fairway Foods, Inc., Grafton, ND 58237. Send protests to: DS, ICC, Bureau of Operations, Room 268, Fed. Bldg. and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 146713 filed March 30, 1979. Applicant: BEATTIE & SANGER, INC., Rt. 10, Box 361, Yakima, WA 98903. Representative: Richard L. Wiehl, Attorney at Law, P.O. Box 526, Yakima, WA 98907. Contract, irregular, *heavy machinery* between Yakima, Pasco and Walla Walla, WA on the one hand, and on the other, points in Umatilla, Wheeler, Gilliam and Morrow counties, OR for 180 days. A permanent application will be filed within 30 days of the grant of this application. Supporting shipper(s): Inland Machinery Co., P.O. Box 1669, Yakima, WA 98907. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 146793 (Sub-1 TA), filed April 18, 1979. Applicant: BISHOP BROTHERS HAULING, INC., 200 18th Avenue, Jasper, AL 35501. Representative: Robert S. Richard, P.O. Box 2069, Montgomery, AL 36103. Contract, irregular: *Dragline components and shovel components, the transportation of which because of size or weight requires the use of special equipment*, between points in WI, IN, ID, OH, AL, KY, TN, IL, PA, WV, VA, WY, AZ, NM, SC, NC, GA, FL, TX, AR, OK, MO, CO, and UT, pursuant to continuing contract with Bishop Machinery Erectors, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bishop Machinery Erectors, Inc., 200 18th Avenue, Jasper, AL 35501. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 146802 (Sub-1TA), filed April 18, 1979. Applicant: C.E.D. TRANSPORTATION, INC., 2913 Andoria Court, Baltimore, MD 21234. Representative: Francis W. McInerny, 1000 16th St., NW., Washington, DC 20036. *Contract* carrier: irregular routes: *Stone Granules and Stone Dust*, from Adams County, PA to Baltimore, MD, under a continuing contract or contracts with GAF Corporation, Wayne, NJ., for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): George A. Erath, GTM, GAF Corporation, 1361 Alps Road, Wayne, NJ 07470. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

By the Commission.

H. G. Homme, Jr.,

Secretary

[FR Doc. 79-19536 Filed 6-21-79; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 78]

Permanent Authority Applications; Decision-Notice

Decided: May 31, 1979.

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). For applications filed before March 1, 1979, these rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Failure to file protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and

the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed on or before July 23, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

H. G. Homme, Jr.,

Secretary.

MC 2229 (Sub-204F), filed February 26, 1979, published in the **Federal Register** of May 18, 1979, and republished this issue. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Jackie Hill (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, 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 Waco and San Antonio, TX, over Interstate Hwy 35, serving all intermediate points and serving the off-route point of Killeen, TX, (2) between Houston and San Antonio, TX, over Interstate Hwy 10, serving no intermediate points, (3) between Houston and Austin, TX, over U.S. Hwy 290, serving no intermediate points, (4) between San Antonio, TX, and Los Angeles, CA, from San Antonio over Interstate Hwy 10 to junction U.S. Hwy 290, then over U.S. Hwy 290, (or Interstate Hwy 10), to junction U.S. Hwy 80, then over U.S. Hwy 80 (or Interstate Hwy 10) to Phoenix, AZ, then over U.S. Hwy 60 (or Interstate Hwy 10) to Los Angeles, and return over the same route, serving no intermediate points, and serving junction Interstate Hwy 10 and U.S. Hwy 290 for the purpose of joinder only, and (5) between Austin, TX, and junction U.S. Hwy 290 and Interstate Hwy 10, over U.S. Hwy 290, serving no intermediate points, but serving junction Interstate Hwy 10 and U.S. Hwy 290 for the purpose of joinder only. (Hearing site: San Antonio or Austin, TX)

Note.—Applicant intends to tack this authority with its existing regular-route operations.

MC 7698 (Sub-13F), filed January 27, 1979, previously noticed in the **Federal Register** Issue of March 27, 1979. Applicant: FOWLER & WILLIAMS, INC., 1300 Meylert Avenue, Scranton, PA 18501. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *gypsum and gypsum products*, and (b) *materials, equipment, and supplies* used in the manufacture, installation and distribution of the commodities in (1)(a) above, between Akron and Buchanan, NY, Milford, VA, and Wilmington, DE, on the one hand, and, on the other points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, and DC, and (2)(a) *building materials*, and (b) *materials, equipment, and supplies* used in the manufacture, installation, and distribution of the commodities in (2)(a) above, between Quakertown, PA, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, and DC. (Hearing site: Scranton, PA.) This republication broadens the Territorial description.

MC 140059 (Sub-5F), filed February 5, 1979. Applicant: B. J. TRUCKLINES, INC., 598 West Clark Street, Grantsville, UT 84029. Representative: Robert C. Petersen (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dairy products and such commodities* as are used in the manufacture of dairy products, from Greeley and Englewood, CO, to Orem, Salt Lake City, and Ogden, UT, and Reno and Genoa, NV, under continuing contract(s) with Beatrice Foods Co., of Chicago, IL. (Hearing site: Salt Lake City, UT.)

MC 143059 (Sub-41F), filed January 8, 1979, previously noticed in the **Federal Register** issue of March 13, 1979. Applicant: MERCER TRANSPORTATION CO., a Texas Corporation, P.O. Box 35610, Louisville, KY 40232. Representative: J. L. Stone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber products*, between the facilities of Timber Wholesalers, in Kandiyohi County, MN, on the one hand, and, on the other, points in AR, IL, IN, IA, MI, MN, MO, NE, ND, SD, and WI. (Hearing site: Louisville, KY, or Washington, DC.)

Note.—This republication substitutes the facilities of Timber Wholesalers, in Kandiyohi County, MN, for points in Clara County, MN.

MC 145469 (Sub-1F), filed February 5, 1979. Applicant: CUSTOM TRUCK BROKERS, INC., 4117 Donnybrook Place, Charlotte, NC 28205. Representative: Franklin R. Plummer, 51 Means Avenue, Southeast, Concord, NC 28025. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic pipes and fittings*, fron the facilities of Eslon Themaplastics, Inc., at Pineville, NC, to points in AL, AR, CO, CT, DE, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC, under continuing contract(s) with Eslon Thermaplastics, Inc., of Pineville, NC. (Hearing site: Charlotte, NC.)

MC 146078 (Sub-2F), filed January 12, 1979. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 394, Malvern, AR 72104. Representative: Thomas W. Bartholomew (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodites*, (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in MA, RI, ME, NH, NY, CT, PA, and VT, on the one hand, and, on the other, points in the United States

(except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of New England Shipping Association Cooperative. (Hearing site: Boston, MA, or Little Rock, AR.)

Note.—Dual operations may be involved.

[FR Doc. 79-15527 Filed 6-21-79; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 71]

Permanent Authority Applications; Decision-Notice

Decided: May 17, 1979.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed on or before July 23, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

H. G. Homme, Jr.,

Secretary.

MC 8958 (Sub-33F), filed March 2, 1979. Applicant: THE YOUNGSTOWN CARTAGE CO., a corporation, 825 West Federal Street, Youngstown, OH 44501. Representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *metal and metal products,* (b) *machinery and machinery parts,* and (c) *salt and salt products,* (except commodities in bulk), (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), and (3) *Contractors' and builders' material, equipment, and supplies,* (except commodities in bulk), between points in AL, FL, GA, IL, IN, KY, MD, NJ, NY, NC, OH, PA, SC, TN, VA, and WV. (Hearing site: Columbus, OH, or Washington, DC.)

MC 21779 (Sub-8F), filed March 13, 1979. Applicant: J. P. GRAHAM TRANSFER, INC., 429 Constitution Boulevard, Fallston, PA 15066. Representative: John A. Vuono, 2310

Grant Building, Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of Moltrup Steel Products Company, at Beaver Falls, PA, to points in IL, IN, KY, MI, NY, OH, TN, and those points in WI on and south of a line beginning at the IA-WI State line and extending along U.S. Hwy 18 to Prairie du Chien, WI, then over WI Hwy 60 to Grafton, WI, and then east over an imaginary line to Lake Michigan, and (2) *commodities* used in the manufacture, distribution, and sale of iron and steel articles, in the reverse direction. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 25798 (Sub-372F), filed March 15, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs*, from Plymouth, IN, to points in AL, GA, NC, and SC; and (2) *cheese, cheese products, and synthetic cheese*, from Carthage and Monett, MO, to points in AL, AR, FL, GA, MS, NC, SC, and TN. (Hearing site: Chicago, IL, or Tampa, FL.)

MC 29079 (Sub-99F), filed March 16, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, Kokomo, IN 46901. Representative: Richard H. Streeter, 1729 H. St., NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *boilers, furnaces, and water heaters*, from the facilities of A. O. Smith Corp., at or near Knakakee, IL, to points in IN, KY, NY, PA, VA, WV, and WI, and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)*, in the reverse direction. (Hearing site: Washington, DC.)

MC 37248 (Sub-25F), filed March 15, 1979. Applicant: VIRGINIA-CAROLINA FREIGHT LINES, INC., V–C Dr., P.O. Box 4988, Martinsville, VA 24112. Representative: N. Oakley Lewis, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper articles*, (except commodities in bulk), from the facilities of The Mead Corporation, at or near Kingsport and Gray, TN, to points in DE, MD, PA, and WV, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, D.C.)

MC 40978 (Sub-57F), filed March 16, 1979. Applicant: CHAIR CITY MOTOR EXPRESS CO., a Corporation, 3321 Business 141 South, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 N. Plankinton, Ave., Milwaukee, WI 53203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture and fixtures*, from Menominee, MI, to points in IA, IL, IN, KY, MI, MN, MO, OH, WI, and the Lower Peninsula of MI. (Hearing site: Milwaukee, WI.)

MC 41098 (Sub-46F), filed March 15, 1979. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *copying machines*, in mixed loads with the commodities named in (2), and (2) *materials, supplies, parts, and accessories used in the manufacture, distribution, or installation of the commodities named in (1)*, (a) from the facilities of Xerox Corp., at or near Webster, NY, to points in NJ, and (b) from points in NJ, to the facilities of Xerox Corp., at or near Rochester, NY. (Hearing site: Rochester, NY.)

MC 41849 (Sub-44F), filed March 19, 1979. Applicant: KEIGHTLEY BROS., INC., 3675 Chouteau Avenue, St. Louis, MO 63110. Representative: Partick M. Browne (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of foundry and moulding sand, and (2) *coal and materials, equipment, and supplies* used in the manufacture and distribution, of coal, between St. Louis, MO, on the one hand, and, on the other, points in AL, AR, GA, IL, IA, IN, KS, KY, LA, MI, MN, MS, MO, NE, OK, OH, TN, TX, and WI. (Hearing site: St. Louis, MO.)

MC 48958 (Sub-175F), filed March 19, 1979. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 E. 51st Ave., P.O. Box 16404, Denver, CO 80216. Representative: Lee E. Lucero (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by grocery and food business houses*, from Lafayette, IN, to points in AZ, CA, NV, and UT. (Hearing site: Chicago, IL.)

MC 56679 (Sub-113F), filed March 15, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW, Atlanta, GA 30310. Representative: Leonard S. Cassell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between New Bern, NC, and Norfolk, VA, from New Bern over US Hwy 17 to junction US Hwy 13, then over US Hwy 13 to Norfolk, and return over the same route, and (2) between Sanford, NC, and Norfolk, VA, from Sanford over US Hwy 1 to Raleigh, NC, then over US Hwy 64 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Roanoke Rapids, NC, then over US Hwy 158 to junction US Hwy 258, then over US Hwy 258 to junction US Hwy 58, then over US Hwy 58 to Norfolk, and return over the same route, serving in (1) and (2) above, all intermediate points. (Hearing site: Norfolk, VA, or Wilmington, NC.)

MC 57239 (Sub-44F), filed March 16, 1979. Applicant: RENNER'S EXPRESS, INC., 1350 S. West St., Indianapolis, IN 46225. Representative: Rudy Yessin, 314 Wilkinson St., Frankfort, KY 40601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, 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 Fort Campbell Military Reservation, KY/TN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Frankfort or Louisville, KY.)

MC 61788 (Sub-37F), filed March 16, 1979. Applicant: GEORGIA-FLORIDA-ALABAMA TRANSPORTATION CO., a Corporation, P.O. Box 2268, Dothan, AL 36301. Representative: Maurice F. Bishop, 601–09 Frank Nelson Bldg., Birmingham, AL 35203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dothan, AL, and Troy, AL, over

US Hwy 231, serving all intermediate points. CONDITION: Prior or coincidental cancellation, at applicant's written request, of Certificate No. MC–61788 Sub. 30. (Hearing site: Birmingham or Montgomery, AL.)

Note.—Applicant intends to tack this authority to others.

MC 71478 (Sub-44F), filed March 19, 1979. Applicant: THE CHIEF FREIGHT LINES CO., a Corporation, 2401 North Harvard Ave., Tulsa, OK 74115. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, 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 the Black Fox Nuclear Station, at Inola, OK, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Tulsa, OK.)

MC 71478 (Sub-45F), filed March 19, 1979. Applicant: THE CHIEF FREIGHT LINES CO., a Corporation, 2401 N. Harvard Ave., Tulsa, OK 74115. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dallas, TX, and, Houston, TX, over Interstate Hwy 45, serving no intermediate points. (Hearing site: Tulsa, OK.)

Note.—Applicant intends to tack this authority to others.

MC 80428 (Sub-95F), filed March 15, 1979. Applicant: McBRIDE TRANSPORTATION, INC., P.O. Box 430, Goshen, NY 10924. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *vinegar*, in bulk, in tank vehicles, from New York, NY, to Milton, PA. (Hearing site: New York, NY.)

MC 88818 (Sub-5F), filed March 15, 1979. Applicant: MAYNARD T. WEDUL, d.b.a. WEDUL TRUCK LINE, P.O. Box 293, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry fertilizer*, in bulk, from Minneapolis, MN, to points in ND. (Hearing site: St. Paul, MN.)

MC 106398 (Sub-873F), filed March 19, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plywood, composition board, and paneling*, from the facilities of Plywood Panels, Inc., at New Orleans, LA, to points in AL, FL, GA, IN, MS, NC, OK, SC, TN, TX, and VA. (Hearing site: New Orleans, LA, or Mobile, AL.)

MC 107818 (Sub-98F), filed March 15, 1979. Applicant: GREENSTEIN TRUCKING CO., a corporation, 280 N.W. 12th Avenue, Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and food business houses, and drug and discount stores, from the facilities of S. C. Johnson & Son, Inc., at or near Waxdale and Racine, WI, to points in FL, GA, NC, and SC. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 110988 (Sub-384F), filed March 19, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in bulk, from Kalamazoo, MI, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 113089 (Sub-12F), filed March 15, 1979. Applicant: ED GALIGHER, P.O. Box 113, Bowerston, OH 44685. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridges St., Dublin, OH 43017. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *clay products, and materials and supplies used in the manufacture or distribution of clay products*, between Bowerston, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Bowerston Shale Company, of Bowerston, OH; and (2) *earthenware, and materials and supplies used in the manufacture or distribution of earthenware*, between Scio, OH, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with Scio Pottery Company, of Scio, OH. (Hearing site: Columbus, OH.)

MC 113459 (Sub-130F), filed March 14, 1979. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, OK 73143. Representative: James W. Hightower, First Continental Bank Bldg., Suite 301, Dallas, TX 75237. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Springfield, MO, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO, or Dallas, TX.)

MC 113459 (Sub-131F), filed March 14, 1979. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, OK 73143. Representative: James W. Hightower, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237. To operate as a *common carrier*, by motor vehicles, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *commodities*, the transportation of which because of size or weight, requires the use of special equipment, (b) *self-propelled articles* weighing 15,000 lbs. or more, and (c) *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, 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 thereof, between points in PA, on the one hand, and, on the other, points in TX, OK, KS, LA, CO, and NM; and (2)(a) *commodities*, the transportation of which because of size or weight, requires the use of special equipment, and (b) *self-propelled articles* weighing 15,000 lbs. or more, from points in AR, LA, OK, and TX to points in OH. (Hearing site: Tulsa, OK, or Dallas, TX.)

MC 113678 (Sub-786F), filed March 14, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by

manufacturers of glass and glass products, between points in IN, OH, PA, and WV, on the one hand, and, on the other, points in AZ, AR, CA, ID, IA, KS, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY, restricted to the transportation of traffic originating at or destined to the facilities of (a) Anchor Hocking Corp., or (b) Phoenix Glass Company. (Hearing site: Columbus, OH.)

MC 114569 (Sub-294F), filed March 19, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cleaning compounds*, in vehicles equipped with mechanical refrigeration, between the facilities of U.S. Chemical Corp., at Watertown and Milwaukee, WI, one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Milwaukee, WI, or Washington, DC.)

MC 117068 (Sub-111F), filed March 13, 1979. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, MN 55901. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Nucor Steel Company, at Jewett, TX, to points in NE, SD, ND, MN, IA, WI, CO, KS, AR, OK, MO, IL, IN, and MI. (Hearing site: Dallas, TX.)

MC 118089 (Sub-32F), filed March 19, 1979. Applicant: ROBERT HEATH TRUCKING, INC., 2909 Avenue C, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articels 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), fromthe facilities of John Morrell & Co., at or near Amarillo, TX, to points in NV, UT, ID, and MT, restricted to the transportation of traffic originating at the facilities of John Morrell & Co. (Hearing site: Chicago, IL, or Lubbock, TX.)

Note.—Dual operations may be involved.

MC 118159 (Sub-324F), filed March 19, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by manufacturers of footwear, from the facilities of Suave Shoes, in Dade County, FL, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, restricted to the transportation of traffic originating at or destined to the facilities of Suave Shoes. (Hearing site: S Atlanta, GA.)

MC 119619 (Sub-132F), filed March 19, 1979. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 W. 43rd Street, Chicago, IL 60609. Representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, NY 11368. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, 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, from points in CT, DE, MD, MA, NJ, NY, RI, DC, and those points in PA on and east of U.S. Hwy 15, to points in IA, KS, MO, and NE. (Hearing site: New York, NY, or Washington, DC.)

MC 119988 (Sub-190F), filed March 12, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *adhesives, sealants, solvents, stains, and wood preservatives*, (except commodities in bulk), and (2) *materials, equipment, supplies, and accessories* used in the distribution, installation, and maintenance of floors, walls, and floor and wall coverings, (except commodities in bulk), between the facilities of Roberts Consolidated Industries, at (a) Kalamazoo, MI, and (b) Dayton, OH, on the one hand, and, on the other points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 119988 (Sub-191F), filed March 13, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *adhesives, sealants, solvents, stains, and wood preservatives*, (except commodities in bulk), and (2) *materials, equipment, supplies, and accessories* used in the distribution, installation, and maintenance of floors, walls, and floor and wall coverings, (except commodities in bulk), between the facilities of Roberts Consolidated Industries, (a) at Vancouver, WA, and (b) in Los Angeles County, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 119988 (Sub-196F), filed March 19, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, (1) from Neosho, MO, to points in AR, CO, IA KS, LA, MS, NM, OK, TN, and TX, and (2) between Neosho, MO, on the one hand, and, on the other, Greenville, IL. (Hearing site: Kansas City, MO, or Dallas, TX.)

MC 120028 (Sub-15F), filed March 15, 1979. Applicant: CRAW CARTING, INC., 160 Despatch Dr., P.O. Box 267, East Rochester, NY 14445. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Buffalo, Rochester, and Syracuse, NY, on the one hand, and, on the other, points in Allegany, Cattaraugus, Cayuga, Chautauqua, Onondaga, Oswego, Seneca, Steuben, and Yates Counties, NY, restricted to the transportation of traffic having an immediately prior or subsequent movement by rail. (Hearing site: Rochester or Buffalo, NY.)

MC 121658 (Sub-17F), filed March 19, 1979. Applicant: STEVE D. THOMPSON, INC., 1205 Percy St., Winnsboro, LA 71295. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes,

transporting *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds,* (except commodities in bulk, in tank vehicles), *and filters,* from points in Warren County, MS, to Dallas and Fort Worth, TX, Little Rock, AR, Memphis, TN, and points in LA, restricted to the transportation of traffic originating at the facilites of Quaker State Oil Refining Corp., in Warren County, MS. (Hearing site: Washington, DC, or Jackson, MS.)

MC 124078 (Sub-953F), filed March 19, 1979. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th St., Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lime, limestone, and limestone products,* in bulk, from the facilities of National Lime & Stone Company, in Delaware County, OH, to points in IL, IN, KY, PA, and WV. (Hearing site: Columbus, OH.)

MC 128539 (Sub-12F), filed March 19, 1979. Applicant: EAGLE TRANSPORT CORPORATION, P.O. Box 4508, Rocky Mount, NC 27801. Representative: Robert J. Corber, 1747 Pennsylvania Ave, NW, Suite 1050, Washington, DC 20006. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sulphate black liquor,* from points in NC to points in SC. (Hearing site: Washington, DC, or Raleigh, NC.)

MC 134328 (Sub-7F), filed March 12, 1979. Applicant: D & G TRUCKING CO., INC., P.O. Box 1004, Wynne, AR 72396. Representative: James N. Clay III, 2700 Sterick Building, Memphis, TN 38103. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wood products and such commodities* as are dealt in or used by manufacturers of electric appliances and electric equipment, between Forrest City, AR, Edinburg, IN, on the one hand, and, on the other, points in the United States, (except AK and HI), under continuing contract(s) with Sanyo Manufacturing Corporation, of Forrest City, AR. (Hearing site: Memphis, TN.)

MC 135598 (Sub-21F), filed February 2, 1979, previously noticed in the FR issue of April 20, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper articles,* from the facilities of Packaging Corporation of America, at (a) Chicago, IL, (b) Griffith, Indianapolis, and Vincennes, IN, (c) Marshalltown, IA, (d) Kansas City, KS, (e) Bridgeton, Kansas City, and St. Louis, MO, (f) Jackson and Nashville, TN, (g) Omaha, NE, and (h) Burlington, WI, to points in IL, IN, IA, KS, KY, MO, NE, TN, and WI, restricted to the transportation of traffic originating at the named facilities; and (2) *materials and supplies used in the manufacture or distribution of the commodities named in (1),* (except commodities in bulk), in the reverse direction, restricted to the transportation of traffic destined to the named facilities. (Hearing site: Chicago, IL.)

Note.—This republication changes "Brighton, MO" to "Bridgeton, MO."

MC 136828 (Sub-28F), filed March 19, 1979. Applicant: COOK TRANSPORTS, INC., 214 S. Tenth St., Birmingham, AL 35233. Representative: Ocie Cook, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are used in the manufacture, distribution, installation, maintenance, or dismantling of air, water, and sewage systems,* between Buckhannon, WV, Bensenville, IL, Oskaloosa, IA, Columbia, MO, and Richwood, KY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Birmingham or Montgomery, AL.)

MC 136899 (Sub-32F), filed March 15, 1979. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 192, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *snow removal, lawn, and garden equipment,* and (b) *parts, attachments, and accessories* for the commodities in (1)(a) above, from Brillion, New Holstein, and Plymouth, WI, to points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, and SD; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Madison or Fond du Lac, WI.)

MC 136899 (Sub-33F), filed March 19, 1979. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 192, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by retail department stores and catalog stores, (except commodities in bulk), from Hermansville, MI, Cincinnati and Harrison, OH, and points in WI, to New Stanton, and Belle Vernon, PA, and points in MO, TX, OH, IL, IN, IA, MN, OK, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Montgomery Ward & Co., Incorporated. (Hearing site: Chicago, IL, or Madison, WI.)

MC 138109 (Sub-2F), filed March 14, 1979. Applicant: RAY J. FORNEY, INC., P.O. Box 207, Ashton, IL 61006. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by grocery and food business houses, and (2) *materials ingredients, and supplies* used in the manufacture, distribution, and sale of the commodities in (1) above, (except commodities in bulk) between the facilities of Ralston Purina Company, at or near Clinton and Davenport, IA, on the one hand, and, on the other, points in IL, IN, KY, MI, MN, MO, NY, OH, PA, and WI, under continuing contract(s) with Ralston Purina Company, of St. Louis, MO. (Hearing site: St. Louis, MO.)

MC 138109 (Sub-3F), filed March 16, 1979. Applicant: RAY J. FORNEY, INC., P.O. Box 207, Ashton, IL 61006. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *salt, salt products, pepper, and food seasoning compounds,* (except commodities in bulk), and (2) *materials, equipment, and supplies used in the manufacture and distribution of the commodities named in (1),* (except commodities in bulk), between the facilities of Morton Salt Company, division of Morton-Norwich Incorporated, at or near Rittman, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Morton Salt Company, Division Morton-Norwich Incorporated, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 138109 (Sub-4F), filed March 16, 1979. Applicant: RAY J. FORNEY, INC., P.O. Box 207, Ashton, IL 61006. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To

operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *salt, salt products, pepper, and food seasoning compounds*, (except commodities in bulk), and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)*, (except commodities in bulk), between the facilities of Morton Salt Company, Division of Morton-Norwich Incorporated, at or near Hutchinson, KS, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Morton Salt Company, Division of Morton-Norwich Incorporated, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 138109 (Sub-5F), filed March 19, 1979. Applicant: RAY J. FORNEY, INC., P.O. Box 207, Ashton, IL 61006. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *salt, salt products, pepper, and food seasoning compounds*, (except commodities in bulk), and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)*, (except commodities in bulk), between the facilities of Morton Salt Company, Division of Morton-Norwich, Inc., at or near Silver Springs, NY, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Morton Salt Company, Division of Morton-Norwich, Inc., of Chicago, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 138109 (Sub-6F), filed March 19, 1979. Applicant: RAY J. FORNEY, INC., P.O. Box 207, Ashton, IL 61006. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *salt, salt products, pepper, and food seasoning compounds*, (except commodities in bulk), and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)*, (except commodities in bulk), from the facilities of Morton Salt Company, Division of Morton-Norwich, Incorporated, at or near Grand Saline, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Morton Salt Company, Division of Morton-Norwich, Incorporated, of Chicago, Il. (Hearing site: Chicago, IL.)

MC 138328 (Sub-85F), filed March 14, 1979. Applicant: CLARENCE L. WERNER d.b.a. WERNER ENTERPRISES, I–80 & Hwy 50, P.O. Box 37205, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper containers, and plastic containers* 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 CA, IL, KS, KY, LA, MI, MS, NH, NJ, OH, TX, and WI, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of the Continental Group, Inc. (Hearing site: Chicago, IL, or Washington, DC.)

MC 138469 (Sub-119F), filed March 15, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in and used by manufacturers of health care products, personal care products, and household cleaning products, (except commodities in bulk), from points in the United States (except AK and HI), to the facilities of Shaklee Corporation, at or near (1) Haywood, CA, (2) Atlanta, GA, (3) Chicago, IL, (4) Dayton, NJ, and (5) Dallas, TX, restricted to the transportation of traffic destined to the indicated destinations. (Hearing site: San Francisco, CA.)

MC 138469 (Sub-120F), filed March 15, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, 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 Wilson Foods Corporation, at (a) Cedar Rapids and Cherokee, IA, and (b) Marshall, MO, to points in CA, restricted to the transportation of traffic originating at the named origins. (Hearing site: Washington, DC.)

MC 138469 (Sub-121F), filed March 16, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen pies*, from the facilities of Field's, Inc., at Pauls Valley, OK, to points in AZ, AR, CA, CO, KS, MO, NM, NC, TN, TX, and VA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

MC 140829 (Sub-192F), filed March 14, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic film and plastic sheeting*, in vehicles equipped with mechanical refrigeration, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in FL, GA, IL, MD, MA, MN, NJ, NC, OH, VA, and TX, on the one hand, and, on the other, those points in the United States in and east of MT, WY, CO, and NM, restricted to the transportation of traffic originating at or destined to the facilities of Borden Chemical Co., Division of Borden, Inc. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-194F), filed March 19, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, in mechanically refrigerated equipment, (except commodities in bulk, in tank vehicles), from the facilities of Standard Brands, Inc., at or near Chicago, IL, to points in CO, IA, KS, MO, NE, TX, CT, MD, MA, NJ, NY, PA, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be at issue.

MC 141489 (Sub-2F), filed March 13, 1979. Applicant: HUNTER TRUCKING, INC., 805 32nd Avenue, Council Bluffs, IA 51501. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber,* from Evanston and Cheyenne, WY, and points in Keith, Cheyenne, Morrill, and Box Butte Counties, NE, to points in KS, NE, MN, IA, MO, AR, WI, IL, TN, KY, IN, MI, OH, OK, TX, LA, MS, and AL. (Hearing site: Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 142508 (Sub-57F), filed March 12, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic bags, wrapping materials, stretch wrap holders, and aluminum foil,* and (2) *materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, from the facilities of Presto Products, Inc., at Appleton, Little Chute, and Weyauwega, WI, to points in NE, CO, and UT, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 142508 (Sub- 58F), filed March 14, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned goods,* from the facilities of Campbell Soup Company, at Chicago, IL, to points in IA and NE. (Hearing site: Chicago, IL, or Washington, DC.)

MC 142508 (Sub- 60F), filed March 19, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wheels, wheel rims, hubs, and clamps,* and (2) *mounting hardware* for wheels and wheel rims, from Plainfield, IL, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, or Joliet, IL.)

MC 143398 (Sub- 2F), filed March 16, 1979. Applicant: C. C. ROBERTS CONCRETE CONSTRUCTION CO., INC., 3725 Gibbon Rd., Charlotte, NC 28213. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal and poultry feed, and animal and poultry feed ingredients,* (except liquid commodities in bulk, in tank vehicles), between points in AL, FL, GA, NC, SC, TN, and VA. (Hearing site: Charlotte, NC.)

MC 144969 (Sub-7F), filed March 12, 1979. Applicant: WHEATON CARTAGE CO., a corporation, Wheaton Avenue, Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 66 Eleventh Street, NW, Washington, DC 20001. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chemicals, plastics, and plastic products,* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture, distribution, or sale of the commodities in (1) above, (except commodities in bulk), between the facilities of Northern Petrochemicals Company, at or near (a) Mankato, MN, (b) Newark, OH, (c) Clinton, MA, and (d) Morris, Chicago, and Mapleton, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 145359 (Sub-2F), filed March 19, 1979. Applicant: THERMO TRANSPORT, INC., 156 E. Market St., Indianapolis, IN 46204. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *copper, brass, aluminum articles, bronze articles, cables, wire, and wire products,* and (2) *materials and supplies used in the distribution of the commodities named in (1),* from the facilities of Revere Copper & Brass, Inc., at Rome, NY, to points in AZ, CA, WA, OR, ID, UT, and NV. (Hearing site: Washington, DC.)

Note.—Dual operations may be at issue.

MC 146079 (Sub-2F), filed March 19, 1979. Applicant: JACKSON TRANSPORTATION, INC., R.R. 1, Box 410A, Clayton, IN 46118. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automotive parts, and materials, equipment, and supplies used in the manufacture and distribution of motor vehicles,* (1) between the facilities of General Motors Corporation, at Indianapolis, IN, on the one hand, and, on the other, the facilities of General Motors Corporation at (a) Flint and Pontiac, MI, (b) Janesville, WI, (c) St. Louis, MO, (d) Atlanta, GA, (e) Baltimore, MD, and (f) Shreveport, LA, and (2) between the facilities of General Motors Corporation at Indianapolis, IN, on the one hand, and, on the other, Detroit, MI, and Chicago, IL. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 146149 (Sub-1F), filed March 16, 1979. Applicant: KENNEDY FREIGHT LINES, INC., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wiping cloths,* from points in the United States (except AK and HI), to Jackson, TN. (Hearing site: Columbus, OH.)

Note.—Dual operations may be at issue.

MC 146149 (Sub-2F), filed March 19, 1979. Applicant: KENNEDY FREIGHT LINES, INC., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *carpeting, padding, and materials, equipment, and supplies used in the manufacture or distribution of carpeting,* between Dalton, GA, on the one hand, and, on the other, points in OH, IN, MI, PA, IL, NY, and NJ. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—Dual operations may be at issue.

MC 146209 (Sub-2F), filed March 19, 1979. Applicant: EARL L. HENDERSON, R.R. #1, Box 118, Salem, IL 62881. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *printed matter,* from Kokomo, IN, and Effingham, Salem, and Sparta, IL, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY, under continuing contract(s) with World Color Press, Inc., of Effingham, IL.

(Hearing site: St. Louis, MO, or Chicago, IL.)

MC 146258 (Sub-2F), filed March 14, 1979. Applicant: M. R. BRUTON, INC., P.O. Box 547, Cuba, MO 65453. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, 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 Wilson Foods Corporation, at Marshall, MO, to points in CA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 146285 (Sub-3F), filed March 15, 1979. Applicant: M. R. BRUTON, INC., P.O. Box 547, Cuba, MO 65453. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs, inedible corn products, inedible soybean products, and animal and poultry drug supplements*, (except commodities in bulk), from Decatur, IL, to points in AZ, CA, CO, ID, MT, NV, NM, OK, OR, TX, UT, WA, and WY, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations (except traffic moving in foreign commerce). (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 146309 (Sub-1F), filed March 20, 1979. Applicant: IRVIN D. BLAIR, d.b.a., D & T TRUCKING CO., 4300 Curtis Ave., Baltimore, MD 21226. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel pipe*, from the facilities of American Seamless Tubing, Inc., at Baltimore, MD, to Huntington, WV, and points in TX: and (2) *steel billets*, from Birmingham, AL, Darlington, SC, Lone Star and Midlothian, TX, and Huntington, WV, to the facilities of Amercian Seamless Tubing, Inc., at Baltimore, MD, under continuing contract(s) with American Seamless Tubing, Inc., of Baltimore, MD. (Hearing site: Baltimore, MD.)

MC 146518 (Sub-1F), filed March 16, 1979. Applicant: OWEN MOTOR FREIGHT LINE, INC., Route 2, Box 294, Boyce, LA 71409. Representative: Lawrence Marquette, 535 W. Berridge Lane, Phoenix, AZ 85013. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *acrylics and plastic resins*, (except commodities in bulk), from points in AL, AR, CT, DE, FL, GA, IL, IN, IA, 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, to points in CT, GA, IN, IL, KY, LA, MD, MA, MI, NJ, NC, NY, OH, PA, SC, and TX. (Hearing site: Alexandria, LA.)

MC 146519 (Sub-1F), filed March 15, 1979. Applicant: CALIANA MARKETING, INC., 2120 Prarieton Road, Terre Haute, IN 47802. Representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. To operate as a *contract carrier*, by motor carrier vehicle, in interstate or foreign commerce, over irregular routes, transporting *scrap metal*, from the facilities of Unarco Home Products, at or near Paris, IL, to Detroit, MI, under continuing contract(s) with Unarco Home Products, Division of Unarco Industries, Inc., of Paris, IL. (Hearing site: Indianapolis, IN, or Chicago, IL.)

Note.— The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343 (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary.

Broker Authority

MC 130558F, filed March 16, 1979. Applicant: NATIONWIDE TRAVELERS TRAVEL CLUB, INC., 1515 Graceland Avenue, Appleton, WI 54911. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. To engage in operations, in interstate or foreign commerce, as a *broker*, at Appleton, WI, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Brown, Calumet, Fond du Lac, Outagamie, and Winnebago Counties, WI, and extending to points in the United States. (Hearing site: Appleton or Green Bay, WI.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York, N.Y.*, 54 M.C.C. 291 (1952).

MC 130560 (Sub-1F), filed April 4, 1979. Applicant: NEIL A. JOSKE, d.b.a. SHRINE TOURS, 30 Baynton, N.E., Grand Rapids, MI 49503. Representative: C. Mark Stoppels, 580 Old Kent Bldg., Grand Rapids, MI 49503. To engage in operations, in interstate or foreign commerce, as a *broker*, at Grand Rapids, MI, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at Grand Rapids, MI, and extending to points in AL, FL, GA, IA, IL, IN, KY, LA, MI, MN, MO, OH, TN, WI, and DC. (Hearing site: Grand Rapids or Kalamazoo, MI.)

[FR Doc. 79-19529 Filed 6-21-79; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 75]

Permanent Authority Applications; Decision-Notice

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). For applications filed before March 1, 1979, these rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed on or before July 23, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members.

H. G. Homme, Jr.,

Secretary.

MC 41406 (Sub-122F), filed February 28, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *auto parts*, (except in bulk), from Columbus and Franklin, IN, to points in IL, MI, MO, OH, and WI. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 64806 (Sub-11F), filed February 23, 1979. Applicant: R. P. THOMAS TRUCKING COMPANY, INCORPORATED, 807 W. Fayette Street, Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *new furniture*, from points in Henry County, VA, to points in FL, IL, IN, KY, NY, OH and TN; and (b) *returned shipments of new furniture*, in the reverse direction, and (2) *materials and supplies* used or useful in the manufacture of new furniture, from points in MD, IN, MI, OH, PA, and TN, to points in Henry County, VA. (Hearing site: Washington, DC or Roanoke, VA.)

MC 69116 (Sub-223F), filed February 26, 1979. Applicant: SPECTOR INDUSTRIES, INC., d/b/a SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, 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 Omaha, NE, and Kansas City, MO from Omaha across the Missouri River to Council Bluffs, IA, and then over Interstate Hwy 29 to Kansas City, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations restricted against the transportation of traffic originating at (a) Omaha and points in its commercial zone and destined to Kansas City and points in its commercial zone, and (b) Kansas City and points in its commercial zone and destined to Omaha and Points in its commercial zone. (Hearing site: Chicago, IL.)

MC 103926 (Sub-87F), filed February 27, 1979. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, P.O. Box 947, Mableton, GA 30059. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *tractors* (except truck-tractors), and (2) *parts, implements, attachments, accessories and supplies* for the commodities described in (1) above, between points in KY, LA, TX, VA, and WV, on the one hand, and, on the other, points in AR, NC, SC, FL, GA, TN, AL and MS. (Hearing site: Atlanta, GA.)

MC 108937 (Sub-53F), filed February 9, 1979. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between South Bend, IN, and Willard, OH from South Bend over U.S. Hwy 20 to Monroeville, OH, then over OH Hwy 99 to Willard, and return over the same route, (2) between South Bend, IN, and Bucyrus, OH; from South Bend over U.S. Hwy 33 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction OH Hwy 15, then over OH Hwy 15 to junction U.S.

Hwy 23, then over U.S. Hwy 23 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Bucyrus, and return over the same route, (3) between Defiance, OH, and Bucyrus, OH from Defiance over OH Hwy 18 to Tiffin, OH, then over OH Hwy 100 to Bucyrus, and return over the same route, (4) between Defiance, OH, and Delphos, OH, over U.S. Hwy 66 (5) between Toledo, OH and Dayton, OH, over Interstate Hwy 75, and (6) between South Bend, IN, and Marion, OH; from South Bend over U.S. Hwy 31 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction OH Hwy 309 near Delphos, OH, then over OH Hwy 309 to Marion, and return over the same route, serving in (1)–(6) all intermediate points in OH, and serving points in Allen, Auglaize, Champaign, Clark, Darke, Defiance, Erie, Fulton, Greene, Hancock, Hardin, Henry, Logan, Lorain, Lucas, Madison, Mercer, Miami, Montgomery, Ottawa, Paulding, Preble, Putnam, Sandusky, Seneca, Shelby, Union, Van Wert, Williams, Wood, and Wyandot, Counties, OH, as off-route points in connection with applicants authorized regular-route operations, and serving South Bend, IN, for purposes of joinder only.

Note.—The purpose of this application is to convert a portion of applicant's existing irregular-route authority to regular-route authority.

Conditions

(1) The regular route authority granted here shall not be severable, by sale or otherwise, from applicant's retained pertinent irregular-route authority. (2) Applicant must request, in writing, the imposition of restrictions on its underlying irregular-route authority precluding service between any two points authorized to be served here pursuant to regular-route authority. (Hearing site: St. Paul, MN, or Washingtoin, DC.)

MC 114457 (Sub-479F), filed February 28, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automotive parts*, and *materials* and *supplies* used in the manufacture of automotive parts, (except commodities in bulk), between the facilities of Ford Motor Company at points in MI, on the one hand, and, on the other, St. Louis and Kansas City, MO, and St. Paul, MN. (Hearing site: Detroit, MI, or St. Paul, MN.)

MC 114897 (Sub-129F), filed February 26, 1979. Applicant: WHITFIELD TANK LINES, INC., 124 West Thomas, P.O. Box 7676, Phoenix, AZ 85011. Representative: J. E. Gallegos, 215 Lincoln Avenue, P.O. Box 2228, Santa Fe, NM 87501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *spent chemicals*, in bulk, in tank vehicles, from Albuquerque, NM, to points in NV. (Hearing site: Albuquerque, NM.)

MC 115826 (Sub-406F), filed February 26, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *canned goods*, from the facilities of Oconomowoc Canning Co. at or near Poynette, WI, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin, and (2) *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 the facilities of Dold Foods Inc., at or near Wichita, KS, to points in CO, NV, CA, OR, WA, UT, ID, LA, TX, OK, IL, WI, MN and IA. (Hearing site: Denver, CO.)

MC 116947 (Sub-66F), filed February 26, 1979. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street, S.W., Atlanta, GA 30310. Representative: WM Adams, P.O. Box 720434, Atlanta, GA 30328. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *canned goods*, from the facilities of Woldert Canning Co., Inc., at or near Tyler, TX, to points in AL, SC, NC, GA, TN, LA, and MS, and (2) *metal containers*, and *parts* for metal containers, from points in Fulton County, GA, to the facilities of Woldert Canning Co., Inc., at or near Tyler, TX, under continuing contract(s) with Woldert Canning Co., Inc., of Tyler, TX. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 121236 (Sub-4F), filed February 26, 1979. Applicant: SERVICE TRANSPORTATION LINES, INC., 729 34th Avenue, Rock Island, IL 61201. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soybean and corn products* (except commodities in bulk), between the facilities of A. E. Staley Manufacturing Co. at (a) Decatur, IL, and (b) Lafayette, IN. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 123407 (Sub-547F), filed February 26, 1979. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel tubing*, from the facilities of Jobal Tube Co., Inc., in Hammond, IN, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 125777 (Sub-238F), filed February 8, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *alloys and silicon metal*, in dump vehicles, between the facilities of Ohio Ferro Alloys Corp., at Philo and Powhatan, OH, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Chicago, IL.)

MC 129537 (Sub-30F), filed November 27, 1978. Applicant: REEVES TRANSPORTATION CO., a corporation, Rt. 5—Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *carpets and rugs*, from points in Troup and Muscogee Counties, GA, to points in Gordon County, GA. NOTE: Tacking is authorized at Gordon County, GA, to provide a through service to points in AR and TX, transporting carpets and rugs, as described in MC–129537 Sub No. 6 issued June 23, 1970. (Hearing site: Atlanta, GA.)

MC 129537 (Sub-33F), filed January 30, 1979, previously noticed in the **Federal Register** issue of May 2, 1979. Applicant: REEVES TRANSPORTATION CO., a corporation, Route 5—Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *floor coverings and carpet padding*, and (2) *materials, equipment, and supplies* used

in the installation and manufacture of the commodities named in (1) above between points in Floyd, Bartow, Chattooga, Muscogee, Gordon, Whitfield, Murray, Walker, Catoosa, and Troup Counties, GA, on the one hand, and, on the other, points in LA. (Hearing site: Indianapolis, IN, or Chicago, IL.)

Note.—This republication is to show LA in the territorial description instead of AL.

MC 130557F, filed February 26, 1979. Applicant: VALLEY TOURS, INC., 1421 North First Street, Stillwater, MN 55082. Representative: Ellen Higgins, E–1500 First National Bank Bldg., St. Paul, MN 55101. To engage in operations in interstate or foreign commerce, as a *broker* at Stillwater, MN, in arranging for the transportation by motor vehicle of passengers and their baggage, in special and charter operations, beginning and ending at points in Pine, Chisago, Isanti, Anoka, Washington, Ramsey, Carver, Hennepin, Dakota, Goodhue, Wabasha and Winona Counties, MN, and extending to points in Burnett, Polk, St. Croix, Pierce, Pepin, Buffalo, Trempealeau, and La Crosse Counties, WI. (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 138157 (Sub-117F), filed February 26, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d/b/a SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles*, (except in bulk) from Reading, PA, to points in the United States (except PA, AK, and HI), restricted to the transportation of traffic originating at the facilities of W. R. Grace and Company. (Hearing site: Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 138157 (Sub-118F), filed February 28, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d/b/a SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *carpeting*, from the facilities of WWG Industries, Inc., (a) at Rome, GA, to those points in TX on and west of Interstate Hwy 35 (except Dallas), and points in AZ, NM, NV, WA, OR, ID, UT, WY, and CO, and (b) at Chattanooga, TN, to those points in TX on and west of Interstate Hwy 35 (except Dallas), those in CA (except Los Angeles), and points in AZ, NM, NV, WA, OR, ID, MT, UT, WY, CO, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 138157 (Sub-119F), filed February 28, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d/b/a SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pool filtration systems, spa filtration systems, and hot tub filtration systems*, and (2) *materials, equipment, and supplies* used in the distribution and maintenance of pools, spas, and hot tubs, from the facilities of Purex Corporation, Pool Products Division, at City of Industry, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138486 (Sub-5F), filed February 27, 1979. Applicant: DAVE WHITE, d/b/a DAVE WHITE TRUCKING, Rural Route 1, Cerro Gordo, IL 61818. Representative: Jerry C. Slaughter, P.O. Box 1470, Decatur, IL 62525. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *grain products*, dry, in bulk, (except in tank vehicles), from the facilities of Archer Daniels Midland Company, at Cedar Rapids, IA, to points in IL, under continuing contract(s) with Archer Daniels Midland Company of Decatur, IL. (Hearing site: Chicago, IL.)

MC 139906 (Sub-34F), filed February 28, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Import-Export Shippers Cooperative, Inc., at Los Angeles, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 140587 (Sub-12F), filed February 27, 1979. Applicant: CECIL CLAXTON, Route 3, Box 7, Wrightsville, GA 31096. Representative: Ronald K. Kolins, c/o Suite 428, 910 17th Street, N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass containers*, from the facilities of Midland Glass Co., at or near Warner Robins, GA, to St. Louis, MO, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of glass containers, in the reverse direction. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 142447 (Sub-12F), filed February 21, 1979. Applicant: LOUISIANA-PACIFIC TRUCKING COMPANY, a corporation, P.O. Box AB, New Waverly, TX 77358. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from the facilities of Roy O. Martin Industries, Inc., at or near Alexandria, LA, to points in TX, under continuing contract(s) with Roy O. Martin Industries, Inc., of Waverly, TX. (Hearing site: Houston, TX.)

MC 142516 (Sub-23F), filed February 28, 1979. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wall coverings*, and (2) *materials, equipment*, and *supplies* used in the manufacture and distribution of wall coverings, (except commodities in bulk), from the facilities of J. Josephson, Inc., at or near South Hackensack, NJ, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin and destined to the indicated destination. (Hearing site: New York, NY, or Washington, DC.)

MC 143267 (Sub-54F), filed February 26, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th Street, N.W., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, (1) between the facilities of Wheeling-Pittsburgh Steel Corporation at or near (a) Canfield,

Martins Ferry, Mingo Junction, Steubenville, and Yorkville, OH, (b) Beech Bottom, Benwood, Follansbee, and Wheeling, WV, and (c) Allenport and Monessen, PA, and (2) from the points named in (1) above, to points in IN, IL, MI, NY, OH, PA, and WI. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 143267 (Sub-55F), filed February 26, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th Street, N.W., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *gypsum, and building materials*, and (2) *materials, equipment, and supplies* used in the manufacture, installation, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), between the facilities of Georgia-Pacific Corporation at or near (a) Akron and Buchanan, NY, (b) Delair, NJ, (c) Milford, Va, (d) Quakertown, PA, and (e) Wilmington, DE, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 143417 (Sub-2F), filed February 27, 1979. Applicant: FLASH INTERSTATE DELIVERY SYSTEM, INC., 4711 West 16th Street, Cicero, IL 60650. Representative: Barry Roberts, 888 17th Street, N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automotive parts, engine driving gear assemblies, internal combustion engines and transmissions*, from the facilities of Mack Trucks, Inc., at Hagerstown, MD, to Chicago, IL, restricted to the transportation of traffic having a subsequent movement by rail in trailer on flatcar service. (Hearing site: Chicago, IL.)

MC 144326 (Sub-11F), filed February 26, 1979. Applicant: RICHARDSON TRUCKING, INC., d.b.a. TRIARC TRANSPORT, 903 37th Avenue Court, Greeley, CO 80631. Representative: Wm. Fred Cantonwine (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, from Jefferson County, CO, to points in IA and MO, and (2) *empty used beverage containers* for recycling and *materials* and *supplies* used in and dealt with by breweries, from points in the reverse direction. (Hearing site: Denver, Co).

Note.—Dual operations may be involved.

MC 144846 (Sub-7F), filed February 8, 1979. Applicant: TRANSTATES, INC., 3216 East Westminster, Santa Ana, CA 92703. Representative: Patricia M. Schnegg, 1800 United California Bank Building, 707 Wilshire Blvd., Los Angeles, CA 90017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *transformers*, and (2) *electrical* and *switching equipment* for transformers, from the facilities of Westinghouse Electric Corporation at Athens, GA, to points in WA, OR, CA, AZ, NV, and UT. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 144927 (Sub-13F), filed February 27, 1979. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Warren C. Moberly, 320 North Meridian St., No. 777, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cornstarch*, (1) from the facilities of Anheuser-Busch, Inc., at Lafayette, IN, to points in AL, AR, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MO, MS, NC, NE, NH, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, VT, WI, WV, and DC and (2) from Hammond, IN, to Pickerington, OH. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 145566 (Sub-4F), filed February 27, 1979. Applicant: TERRY W. KULTGEN & NORMAN W. KULTGEN, d.b.a. B & K ENTERPRISES, 7950 S. 27th St., Oak Creek, WI 53154. Representative: Terry W. Kultgen, 5605 Brookhaven Drive, Racine, WI 53406. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *commodities* which because of size or weight require the use of special equipment or special handling, between the facilities of Oven Systems, Inc., at New Berlin, WI, on the one hand, and, on the other, points in MO, AR, and TX. (Hearing site: Milwaukee or Madison, WI.)

MC 145997 (Sub-2F), filed February 26, 1979. Applicant: J. E. M. EQUIPMENT, INC., P.O. Drawer 396, Alma, AR 72921. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *finished lumber, pallets, wooden boxes*, and *building materials*, between the facilitiesof M & S Lumber Company at Charleston and Ozark, AR, on the one hand, and, on the other, Los Angeles, CA, Baltimore, MD, Denver, CO, Lubbock, Brownfield, and Houston, TX, Kansas City, MO, Mason City, IA, OKlahoma City, OK, Jackson and Columbia, MS, Arcadia, LA, Athens, AL, and Memphis, TN, restricted to the transportation of traffic originating at or destined to the facilities of M & S Lumber Company at Charleston and Ozark, AR. (Hearing site: Little Rock, or Ft. Smith, AR.)

MC 145997 (Sub-3F), filed February 26, 1979. Applicant: J. E. M. EQUIPMENT, INC., P.O. Drawer 396, Alma, AR 72921. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass and blown glass components*, and (2) *parts* for lamps and light fixtures, from the facilities of Southwestern Glass Company at Van Buren, AR, to Phoenix, AZ, Chicago, IL, Philadelphia, PA, New York, NY, Mayfield, KY, Memphis, TN, Dallas, Tyler, and Houston, TX, and Los Angeles and San Francisco, CA, restricted to the transportation of traffic originating at the named origins. (Hearing site: Little Rock or Ft. Smith, AR.)

MC 146257 (Sub-2F), filed February 26, 1979. Applicant: DAVID L. VOSS, d.b.a., VOSS TOWING, P.O. Box 301, Cuba, MO 65453. Representative: David L. Voss (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wrecked or disabled motor vehicles*, and *replacement motor vehicles*, between St. Louis, MO, and points in Crawford, Gasconade, Franklin, Warren, and St. Louis Counties, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Louis or Jefferson City, MO.)

[FR Doc. 79-19531 Filed 6-21-79; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 79]

Permanent Authority Application; Decision-Notice

Decided: May 31, 1979.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed

with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979 *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed on or before July 23, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

H. G. Homme, Jr.,

Secretary.

MC 22509 (Sub-16F), filed March 21, 1979. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Ave., St. Joseph, MO 64505. Representative: Harry Ross, 58 S. Main St., Winchester, KY 40391. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Fibrous glass, fibrous glass products, mineral wool, mineral wool products, insulated air ducts, insulating products, and flexible air ducts,* (except commodities in bulk), from the facilities of CertainTeed Corporation, at or near Kansas City and Pauline, KS, to points in IL, IN, MO, AR, LA, OK, TX, KY, and TN, and those in IA east of US Hwy 63; and (2) *materials and supplies used in the manufacture or distribution of the commodities named in (1),* in the reverse direction. (Hearing site: Kansas City, MO.)

MC 25869 (Sub-151F), filed March 21, 1979. Applicant: NOLTE BROS, TRUCK LINE, INC., 6217 Gilmore Ave., Omaha, NE 68107. Representative: Irwin Schwartz, P.O. Box 7184, South Omaha Sta., Omaha, NE 68107. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fasteners, and such commodities as are dealt in or used by* hardware stores, (a) from Philadelphia, PA, and points in OH, to points in CO, IL, IA, KS, MN, and NE, (b) from Omaha, NE, to Denver, CO, and (c) from Chicago, IL, to points in IA, NE, and CO; and (2) *iron and steel articles,* from Chicago, IL, to points in CO. (Hearing site: Omaha, NE, Denver, CO.)

MC 35358 (Sub-44F), filed March 19, 1979. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive, Northeast Minneapolis, MN 55421. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *furniture,* from Appomattox, VA, to points in ND, SD, NE, IA, MN, WI, KS, MO, IL, MI, and IN. (Hearing site: Washington, DC.)

MC 57239 (Sub-43F), filed March 21, 1979. Applicant: RENNER'S EXPRESS, INC., 1350 S. West St., Indianapolis, IN 46206. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Springport Steel Container Corp., at or near Springport, MI, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 59668 (Sub-12F, filed March 8, 1979. Applicant: HAROLD G. CLINE, INC., Harding Highway and DuPont Road, Penns Grove, NJ 08069. Representative: M. Bruce Morgan, 104 Azar Building, Glen Burnie, MD 21061. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by distributors or manufacturers of chemical, between points in NJ, DE, and PA, on the one hand, and, on the other, the facilities of E. I. du Pont de Nemours & Company, at or near Old Hickory and New Johnsonville, TN, under continuing contract(s) with E. I. du Pont de Nemours & Company, of Wilmington, DE. (Hearing site: Philadelphia, PA, or Wilmington, DE.)

MC 114569 (Sub-295F), filed March 22, 1979. Applicant: SHAFFER TRUCKING, INC. P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise* as is dealt in by grocery and food business houses (except commodities in bulk, in tank vehicles), from points in PA, to points in OR and WA. (Hearing site: Harrisburg, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 117068 (Sub-112F), filed March 20, 1979. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, MN 55901. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *mechanical work platforms*, and *parts and attachments* for mechanical work platforms, from Healdsburg, CA, to points in the United States (except AK and HI). (Hearing site: San Francisco, CA.)

MC 119988 (Sub-195F), filed March 22, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Building Ft. Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fireplaces, air heating and ventilating systems*, and *barbeque grills*, (2) *accessories* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk), between Union City, TN, Baltimore, MD, and Fullerton, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 125018 (Sub-5F), filed March 21, 1979. Applicant: TENNESSEE TRUCK LINES, INC., Route 4, Dandridge, TN 37725. Representative: James R. Harrington (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *canned goods and animal foods*, (a) from Chestnut Hill and Clinton, TN, to points in NJ and DE, and (b) from Blytheville, AR, to points in NM and AZ; and (2) *canned goods and materials, equipment, and supplies* used in the manufacture and distribution of canned goods, (a) from points in NJ and DE to Chestnut Hill and Clinton, TN, (b) from points in NM and AZ to Blytheville, AR, and (c) from points in CO, to Muskogee, OK, under continuing contract(s) in (1) and (2) above, with Bush Brothers & Company, of Dandridge, TN, and Blytheville Canning Company, Inc., of Blytheville, AR. (Hearing site: Washington, DC, or Knoxville, TN.)

MC 126118 (Sub-140F), filed March 21, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cabinets, vanities, and accessories for cabinets and vanities*, and (2) *materials and supplies used in the manufacture or distribution of the commodities named in (1)*, (a) from Goshen, IN, to points in CO, IA, KS, ME, MN, MO, NE, NH, OK, and VT, and (b) from points in VA and WI, to Goshen, IN. (Hearing site: Chicago, IL, or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 135078 (Sub-45F), filed March 21, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, P.O. Box 19251, 2100 TenMain Center, Kansas City, MO 64141. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by department stores and mail order houses (except foodstuffs, plumbing fixtures, plumbing supplies, and commodities in bulk), and (2) *uncut piece goods and commodities* used in the manufacture of clothing, from points in NH, NJ, NY, and those in PA on and east of U.S. Hwy 15, to El Dorado Springs, Kansas City, Lexington, and St. Louis, MO. (Hearing site: Kansas City, MO.)

MC 138469 (Sub-123F), filed March 21, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: William J. Green (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *office and household fixtures and furnishings*, (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, from the facilities of Triangle Pacific Corporation, at or near Atlanta, GA, to points in AZ, AR, CA, LA, NV, NM, OK, and TX. (Hearing site: Dallas, TX, or Oklahoma City, OK.)

MC 138469 (Sub-134F), filed March 22, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: William J. Green (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *office and household fixtures and furnishings*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, from the facilities of Triangle Pacific Corporation at or near Lodi, CA, to points in AZ, CO, ID MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Dallas, TX, or Oklahoma City, OK.)

MC 140119 (Sub-6F), filed March 21, 1979. Applicant: RAYMOND J. GALLAHER, Irvona, PA 16656. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign

commerce, over irregular routes, transporting *lime*, in dump vehicles, from Strasburg, VA, to the facilities of Jones & Laughlin Steel Corp., at Aliquippa and Pittsburgh, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 140829 (Sub-195F), filed March 22, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *ice cream and confectionery*, from Chicago, IL, to points in CT, IA, MD, MO, NE, NY, PA, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144298 (Sub-8F), filed March 19, 1979. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming Avenue, Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by food business houses, (except commodities in bulk), and (2) *commodities* the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. § 10526(a), in mixed loads with the commodities in (1) above, from points in the United States (except AK, HI, and MI), to Warren, MI, under continuing contract(s) with Chatham Super Markets, Inc., of Warren, MI. (Hearing site: Dearborn, MI.)

MC 145618 (Sub-1F), filed March 19, 1979. Applicant: AUNGST INC., Box 36 Fair Haven, VT 05743. Representative: Theodore Parisi, Main St., Castleton, VT 05735. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products*, in bulk, (1) from Green Island, NY, to points in Bennington, Rutland, Addison, Chittenden, Franklin, Lamoille, and Washington Counties, VT, and (2) from Fair Haven, VT, to points in Washington, Warren, and Essex Counties, NY, under continuing contract with J. R. Sousa & Sons, Inc., of Danvers, MA. (Hearing site: Montpelier or Rutland, VT.)

MC 146118 (Sub-3F), filed March 14, 1979. Applicant: JAMES J. VAVALA, 428 Pennsylvania Ave., West, Warren, PA 16365. Representative: Kenneth T. Johnson, Bankers Trust Bldg., Jamestown, NY 14701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *flexible couplings*, and (2) *parts* for the commodities in (1) above, between the facilities of Rexnord, Inc., at or near Warren, PA, on the one hand, and on the other, points in CT, IL, KY, MA, MI, NY, NJ, OH, PA, VA, and WV. (Hearing site: Buffalo, NY.)

MC 146329 (Sub-1F), filed March 12, 1979. Applicant: W–H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by agricultural and industrial equipment manufacturers and dealers, (except commodities in bulk), from the facilities of J. I. Case Company, at or near (a) Racine, WI, and (b) Burlington and Bettendorf, IA, to points in AL, AR, AZ, CA, CO, FL, GA, ID, LA, MS, MT, NC, NM, NV, OK, OR, SC, TN, TX, UT, WA, and WY. (Hearing site: Racine or Milwaukee, WI.)

Note.—Dual operations may be involved.

MC 146609F, filed March 21, 1979. Applicant: DELTA EXPRESS, INC., 251–55 Jericho Turnpike, Bellerose, NY 11426. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in CT, DE, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, and DC, restricted (1) against the transportation of packages or articles weighing in the aggregate more than 300 pounds from one consignor to one consignee on any one day, and (2) to the transportation of traffic having an immediately prior to subsequent movement by air. (Hearing site: New York, NY.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) formerly section 5(b)(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 146618 (Sub-1F), filed March 21, 1979. Applicant: CLIFFORD L. WILSON, Niawa Star Route, Park Rapids, MN 56470. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *lathes, snowfencing bridging, grade stakes, and such commodities as are used in the building of fences*, from the facilities of Franklin Fence Co., at or near Vergas and Williams, MN, to points in IA, SD, WI, ND, and NE, under continuing contract(s) with Franklin Fence Co., of Vergas, MN; and (2) *wood products, lumber, ties, treated timbers, treated posts, and treated poles*, from the facilities of North Star Log & Lumber Co., at or near Menahga, MN, to points in IA, ND, SD, and WI, and ports of entry on the international boundary line between the United States and Canada in MN and ND, under continuing contract(s) with North Star Log & Lumber Co., of Menahga, MN. (Hearing site: St. Paul, MN.)

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[Volume No. 21]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, and Intrastate Applications

June 13, 1979.

Petitions for Modification, Interpretation or Reinstatement of Operating Rights Authority

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247)* and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

*Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

MC 1756 (Sub-32) (M1/F) (Notice of filing of petition to modify certificate), filed December 1, 1978. Petitioner: PEOPLES EXPRESS CO., a corporation, 497 Raymond Blvd., Newark, NJ 07105. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Petitioner holds a motor *common carrier* certificate in MC 1756 Sub 32 issued November 7, 1978, authorizing transportation, over irregular routes, of (1) *Containers*, and (2) *materials and supplies* used in the manufacture, distribution or sale of containers (except in bulk, and steel in coil form), between points in CT, DE, MA, NC, MD, MA, NH, NJ, NY, PA, RI, VT, and VA. RESTRICTION: The authority granted herein is subject to the following conditions: (a) Said authority is restricted to the transportation of shipments originating at or destined to the facilities of American Can Company and National Can Corporation. (b) Said authority is restricted against transportation from Oil City, PA. Said authority is restricted to transportation of shipments originating at and destined to points in the involved states; and (d) Said authority is restricted against shipments from Edison, NJ, to points in the Johnstown, PA Commercial Zone and, and from points in the Harrisburg, PA, Commercial Zone to Hillside, NJ. By the instant petition, petitioner seeks to modify the above authority by modifying restriction (a) to read: Said authority is restricted to the transportation of shipments originating at or destined to the facilities of American Can Company, National Can Corporation, Continental Can Company, and Kaiser Aluminum and Chemical Corporation.

MC 99284 (Sub-6) (M1 F), Notice of filing of petition to modify the restrictions, filed March 1, 1979. Petitioner: SULLIVAN'S MOTOR DELIVERY, INC., 711 S. First St., MIlwaukee, WI 53204. Representative: James R. Madler 120 W. Madison St., Chicago, IL 60602. Petitioner holds a motor common carrier certificate in MC 99284 (Sub-6) issued December 11, 1978, authorizing transportation, over irregular routes, transporting: General commodities (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), in shipments weighing less than 50 pounds a shipment and not more than 108 inches in circumference, between Chicago, Waukegan, North Chicago, Lake Bluff, Lake Forest and Highland Park, IL, on the one hand, and, on the other, Appleton, Cedarburg, De Pere, Fond du Lac, Grafton, Green Bay, Kenosha, Manitowoc, Menasha, Milwaukee, Neenah, Oshkosh, Port Washington, Racine, Sheboygan, Two Rivers, and West Bend, WI, subject to the following conditions: The authority granted herein is restricted against the transportation of more than 100 pounds from any one consignor to any one consignee in any 1 day. The authority granted herein is restricted against the transportation of shipments having an immediately prior or subsequent movement by air. By the instant, petition, petitioner seeks to modify the above authority by (1) deleting the 50 pounds a shipment restriction and inserting a 75 pounds a shipment restriction, (2) deleting the restriction against the transportation of more than 100 pounds from any one consignor to any one consignee in any 1 day, and (3) deleting the restriction against the transportation of shipments having an immediately prior or subsequent movement by air.

MC 99565 (Sub-11) (M1 F) Notice of filing a petition to delete a restriction, filed February 2, 1979. Applicant: FORE WAY EXPRESS, INC., 204 S. Bellis Street, Wausau, WI 54401. Representative: Nancy J. Johnson, Route No. 1, Box 169C, Crandon, WI 54520. Petitioner holds a motor *common carrier* Certificate in MC 99565 (Sub-11) issued October 14, 1975, authorizing transportation, as pertinent, over regular routes, of: *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Manitowoc, WI, and junction Wisconsin Highway 55 north of Brothertown, WI, *restricted against providing service to Two Rivers, WI,* serving no intermediate points: From Manitowoc over Wisconsin Highway 151 to junction Wisconsin Highway 55 north of Brothertown, and return over the same route. By the instant Petition, petitioner seeks to remove the above-stated restriction. (Hearing site: (1) Manitowoc, WI; (2) Milwaukee, WI.)

MC 112304 (Sub-101) (M1 F), Notice of filing of petition to broaden the origins, filed February 2, 1979. Petitioner: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock, St., Cinncinati, OH 45223. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Petitioner holds motor *common carrier* authority in MC–112304 (Sub-101), authorizing the transportation of *reinforced fiberglass, plastic and fabricated metal articles,* over irregular routes, from Cuyahoga and Lorain Counties, and Medina, OH, to points in the United States (including AK, but excluding HI), restricted to (1) such shipments which, because of size or weight, require special equipment, and (2) shipments originating at the facilities of Ceilcote Corporation and/or Heil Process Equipment Corporation. MC–112304 (Sub-101) shall be of no further force and effect after November 10, 1979. By the instant petition, petitioner seeks to modify the origin points to read: "from Cuyahoga, Lorain and Wayne Counties, OH", and deleting the city of Medina, OH.

MC 112713 (M1F) and MC 112713(Sub-62), (M1F), filed December 14, 1978. (Notice of filing of petition to modify certificates). Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207. Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. Petitioner holds motor *common carrier,* Certificates in MC 112713 issued August 6, 1957, and MC 112713 (Sub-62) issued May 27, 1957. By Commission order, served February 3, 1969, the corporate name on the above certificates was changed to Yellow Freight System, Inc. MC 112713 authorizes, as pertinent, transportation over irregular routes, of *general commodities* (with exceptions), as follows: Between St. Louis, MO, and Indianapolis, IN, serving intermediate and off-route points within 15 miles of St. Louis, MO (except Belleville, IL, and St. Charles, MO), subject to restriction specified below, as follows: (1) from St. Louis over U.S. Hwy 40 to junction Alt. U.S. Hwy 40 (formerly U.S. Hwy 40), then over Alt. U.S. Hwy 40 via Hagarstown and Vandalia, IL, to junction U.S. Hwy 40, then over U.S. Hwy 40 to junction unnumbered hwy (formerly U.S. Hwy 40), then over unnumbered hwy via Marshall, IL, to junction U.S. Hwy 40, then over U.S. Hwy 40 to Indianapolis, and return over the same route, and (2) from St. Louis over U.S. Hwy 50 to junction IL Hwy 37, then over IL Hwy 37 to junction U.S. Hwy 45, then over U.S. Hwy 45 to junction U.S. Hwy 40, then over route as specified immediately above, to Indianapolis, and return over the same route, and restricted above as follows: Service is not authorized with respected to any shipment originating at or destined to Belleville, IL, Perryville, St. Charles, St. Clair, and Sullivan, MO. MC 112713 (Sub-62) authorizes, as pertinent, transportation of *general commodities* (with exceptions), as follows: between Marshall, MI, and Effingham, IL, serving no intermediate points but serving the

termini for purpose of joinder only: from Marshall over U.S. Hwy 27 to Fort Wayne, IN, then over U.S. Hwy 24 to Huntington, IN, then over IN Hwy 37 to Indianapolis, then over U.S. Hwy 40 to Effingham, and return over the same route, as an alternate route for operating convenience only in connection with carrier's authorized regular-route operation. By the instant petition, petitioner seeks to modify the authorities to read as follows: *general commodities* (with exceptions), (1) between St. Louis, MO, and Indianapolis, IN, serving intermediate and off-route points within 15 miles of St. Louis, MO (except Belleville, IL, and St. Charles, MO), subject to restriction specified below, and serving Terre Haute, IN, as a point of joinder, only, as follows: (a) from St. Louis over U.S. Hwy 40 to junction Alt. U.S. Hwy 40 (formerly U.S. Hwy 40), then over Alt. U.S. Hwy 40 via Hagarstown and Vandalia, IL, to junction U.S. Hwy 40, then over U.S. Hwy 40 to junction unnumbered hwy (formerly U.S. Hwy 40), then over unnumbered hwy via Marshall, IL, to junction U.S. Hwy 40, then over U.S. Hwy 40 to Indianapolis, and return over the same route, and (b) from St. Louis over U.S. Hwy 50 to junction IL Hwy 37, then over IL Hwy 37 to junction U.S. Hwy 45, then over U.S. Hwy 45 to junction U.S. Hwy 40, then over route as specified immediately above, to Indianapolis, and return over the same route, restricted in (a) and (b) above as follows: Service is not authorized with respect to any shipment originating at or destined to Belleville, IL, Perryville, St. Charles, St. Clair, and Sullivan, MO; and (2)(a) between Marshall, MI, and Terre Haute, IN, serving no intermediate points but serving the termini for purpose of joinder only: from Marshall over U.S. Hwy 27 to Fort Wayne, IN, then over U.S. Hwy 24, to Huntington, IN, then over IN Hwy 37 to Indianapolis, then over U.S. Hwy 40 to Terre Haute, and return over the same route, and (b) between Terre Haute, IN, and Effingham, IL, serving no intermediate points but serving the termini for purpose of joinder only: from Terre Haute over U.S. Hwy 40 to Effingham, and return over the same route, as an alternate route in (2)(a) and (2)(b) above for operating convenience only in connection with carrier's authorized regular-route operations.

MC 115215 (M1F), Notice of filing of petition to modify the certificate, filed March 21, 1979. Petitioner: NEW TRUCK LINES, INC., P.O. Box 639, Perry, FL 32347. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Petitioner holds motor *common carrier* authority in MC 115215, served July 2, 1975, authorizing, as pertinent, over irregular routes, the transportation of (1) *lumber*, from Dothan, Eufaula, Montgomery, Samson, and Sanford, AL, and points in GA, to points in FL, (2) *lumber and lumber products*, from points in that part of FL south or east of the eastern boundary of Jefferson County, FL, to points in LA, MS, AL (except Mobile and points in Bibb, Blount, Cullman, Jefferson, St. Clair, Shelby, Talladega, Tuscaloosa, and Walker Counties, AL), and points in that part of SC east of U.S. Hwy 21, (3) *poles, posts, and timbers* (a) from points in FL (except Pensacola and points in Columbia County, FL), to points in that part of AL (except Mobile and points in Bibb, Blount, Cullman, Jefferson, St. Clair, Shelby, Talladega, Tuscaloosa, and Walker Counties, AL), and points in LA, MS, NC, and SC, and (b) from points in that part of AL (except Mobile and points in Bibb, Blount, Cullman, Jefferson, St. Clair, Shelby, Talladega, Tuscaloosa, and Walker Counties, AL), and points in GA, NC, and SC, to points in FL, and (4) *lumber and lumber products, posts, poles, and timbers*, (a) between points in FL (except Jacksonville and Tampa), (b) from Chiefland, FL, to Jacksonville, FL, and (c) from points in FL, to Tampa, FL. By the instant petition, petitioner seeks to modify its certificate to read as follows: *"poles, posts, timbers, and lumber*, from points in AL, to points in FL, *lumber and lumber products, poles, posts and timbers*, from points in FL, to points in AL, and *lumber and lumber products*, between points in FL."

MC 125985 (M2 E), and MC 125985 (Sub-4) (M2 F), notice of filing of petition to modify certificates, filed January 11, 1979. Petitioner: Auto Driveaway Company, 310 S. Michigan Avenue, Chicago, IL 60604. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Petitioner holds motor common carrier certificates No. MC–125985 and No. MC–125985 (Sub-No. 4) issued October 26, 1966 and April 24, 1970, respectively. Certificate No. MC–125985 authorizes transportation over irregular routes of *passenger automobiles*, and *trucks* (¾ ton or less) with the *baggage, sporting equipment*, and *personal effects* of the owners thereof, in secondary movements in driveaway service, between points in NH, MA, CT, NY, PA, NJ, IN, IL, MI, WI, FL, TX, CO, AZ, CA, and OR, on the one hand, and, on the other, points in the United States (including AK, but excluding HI), restricted against the following: (1) the transportation of vehicles moving on United States Government bills of lading; (2) the transportation of vehicles by use of two-bars; (3) the transportation of traffic having a prior or subsequent movement by rail; and (4) the transportation of motor vehicles for or on behalf of manufacturers of trucks or automobiles or from the plant site of such munufacturers. Certificate No. MC–125985 (Sub-No. 4) authorizes the transportation over irregular routes of *used passenger autombiles* and *used trucks* (¾ ton or less), with or without the baggage, sporting equipment, and personal effects of the owners thereof, in secondary movements in single driveaway service, between points in the United States (including AK, but excluding points in AZ, CA, CO, CT, FL, HI, IL, IN, MA, MI, NH, NJ, NY, OR, PA, TX, and WI), restricted against the transportation of vehicles moving on United States Government bills of lading, Said operations are restricted against the transportation of traffic having a prior or subsequent movement by rail, Said operations are restricted against the transportation of vehicles for or on behalf of munufacturers of trucks or automobiles or from the plant sites of manufacturers. Petitioner states that he now utilizes non-radial operations between all points in the United States (except HI) of the subject commodities. The purpose of this petition is to delete the modifier (¾ ton or less) from both certificates.

No. MC 125687 (Sub-No. 15) (M1F), filed June 6, 1979. Petitioner: EASTERN STATES TRANSPORTATION PA., INC., 1060 Lafayette Street, York, Pennsylvania 17405. Petitioner's Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K St. N.W., Washington, DC 20005. Petitioner holds a Certificate in Docket MC–125687 (Sub. No. 15) which authorizes transportation of (1) *Malt beverages*, from South Volney, NY to points in CT, DE, DC, MD, MA, ME, NH, NJ, NY, PA, RI, and VT; and (2) *Materials, supplies and equipment used in the manufacture, sale and distribution of malt beverages, new malt beverage containers, and returned empty malt beverage containers*, from points in the destination states named in (1) above to South Volney, NY, restricted in part (2) above against the transportation of commodities in bulk. By this Petition, Petitioner seeks to add warehouses and facilities used by Miller Brewing Company in Onondaga and Oswego Counties, NY as additional origin points in part (1) and additional destination points in part (2).

MC 126973 (Sub-3) (M1F), notice of filing of petition to modify certificate, filed May 14, 1979. Petitioner: CLEMENT BRESINA, Route 1, Chippewa Falls, WI 54729. Representative: James T. Flescher, 1745 University Avenue, St. Paul, MN 55104. Petitioner holds a motor *common carrier* certificate in MC–126973 Sub 3 issued November 14, 1972, authorizing transportation, over irregular routes, of *Animal and poultry feeds,* in bulk, and *animal and poultry feeds,* in bags, moving in the same vehicle at the same time with animal and poultry feeds, in bulk, from Minneapolis, MN, to points in Barron, Chippewa, Clark, Dunn, Eau Claire, Rusk and Taylor Counties, WI, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to modify the authority as follows: Delete "moving in the same vehicle at the same time with animal and poultry feeds in bulk."

MC 134404 (Sub-2) (M1F) and (Sub-8) (M1F), notice of filing of petition to modify permit, filed January 11, 1979. Petitioner: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Petitioner holds a motor *contract authority* in MC–134404 (Sub 2) issued June 5, 1973 authorizing transportation, over irregular routes of *plastic bathtubs* and *plastic bath fixtures,* from the plantsite of American Standard, Inc. at Richmond, MI to points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, WV, WI, that part of NY on and west of Interstate Hwy 81, and that part of PA on and west of US Hwy 15, under continuing contract, or contracts, with American Standard, Inc., of New Brunswick, NJ. MC 134404 Sub 8, issued April 26, 1974, as pertinent, authorizes the transportation of *plastic plumbing fixtures,* from Richmond, MI to points in AL, GA, FL, MS, SC, NC and VA, under continuing contract, or contracts with American Standard, Inc. at New Brunswick, NJ. By the instant petition, petitioner seeks to modify the above authority by adding Richmond Products Company of Richmond, MI as an additional contracting shipper.

MC 135185 (Sub-15 and Sub-26) (M1F), notice of filing of petition to modify the commodity and territorial description, filed February 9, 1979. Petitioner: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Garry Ave., Santa Ana, CA 92705. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Petitioner holds motor *contract carrier* authority in MC 135185 Sub 15 and Sub 26, served July 23, 1974 and August 12, 1977, respectively. MC 135185 Sub 15 authorizes the transportation of *cameras, camera outfits, camera cases, projectors, photographic material, and self-developing film packs,* over irregular routes, from Cambridge, Needham Heights, Norwood and Waltham, MA, to Dallas, TX, under continuing contract, or contracts with Polaroid Corporation, of Needham Heights, MA. MC 135185 Sub 26 authorizes the transportation of *cameras, camera outfits, camera cases, photographic materials, and self-developing film packs,* over irregular routes, from Cambridge, Needham, Needham Heights, Norwood, and Waltham, MA, to El Segundo and Burlingame, CA, under continuing contract(s) with Polaroid Corporation. By the instant petition, petitioner seeks to add (1) to the commodity description in both authorities, Subs 15 and 26, "vision receiving sets", (2) Irving, TX as a destination point in Sub 15, and (3) Santa Ana, CA as a destination point in Sub 26.

MC140945 (Sub-1) (M1 F), notice of filing of petition to add contracting shipper, filed January 31, 1979. Petitioner: James W. Crowe, Inc., 307 Brennan Rd., Columbus, GA 31903. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. Petitioner holds *contract carrier* authority in MC 140945 Sub 1, served July 1, 1977 authorizing the transportation over irregular routes, of (1) *dry fertilizer* and *dry fertilizer materials,* (2) *farm seed and animal feed,* in containers, and (3) *crop-protection chemicals* in mixed loads with fertilizer and fertilizer and fertilizer materials, between points in AL, GA (except Clyo, Metter, and Port Wentworth), and FL, restricted in (1) and (3) above against the transportation of commodities in bulk, in tank vehicles, under continuing contract(s) with USS Agri-Chemicals Division at Atlanta, GA. By the instant petition, petitioner seeks to add Kendrick Concrete Products Company, Inc. as an additional contracting shipper.

MC140945 (Sub-1) (M3 F), notice of filing of petition to modify certificate, filed February 2, 1979. Petitioner: JAMES W. CROWE, INC., 307 Brennan Rd., Columbus, GA 31903. Representative: C. E. Walker, Suite 307, 8 Eleventh St., P.O. Box 1085, Columbus, GA 31902. Petitioner holds motor *contract authority* in MC140945 Sub 1, served February 7, 1979. MC-140945 Sub 1 authorizes the transportation of (1) *dry fertilizer and dry fertilizer materials,* (2) *farm seed and animal feed,* in containers, and (3) *crop-protection chemicals* in mixed loads with fertilizer and *fertilizer materials,* over irregular routes, between points in AL, GA (except Clyo, Metter and Port Wentworth), and FL, restricted against the transportation of commodities in bulk, in tank vehicles, under continuing contract(s) with USS Agri-Chemicals Division at Atlanta, GA and International Minerals Chemical Corporation, of Atlanta, GA. By the instant petition, petitioner seeks to add the following to the existing permit: *"liquid fertilizers,* in bulk, in tank vehicles, from the facilities of USS-Agri Chemicals, Division of United States Steel Corporation, at or near Holy Trinity, AL, to points in FL and GA, under continuing contract(s) with USS Agri-Chemicals Division, of Atlanta, GA."

MC142702 (M1F), notice of filing of petition to modify permit filed May 10, 1979. Petitioner: NOLIA TRUCKING CO., INC., P.O. Box 1091, Augusta, GA 30903. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Petitioner holds motor *contract carrier* permit in MC-142702 issued October 18, 1977. MC-142702 authorizes transportation over irregular routes, of *Bakery products* (not frozen), from Augusta, GA, to points in FL and SC, with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The operations granted herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Murray Biscuit Co., Division of Beatrice Foods, of Augusta, GA. By the instant petition, petitioner seeks to modify the authority as follows: Add Murray Bros. Distributing Co., Inc., of Augusta, GA as an additional shipper.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including

copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 19311 (Sub-43F) (Republication), filed April 3, 1978, previously noticed in the **Federal Register** issue of June 29, 1978. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077. Representative: Elmer J. Maue, 34200 Mound Road, Sterling Heights, MI 48077. A Decision of the Commission, Review Board number 1, decided March 30, 1979, and served April 6, 1979, finds that the present and future public convenience and necessity require operation by applicant, or foreign commerce, as a *common carrier* by motor vehicle, in foreign commerce only, over irregular routes, transporting *expanded plastic products* (except in bulk) from Detroit and Port Huron, MI, and Buffalo, NY, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin, those points in Pennsylvania on and west of U.S. Hwy 219, and those points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Hwy 219 to its junction with NY Hwy 78, then along NY Hwy 78 to Lake Ontario. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle, IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 94201 (Sub-159F) (Republication), filed March 13, 1978, previously noticed in the **Federal Register** issues of May 4, 1978, and January 2, 1979. Applicant: BOWMAN TRANSPORTATION INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 601–09 Frank Nelson Building, Birmingham, AL 35203. A Decision of the Commission, Division 1, Acting as Appellate Division, decided March 15, 1979, and served March 28, 1979, finds on reconsideration, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting: *Battery boxes, battery covers, and battery vents,* (1) from the facilities of The Richardson Company, at or near Philadelphia, MS, to points in AL, AR, FL, GA, LA, NC, SC, TN, and TX, and (2) from Indianapolis, IN, to the facilities of The Richardson Company, at or near Philadelphia, MS, restricted in (1) above to the transportation of traffic originating at the named origin and restricted in (2) to the transportation of traffic destined to the indicated destination. Applicant is fit, willing, and able properly to perform this service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code and the Commission's regulations. The purpose of this republication is to indicate the additional grant of authority in (2) above.

MC 13900 (Sub-18F), (Republication), filed November 23, 1973, previously noticed in the **Federal Register** issues of January 17, 1974, December 14, 1978, and January 25, 1979. Applicant: MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio 43604. Representative: Harold G. Hernly, Jr., 118 North St. Asaph St., Alexandria, VA 22314. A Decision of the Commission, decided March 9, 1979, and served March 23, 1979, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting: General commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, OH, Minneapolis and St. Paul, MN, Milwaukee, WI, Chicago, IL, St. Louis, MO, on the one hand, and, on the other, Memphis, TN, New Orleans, LA, Dallas, Fort Worth, San Antonio, and Houston, TX, Kansas City, MO, Phoenix and Tucson, AZ, Salt Lake City, UT, Reno and Las Vegas, NV, Fresno, Oakland, Los Angeles, San Francisco, Sacramento, San Diego, San Jose, and Santa Fe Springs, CA, Portland, OR, and Seattle, Spokane, and Tacoma, WA, Restricted to the transportation of traffic when moving on the bills of lading of freight forwarders as defined in section 402(a)(5) of the act. Applicant is permitted to tack the authority granted herein with its existing motor common carrier authority at Cincinnati, OH, Minneapolis and St. Paul, MN, Milwaukee, WI, Chicago, IL, and St. Louis, MO, to serve points in Illinois, Indiana, Minnesota, Missouri, Ohio, Michigan, Kentucky, Pennsylvania, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Wisconsin, and the District of Columbia. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code and the Commission's regulations. The purpose for republication is to indicate Houston, TX, as a base point in lieu of a radial point.

MC 106373 (Sub-36F), (Republication), filed July 17, 1978, published in the **Federal Register** issue of September 12, 1978, and republished this issue. Applicant: THE SERVICE TRANSPORT CO., a corporation, 114½ East Main Street, Ravenna, OH 44310. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. A Decision of the Commission, *Review Board No. 2,* decided April 5, 1979, and served April 25, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *iron and steel articles,* between Steubenville, OH, and Weirton, WV, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, and Florida, and (2) *materials, equipment, and supplies* used in the manufacture or distribution of the commodities named in (1) above, from points in North Carolina, South Carolina, Georgia, and Florida, to Steubenville, OH and Weirton, WV; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the territorial description.

MC 106398 (Sub-812F), (Republication), filed June 23, 1978, published in the **Federal Register** issue of August 1, 1978, and republished this issue. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). A Decision of the Commission, Review Board Number 3, decided April 11, 1979 and served May 16, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of *van conversions and pickup trucks,* in truckaway service, from the facilities of Gladiator, Inc., at Jacksonville, FL, to points in AL, AR, GA, LA, MS, NC, SC, and TN, restricted to the transportation of traffic

originating at the indicated facilities, that the applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulation. The purpose of this republication is to modify the commodity description and add a restriction.

MC 110420 (Sub-771F), (Republication), filed August 8, 1977, previously noticed in the **Federal Register** issue of September 15, 1977. Applicant: QUALITY CARRIERS, INC. P.O. Box 186, Pleasant Prairie, Wis. 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street N.W., Washington, D.C. 20004. A Decision of the Commission, Division 1, decided March 16, 1979, and served March 29, 1979, finds on reconsideration, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes transporting : (1) Chemicals, (except liquefied natural gas), in bulk, in tank vehicles, from Brookfield, WI, and North Baltimore, OH, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin; and (2) materials and supplies used in the manufacture and compounding of chemicals (except liquefied natural gas), in bulk, in tank vehicles, from points in the destination States named in part (1) to the facilities of Plast-O-Meric, Inc. at or near Brookfield, WI and North Baltimore, OH, restricted against the transportation of traffic from points in the St. Louis, MO-East St. Louis, IL commercial zone, as defined by the Commission, to Brookfield, WI, and restricted to the transportation of traffic originating at points in those States and destined to the described facilities of Plast-O-Meric, Inc. The purpose of this republication is to indicate the addition of AR and OK as destination States in Part (1) and as origin States in part (2) of the territorial description.

MC 123980 (Sub-4F) (Republication), filed March 14, 1977, previously noticed in the **Federal Register** issue of April 28, 1977. Applicant: MANDUS R. OLSON, 12589 Hanson Boulevard, N.W., Anoka, MN 55303. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. A Decision of the Commission, Division 2, decided March 12, 1979, and served March 26, 1979, finds on reconsideration, that the present and future public convenicence and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting: *Automobile and truck parts*, from Chicago, Batavia, and Bedford Park, IL, to points in MN, ND, and WI for a period of 3 years from the date of issuance of this certificate. The purpose of this republication is to include Batavia, IL as an origin not noted in the previous publication.

MC 124170 (Sub-97F) (Republication), filed July 11, 1978, previously noticed in the **Federal Register** issue of September 7, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 6000 Enterprise Drive, Suite 222, Oak Brook, IL 60521. By the Commission, Review Board Number 3, decided March 2, 1979, and served March 28, 1979, finds that the present and future public convenience and necessity require operation by applicant, as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bananas*, and (2) *agricultural commodities otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(16), when transported in mixed loads with bananas*, from Tampa, FL, to points in Alabama, Delaware, Georgia, Iowa, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, North Carolina, North Dakota, New Jersey, New York, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, Wisconsin, and West Virginia, and the District of Columbia. Applicant is fit, willing, and able properly to perform such service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's requlations. The purpose of this republication is to add Tennessee as a destination state.

MC 124211 (Sub-322F) (Republication), filed April 10, 1978, previously noticed in the **Federal Register** issue of July 27, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: THOMAS L. HILT, P.O. Box 988, D.T.S., Omaha, NE 68101. A Decision of the Commission, Review Board Number 2, decided April 5, 1979, and served May 3, 1979, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting *herbicides, insecticides, fertilizer, vermiculite,* and *icemelting compounds* (except commodities in bulk), from Kenosha and Union Grove, WI, to points in the United States, (except Wisconisn, Alaska, and Hawaii). Applicant is fit, willing, and able properly to perform such service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission' regulations. The purpose of this repbulication is to add icemelting compounds to the commodity description.

MC 136476 (Sub-8F) (Republication), filed June 13, 1978, published in the **Federal Register** issue of August 10, 1978, and republished this issue. Applicant: TRANSPORT WEST, INC., P.O. Box 2015, Eugene, OR 97401. Representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. A Decision of the Commission, Review Board No. 3, decided May 11, 1979, and served June 1, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *contract carrier*, by motor vehicle, over irregular routes, transporting *lumber and lumber mill products*, from points in Clark, Cowlitz, Lewis, King, Snohomish, Thurston, Klickitat, and Mason Counties, WA, and Douglas, Josephine, Polk, Marion, Linn, Benton, Multnomah, Clackamas, Lane, Jackson and Yamhill Counties, OR, to points in Boulder, Douglas, Adams, Arapahoe, Jefferson, El Paso, Denver, Pueblo, Weld and Larimer Counties, CO, Santa Clara, San Mateo, Alameda, Contra Costa, San Francisco, Kern, Fresno, Merced, Sacramento, San Joaquin, Stanislaus, Monterey, Orange, Santa Cruz, Ventura, Tulare, San Diego, Solano, Napa, Sonoma, Marion, San Bernardino and Los Angeles Counties, CA, and Mariopa, Pima and Coconino Counties, AZ, under continuing contract(s) with Strong Tie Structures, of Eugene, OR, and Fremont Forest Products, of Eugene, OR, will be consistent with the public interest and the national transportation policy. The purpose of this republication is to modity its shippers' support.

MC 138468 (Sub-3F) (3rd Republication), filed August 29, 1977, published in the **Federal Register** issue of October 20, 1977; republished December 22, 1977 and January 12, 1978, and republished this issue. Applicant: BI-COUNTY TRUCKING, INC., Route 1, Box 210, Warden, WA 98857. Representative: Charles C. Flower, 303 East D Street, Suite 2, Yakima, WA 98901. An Order of the Commission, Division 1, deceded May 21, 1979, and served June 1, 1979, finds that the

present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *liquid and dry fertilizer*, (a) between points in Adams, Benton, Franklin, Grant and Yakima Counties, WA, on the one hand, and, on the other, points in Morrow and Umatilla Counties, OR, and (b) from points in Whitman County, WA, to points in Benewah, Latah, and Lewis Counties, ID; and (2) *liquid feed supplement*, from points in Grant County, WA, to points in Missoula, Ravalli and Teton Counties, MT, that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules.

MC 144471F (Republication), filed March 13, 1978, previously noticed in the **Federal Register** issue of April 27, 1978. Applicant: CLAUSEN BUS SERVICE, INC., 25 Surrey Lane, Valley Stream, NY. Representative: Thomas D. Morath, 575 Madison Avenue, New York, NY 10022. A Decision of the Commission, Division 1, Acting as Appellate Division, decided March 12, 1979, and served March 26, 1979, finds on reconsideration, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Nassau and Suffolk Counties, NY, and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Delaware, Alabama, Georgia, Florida, Louisiana, Mississippi, Missouri, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Illinois, Michigan, and the District of Columbia. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is the addition of Michigan as a state in applicant's territorial description.

MC 144500 (Sub-1F) (Republication), filed March 24, 1978, previously noticed in the **Federal Register** issue of May 25, 1978. Applicant: WALSH TRUCKING CO., INC., 311 Seventeenth Street, Jersey City, NJ 07307. Representative: Jack Schiller, One Lefrak City Plaza, Flushing, NY 11368. A Decision by the Commission, Review Board Number 3, decided December 28, 1978, and served February 16, 1979, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in or used in the operation of retail department stores, between the facilities of Abraham & Strauss at Brooklyn, Smithtown, White Plains and Carle Place, NY, and Paramus, Secaucus, Woodbridge, and Eatontown, NJ, under a continuing contract, or contracts, with Abraham and Strauss, a division of Federated Department Stores, Inc., of Brooklyn, NY, will be consistent with the public interest and the national transportation policy. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Subtitle IV of Title 49, U.S. Code (formerly the Interstate Commerce Act). The purpose of this republication is to indicate the addition of the shipper's facility in Secaucus, NJ.

MC 144521F (Republication), filed March 27, 1978, previously noticed in the **Federal Register** issue of June 1, 1978. Applicant: EVERETT S. JOHNSON, d.b.a. J. H. MOTORS, 4540 State Avenue, Billings, MT 59103. Representative: Gary L. Beiswanger, P.O. Box 20562, Billings, MT 59104. By the Commission, Review Board Number 1, decided January 24, 1979, and served February 16, 1979, finds that the present and future public convenience and necessity require operation by applicant, as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *Disabled motor vehicles and replacement motor vehicles*, in secondary movements, by use of wrecker equipment only, between points in Colorado, Idaho, Montana, Nevada, North Dakota, South Dakota, Washington, and Wyoming. Applicant is fit, willing, and able properly to perform such service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to add replacement motor vehicles to the commodities.

Motor Carrier, Broker, Water Carrier and Freight Forwarder Operating Rights Applications

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected.

MC 57591 (Sub-19F) (Correction), filed April 4, 1978, previously noticed in the FR issues of June 29, 1978 and May 2, 1979. Applicant: EVANS DELIVERY COMPANY, INC., P.O. Box 268, Pottsville, PA 17901. Representative: Joseph F. Hoary, 121 S. Main Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except household goods, bulk commodities, class A and B explosives, and commodities requiring special equipment), between Philadelphia, PA, on the one hand, and, on the other, York, Williamsport and Scranton, PA. NOTE: In addition to local hauls within the scope of this application it is the applicant's intent to handle shipments in interchange traffic at Philadelphia and points within the Philadelphia Commercial Zone having an origin or destination at points beyond the Philadelphia Commercial Zone, including shipment between Metropolitan New York and Northern New Jersey Areas, on the one hand, and, on the other, York, Williamsport and Scranton, PA by an arrangement with a commonly controlled carrier, Century Express Ltd. Common control may be involved. The purpose of this correction is to indicate the correction of the note.

MC 109533 (Sub-105F), filed: October 23, 1978. Original publication date: December 14, 1978, Fed. Reg. Vol. 43, No. 241, p. 58442. Applicant: Overnight Transportation Company, a corporation, 1000 Semmes Avenue, Richmond, Virginia 23224. Applicant's

representative: E. T. Liipfert, Suite 1000, 1660 L Street, N.W., Washington, D.C. 20036. The purpose of this publication is to indicate that applicant intends to tack the authority sought in MC-109533 (Sub-No. 105F) as published in the **Federal Register** issue of December 14, 1978 (Vol. 43, p. 58442) with regular and irregular routes which applicant is or may be authorized to serve. (Hearing information: Assigned for hearing October 23, 1979 (9 days) at (9:30 a.m. local time at Atlanta, GA, before an administrative law judge in hearing room to be later designated.)

MC 109533 (Sub-106F), filed: October 27, 1978. Original publication date: December 21, 1978, Fed. Reg. Vol. 43, No. 246, p. 59599. Applicant: OVERNIGHT TRANSPORTATION COMPANY, a corporation, 1000 Semmes Avenue, Richmond, Virginia 23224. Applicant's representative: E. T. Liipfert, Suite 1000, 1660 L Street, N.W., Washington, D.C. 20036. The purpose of this publication is to indicate that applicant intends to tack the authority sought in MC-109533 (Sub-No. 106F) as published in the **Federal Register** issue of December 21, 1978 (Vol. 43, p. 59599) with regular and irregular routes which applicant is or may be authorized to serve. (Hearing information: Assigned for hearing September 11, 1979 (9 days) at 9:30 a.m. local time at St. Louis, MO, before an administrative law judge, in a hearing room to be later designated.)

Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Section 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

Motor Carrier Board Transfer Proceedings

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission on or before July 23, 1979. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicant's representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted throgh the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

MC–FC–78094 filed April 11, 1979. Transferee: Danco Interstate Carriers, Inc., PO Box 297, Huntington Station, NY 11746. Transferor: Cheyenne Truck Leasing Inc., 6500 Jericho Turnpike, Commack, NY 11725. Authority sought to transfer the operating rights of transferor in Certificates MC 142047 Subs 2, 3, and 4 and in Permits MC 142351 and Subs 4 and 5. MC 142047 Sub 2: Paint thinner and ingredients thereof (except in bulk), from the facilities of Globe Solvent, Inc., at Philadelphia, PA, to points in MO, VA, IL, OH, and LA, and to Memphis, TN. MC 142047 Sub 3: fertilizer, fertilizer materials, fertilizer ingredients, and plant growth media (except in bulk), and pesticides in mixed shipments with fertilizer and plant growth media (except in bulk), between the facilities of Famco, Inc., at or near Medina, OH, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KS, ME, MD, MA, MI, MO, NE, NJ, NY, PA, RI, and SD; between the facilities of the Andersons, at or near Maumee, OH, on the one hand, and, on the other, points in CT, DE, IA, KS, ME, MD, MA, MO, NE, NJ, NY, PA, RI, and SD; and between the facilities of Plant Products, Inc., at or near Blue Point, NY, on the one hand, and, on the other, points in CT, DE, FL, GA, IL, IN, KY, MD, MA, NJ, NY, OH, PA, RI, VA, and WV. MC 142047 Sub 4: electrical cable and wire, and materials and supplies used in the installation of electric cable and wire, from the facilities of Steel Flex Electric Corp., at Lindenhurst, NY, to points in IL, MD, OH, and SC. MC 142351: non-alcoholic beverages, from the facilities of White Rock Beverage, Inc., at Roxbury, MA, College Point, NY, and Baltimore, MD, to points in CA, CT, FL, GA, MD, MA, MI, NJ, NY, NC, OH, PA, RI, SC, TX, VA, WA, and WY, under contract with White Rock Beverage, Inc. MC 142351 Sub 4: artificial Christmas trees, decorations, ornaments, and Christmas lights in boxes, from Hicksville, NY, to points in IL, IN, FL, PA, NC, OH, ME, MI, NJ, VA, GA, SC, CT, WV, MD, and DE, under contract with Liberty Bell Christmas, Inc. In addition, applicants request transfer of the operating authority approved in MC 142047 Sub 5 by order of November 17, 1977, but not yet certificated. That authority is for the transportation of rags and wiping cloths, from the facilities of Mt. Vernon Wiping Cloth, Inc., in Bronx County, NY, to points in CA, DE, GA, MD, NJ, NC, OH, SD, and VA. Transferee is not a carrier. Temporary authority is also sought. Representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368.

MC–FC 78097, filed March 29, 1979. Transferee: AERO–TRON TRUCKING, INC., P.O. Box 168, Folcroft, PA 19032. Transferor: P. F. MCDADE AND SON, INC., 485 Wigard St., Philadelphia, PA 19128. Representative: Carl Cohen (Same address as Transferee). Authority sought by transferee to purchase a portion of transferor's rights in Certificates MC 17355 and MC 17355 Sub, 4, issued November 24, 1972, and January 7, 1977, authorizing water heaters, from Philadelphia, PA, to points in NJ, DE, MD, and DC, and points in New York within 25 miles of the Holland Tunnel; uncrated new household and office furniture, household furnishings and household appliances, from Philadelphia, PA, to points in NJ and DE, within 40 miles of Philadelphia; and household appliances, from Philadelphia, PA, to Wilmington, DE, and points in that part of NJ on and

south of a line beginning at Trenton and extending along unnumbered highway to Whitehorse, thence along New Jersey Highway 524 to junction New Jersey Highway 539 to Allentown, thence southeasterly along New Jersey Highway 539 to Tuckerton, and thence along unnumbered highway to the Atlantic Ocean. Transferee holds no authority from the Commission. Temporary lease authority has not been sought.

MC–FC 78099, filed April 12, 1979. Transferee: WILLEY'S EXPRESS, INC., 28 Center Street, Laconia, NH 03246. Transferor: F.S. WILLEY COMPANY, INC., d.b.a. WILLEY's EXPRESS, 28 Center Street, Laconia, NH 03246. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought for transfer by transferee of the operating rights of transferor as set forth in Certificate MC–6741, MC–6741 (Sub 6) and MC–6741 (Sub 8) authorizing the transportation of (A) General commodities, with usual exceptions, (1) over regular routes (a) between Boston, MA and Haverhill, MA and Gilman, VT, (b) between Lebanon, NH and White River Junction, VT, serving all intermediate points and specified off-route points; and (c) serving specific points in MA as off-route points to carrier's regular route operations subject to restrictions; (2) over irregular routes, between points in MA; (B) Households goods, over irregular routes, between Laconia, NH on the one hand, and, on the other, points in ME, VT, MA, RI, CT, NY, NJ, PA, and DE; and (C) Box shook, over irregular routes, between Lakeport and Meredith, NH on the one hand, and, on the other, points in a defined area of MA. Transferee presently holds no authority from this Commission. Transferee is a wholly owned subsidiary of transferor. Application has not been filed for temporary authority under Section 210a(b) (49 U.S.C. 11439).

MC–FC 78100, filed April 12, 1979. Transferee: CAMIE ALEXANDER, 11 Norwood Ave., Glen Rock, NJ. Transferor: ENGLEWOOD BUS TRANSPORTATION CO., INC., 84 Ward St., Paterson, NJ 07505. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10001. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate MC–74449, issued October 26, 1942, as follows: *Passengers and their baggage,* restricted to traffic originating in the territory indicated, in charter service, over irregular routes, from points in Hudson and Bergen Counties, NJ, to points in NJ and NY, and return. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC 78105, filed April 20, 1979. Transferee: BURRIS TRUCKING, INC., 695 Westview Dr., Winston-Salem, NC 27103. Transferor: THE DISHER COMPANY, a Corporation, P.O. Box 12687, Winston-Salem, NC 27107. Representative: Stuart R. Childs, One NCNB Plaza—Suite 3440, Charlotte, NC 28280. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate MC–9710, issued May 17, 1968, as follows: *Sodium products,* in drums, from Saltville, VA, to Winston-Salem, NC and points in NC within 50 miles of Winston-Salem; *unprocessed agricultural commodities,* from Norfolk, VA and points within 40 miles of Norfolk, to Winston-Salem, NC and points in NC within 50 miles of Winston-Salem; *unmanufactured tobacco,* from Martinsville, VA, to Winston-Salem, NC; *paper boxes and wooden boxes,* from Winston-Salem, NC, to points in SC, VA (except those points in VA which are located on routes extending along (1) U.S. Highway 29 from the NC–VA State line to Danville, VA, then along U.S. Hwy 360 to junction VA Hwy 47, then along VA Hwy 47 to Barnesville, then return along VA Hwy 47 to junction U.S. Hwy 360, then along U.S. Hwy 360 to Richmond, VA, and then along U.S. Hwy 1 through Fredericksburg to the VA–DC line, and (2) U.S. Hwy 15 from the NC–VA State line to junction U.S. Hwy 58, then along U.S. Hwy 59 through Antlers, Cochran, and Alberta to junction U.S. Hwy 1, then along U.S. Hwy 1 to Richmond, including the points named), and points in TN on and east of U.S. Hwy 129 from the TN–NC State line to Knoxville, TN and U.S. Hwy 11W from Knoxville to the TN–VA State line; *cottonseed meal,* from points in Darlington, Kershaw, and Lee Counties, SC, to Winston-Salem, NC and points in NC within 50 miles of Winston-Salem; *Glass bottles and glass jars,* from Laurens, SC to points in NC and Danville, VA; and *refused or rejected shipments* of the above-specified commodities from the above-specified destination points to the above-specified origin points. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. § 11349.

MC–FC 78106, filed April 20, 1979. Transferee: ELDRED TRUCKING, INC., R.D. No. 2, Eldred, PA 16731. Transferor: DONALD W. CHERRY, Tipton, PA 16684. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. Authority sought by transferee to purchase the operating rights of transferor in Certificate No. MC 124451, issued January 14, 1963, as corrected, authorizing such bulk commodities as are transported in dump trucks, between points in Cattaraugus County, NY, on the one hand, and, on the other, points in McKean and Potter Counties, PA. Transferee holds no authority from the Commission. Applicants intend to file a temporary authority application.

MC–FC 78109, filed April 24, 1979. Transferee: B. Z. ENTERPRISES, INC., 6951 Hannegan Rd., Lynden, WA 98264. Transferor: BOB ZWEEGMAN d.b.a. BZ ENTERPRISES, 6951 Hannegan Rd., Lynden, WA 98264. Representative: Denny Van Ry, 6951 Hannegan Rd., Lynden, WA 98264. Authority sought for the purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC–143666, issued February 13, 1979, as follows: *Clay and brick,* between Everett, WA and the port of entry on the international boundary line between the United States and Canada at or near Sumas, WA, on the one hand, and, on the other, points in CA, MT, NV, and UT; between Everett, WA, on the one hand, and, on the other, points in ID and OR; *brick,* (except clay products), between the port of entry on the international boundary line between the United States and Canada at or near Sumas, WA, on the one hand, and, on the other, points in ID, OR and WA; and *rock and stone,* from points in CA, ID, MT, NV, OR, UT, and WA, to ports of entry on the international boundary lines between the United States and Canada at or near Blaine, Lynden, and Sumas, WA; subject to certain restrictions. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC 78110, filed May 2, 1979. Transferee: DEALE DELIVERY SERVICE, INC. 854—8th St., Secaucus, NJ 07094. Transferor: TOSE, INC., 424 West Fourth St., Bridgeport, PA 19045. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, Va 22101. Authority sought by Tose, Inc. (operator in part of Retail Delivery Service, Inc., a bankrupt), to transfer to transferee a portion of Certificate No. MC–135394 Sub 2, issued March 7, 1978, as follows: Such merchandise as is ordinarily dealt in by retail stores, premium redemption companies, and mail-order houses, between New York,

NY, Fairfield, Hartford and New Haven Counties, CT, Nassau, Suffolk, Rockland, Westchester, Putnam, and Orange Counties, NY, New Jersey (except Cape May, Cumberland, Salem and Gloucester Counties, NJ), and Bucks, Montgomery, Delaware, and Philadelphia Counties, PA, restricted against the transportation of any shipment weighing more than 250 pounds. For the purpose of this restriction a package or group of packages from a single consignor to a single consignee at a single destination shall be considered a shipment. Transferee holds no authority from the Commission. A temporary authority application has been filed.

MC-FC 78142, filed April 16, 1979. Transferee: LAKELAND BUS LINES, INC., 2929 23d Place, North Chicago, IL 60064. Transferor: GREAT LAKES BUS LINES, INC. (same address). Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Authority sought to transfer the operating rights of transferor in Certificate No. MC 114093, issued November 17, 1971, authorizing passengers and their baggage in roundtrip charter operations, beginning and ending at points in Lake and McHenry Counties, IL, and extending to points in Wisconsin and Indiana, with restrictions. Transferee holds no authority from the Commission. A temporary authority application has not been filed.

MC-FC 78143, filed May 8, 1979. Transferee: APEX BULK COMMODITIES, a corporation, P.O. Box 872, Whittier, CA 90608. Transferor: CITIZENS TRANSPORTATION CO. OF RIVERSIDE, a corporation, 2750 Mulberry St., Riverside, CA 92501. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought for the purchase by transferee of a portion of the operating rights of transferor as set forth in Certificate of Registration No. MC-8758 (Sub-No. 4), issued March 30, 1964, as follows: (I) *Petroleum products*, in bulk (except liquified petroleum gases and any other petroleum products requiring pressurized tanks and except liquid asphalt and hot road oils and any other petroleum products rquiring insulated tanks), along the routes and between the points hereinafter specified, upon and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of 50 miles of said routes: (1) U.S. 101 and U.S. 101 By-Pass between Santa Barbara and the California-Mexico Line; (2) U.S. 99 between Bakersfield and the Mexican Border; (3) U.S. 395 between Lone Pine and junction U.S. 66; (4) U.S. 66 between Los Angeles and Needles; (5) U.S. 60 between Los Angeles and the CA-AZ State line; (6) U.S. 91 and 466 between Barstow and the NV-CA State line; (7) CA Hwy 127 between Baker and the NV-CA State line; and (8) U.S. Hwy 80 between San Diego and the CA-AZ border. (II) *Liquified petroleum gases and any other petroleum products* requiring pressurized tanks and *liquid asphalt* and *hot road oils* and any other *petroleum products* requiring insulated tanks, between points in CA. *All other petroleum and petroleum products* in tank trucks and tank trailers between points in CA, except the points and places authorized in part (I) above. Transferee presently holds authority from this Commission in MC-136720 (Sub. No. 2). Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC-FC 78144, filed May 10, 1979. Transferee: KINDLE BUS DAVIS AND DEVON DAVIS, a Partnership, d.b.a. DAVIS TRANSPORTS COMPANY, 2641 Faxon, Memphis, TN 38112. Transferor: SHELIA U. STANLEY, R. EVAN STANLEY, & M. R. STANLEY, a Partnership, d.b.a. STANLEY TRANSPORTS CO., 2641 Faxon, Memphis, TN 38112. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC-143560, issued June 20, 1978, as follows: *Malt beverages*, from Belleville, IL, to Memphis, TN, under continuing contract(s) with Memphis Distributing Company, of Memphis, TN. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC-FC 78153, filed May 22, 1979. Transferee: WEST WAY LINES, INC., 3382 North Ventura Avenue, Ventura, CA 93001. Transferor: ALLSTATE CHARTER LINES, INC., P.O. Box 9022, Fresno, CA 93790. Representative: JOHN PAUL FISCHER, Silver, Rosen, Fischer & Stecher, 256 Montgomery Street, San Francisco, CA 94104. Authority fought for the purchase by transferee of a portion of the operating rights of Transferor set forth in Certificate No. MC-140247 and MC-140247 (Sub-No. 1). Operating rights to be purchased and controlled are: (a) *passengers and their baggage in the same vehicles with passengers*, in special and charter operations, over *irregular routes*, beginning and ending at points in Santa Barbara County, CA, and extending to points in NV, AZ, WA, and OR; (b) *passengers and their baggage*, in special charter operations, over *irregular routes*, beginning and ending in points in Santa Barbara and Ventura Counties, CA, and extending to points in CO, ID, MT, NM, UT, and WY; and (c) *passengers and their baggage*, in special and charter operations, over *irregular routes*, beginning and ending at points in Ventura County, CA, and extending to points in AZ, CA, NV, OR, and WA. Transferee presently holds no authority from this Commission and application has not been filed for temporary authority under Section 210a(b).

MC-FC 78160, filed May 28, 1979. Applicants: EAST-WEST REFRIGERATED FREIGHT LINES, INC., 2202 West McDowell, Phoenix, AR 85009, Transferor. SIKORA & WILSON, INC., d.b.a. EAST-WEST EXPRESS, 7900 North Frontage Road, Hinsdale, IL 60521, Transferee. Transferee's representative: Robert J. Gill, 29 South LaSalle Street, Suite 740, Chicago, IL 60603. Authority sought for purchase by Sikora & Wilson, Inc., d.b.a. East-West Express of a portion of the operating rights of East-West Refrigerated Freight Lines, Inc., embraced in MC-134793 (Sub No. 2). Operating rights sought to be transferred: (1) Adhesives, adhesive cement, caulking compounds, cleaning and polishing compounds and solutions, emulsions, used as a mixing materials, latex solutions, mastic materials, sealing primer, and solvents, and (2) equipment, supplies, and tools necessary for the application of the commodities in (1) above, from the plant site and warehouse facilities of Durabond Products Company (a subsidiary of United States Gypsum Company) at or near Chicago, DesPlaines, Elk Grove, and Rosemont, IL, to points in the United States (except AK, HI, AL, FL, GA, NC, and SC), restricted in (1) and (2) above against the transportation of commodities in bulk; and limited to a transportation service to be performed, under a continuing contract, or contracts with Durabond Products Company of Rosemont, IL. Transferee holds no authority from the Commission. Temporary authority is not sought.

MC-FC 78162, filed March 21, 1979. Transferee: JEROME R. CAUGHRON, d.b.a. HOLTON TRUCK LINE, PO Box 431, Holton, KS 66436. Transferor: D. W. Whalen, d.b.a. WHALEN TRUCK LINE, Osage City, KS 66523. Authority sought for the purchase by transferee of the operating rights of transferor in Certificate of Registration No. MC 82722,

Sub 2 issued July 24, 1964, authorizing general commodities, between Topeka, KS, and Osage City, KS, over a regular route, with restrictions, and general commodities, with exceptions, between Topeka, KS, and Burlingame, KS, serving all intermediate points between Carbondale and Burlingame, KS, with a restriction. Transferee holds a certificate of registration in No. MC 97375 Sub 2. Temporary authority has not been sought. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66603.

MC–FC 78163, filed May 30, 1979. Transferee: AUTOBUS VENISE (1978) LTEE., 50 McArthur Road, Valleyfield, Quebec, CD, J6S 4M5. Transferor: VENISE COACH LINE, INC. (same address as Transferee). Representative: W. Norman Charles, PO Box 724, Glens Falls, NY 12801. Authority sought for the purchase by transferee of transferor's operating rights in Certificate No. MC 143490, issued April 28, 1978, authorizing passengers and their baggage, in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at ports of entry on the United States-Canada Boundary line located in ME, NH, VT, NY, and MI, and extending to points in the United States (except AK and HI), restricted to the transportation of passengers beginning and ending at Valleyfield, Quebec, Canada. Applicants have filed an application seeking temporary lease authority. Transferee holds no authority from the Commission.

MC–FC 78165, filed June 1, 1979. Transferee: William W. Eggers, d/b/a Cedar Valley Transport, R. R. Box 309, Webster City, IA 50595 Transferor: LTL Perishables, Inc., 550 East 5th St. South, South St. Paul, MN 55075. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309. Authority sought for purchase by transferee of a portion of the operating rights held by transferor in Cerfiticates No. MC 135874 Subs 3 and 14, issued September 3, 1974, and January 16, 1974, as follows: meats, meat products, meat by-products, 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 Dubuque and Denison, IA, to points in NE and SD; pizza and pizza products, from Ames, IA, to points in NE, IL, IN, MN, SD, ND, and WI; meat and meat products, from Ames and Webster City, IA, to points in NE, IL, IN, MN, SD, MD, and WI, restricted to the transportation of shipments originating at the named origins and destined to the named destination states. Transferee holds no authority from the Commission. Temporary lease authority is sought.

MC–FC 78173, filed May 28, 1979 Transferee: R–A Industries, Inc., 1092 N. North Branch St., Chicago, IL 60622. Transferor: Enterprise Transfer Co., 740 Ashland, River Forest, IL 60305. Authority sought for purchase by transferee of the operating rights of transferor in Certificate No. MC 69364 Sub 1, issued October 5, 1965, authorizing articles of iron and steel, from the facilities of Bethlehem Steel Corporation, in Burns Harbor, Porter County, IN, to points in the Illinois portion of the Chicago, IL Commercial Zone, with a restriction. Transferee holds no authority from the Commission. Temporary lease authority is not sought. Representative: Phillip A. Lee, 120 W. Madison, Chicago, IL 60602.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before July 23, 1979.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Property

MC 112713 (Deviation No. 59), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, KS 66207, filed April 11, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Johnsbury, VT, over US Hwy 2 to junction Interstate Hwy 89, then over Interstate Hwy 89 to junction VT Hwy 78, then over VT Hwy 78 to Rouses Point, NY, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Johnsbury, VT over US Hwy 2 to junction VT Hwy 18, then over VT Hwy 18 to the VT–NH State Line, then over NH Hwy 18 to Littleton, NH, then over US Hwy 302 to junction US Hwy 3, then over US Hwy 3 to Carroll, NH, then over NH Hwy 115 to junction US Hwy 2, then over US Hwy 2 to Gorham, NH, then over NH Hwy 16 to junction US Hwy 4, then over US Hwy 4 to junction US Hwy 1, then over US Hwy 1 to Boston, MA, then over US Hwy 20 to Pittsfield, MA, then over US Hwy 20 to Albany, NY, then over US Hwy 9 to Champlain, NY, then over US Hwy 11 to Roueses Point, NY, and return over the same route.

MC 2229 (Deviation No. 33), RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247, filed May 11, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, TX over Interstate Hwy 35 to Oklahoma City, Ok and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas, TX over US Hwy 67 to junction TX Hwy 24, then over TX Hwy 24 to junction US Hwy 271, then over US Hwy 271 to junction OK Hwys 3 and 7, then over OK Hwys 3 and 7 to junction US Hwy 75, then over US Hwy 75 to junction OK Hwy 3, then over OK Hwy 3 to junction OK Hwy 19, then over OK Hwy 19 to junction US Hwy 177, then over US Hwy 177 to junction US Hwy 270, then over US Hwy 270 to Oklahoma City, OK and return over the same route. Restriction: Restricted against the transportation of traffic (1) which originates at or is received in interline at Dallas or Ft. Worth, TX, and points in their Commercial Zones and (2) which originates at or is received in interline at Oklahoma City, OK and points in its Commercial Zone, and destined to or interlined at Dallas or Ft. Worth, TX and points in their Commercial Zones.

MC 1229 (Deviation No. 32), RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 74247, filed May 11, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Fort Smith, AR over U.S. Hwy 64 to its junction with U.S. Hwy 40, then over U.S. Hwy 40 to Oklahoma City, OK and return over the same route for operating convenience only. This notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Fort Smith, AR over U.S. Hwy 271 to its junction with combined Oklahoma Hwys 3 and 7, then over combined

Oklahoma Hwys 3 and 7 to Atoka, OK, then over U.S. Hwy 75 to its junction with Oklahoma Hwy 3, then over Oklahoma Hwy 3 to Ada, OK, then over Oklahoma Hwy 19 to Stratford, OK, then over U.S. Hwy 177 to Shawnee, OK, then over U.S. Hwy 270 to Oklahoma City, OK and return over the same route.

MC 58902 (Deviation No. 2), filed: May 16, 1979. Applicant: MANLEY TRANSFER CO., INC., 300 South Jefferson, P.O. Box 1575 S.S.S., Springfield, Missouri 65805. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, Missouri 64141. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: FROM Coffeyville, KS, over U.S. Hwy 169 to Tulsa, OK, and return over the same route for operating convenience only. This notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: FROM Coffeyville, KS, over U.S. Hwy 166 to Baxter Springs, KS, thence over U.S. Hwy 66 to Tulsa, OK, and return over the same route serving all intermediate points except Claremore, Foyil and Chelsa, OK.

MC 110325 (Deviation No. 33), Transcon Lines, P.O. Box 92220, Los Angeles, CA 90009, filed May 8, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, 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), over a deviation route as follows: from the junction of U.S. Hwys 40 and 31 over U.S. Hwy 31 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction Interstate Hwys 70 and 25, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from the junction of U.S. Hwys 40 and 36 over U.S. Hwy 36 to junction U.S. Hwy 66, then over U.S. Hwy 66 to junction U.S. Hwy 40, then over U.S. Hwy 40 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction MO Hwy 6, then over MO Hwy 6 to junction U.S. Hwy 36, then over U.S. Hwy 36 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction IA Hwy 2, then over IA Hwy 2 to Nebraska City, NB, then over U.S. Hwy 75 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction U.S. Hwy 34, then over U.S. Hwy 34 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction Interstate Hwys 70 and 25 and return over the same route.

MC 110325 (Deviation 34), Transcon Lines, P.O. Box 92220, Los Angeles, CA 90009 filed May 14, 1979. Carrier proposes to operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, 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), over a deviation route as follows: from the junction of Interstate Hwys 70 and 55 over Interstate Hwy 70 to the junction of Interstate Hwys 70 and 25, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from the junction of Interstate Hwys 55 and 70 over Interstate Hwy 70 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction U.S. Hwy 65 to junction MO Hwy 6, then over MO hwy 6 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction U.S. Hwy 36, then over U.S. Hwy 36 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction IA Hwy 2, then over IA Hwy 2 to Nebraska City, NB, then over U.S. Hwy 75 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction U.S. Hwy 34, then over U.S. Hwy 34 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction Interstate Hwys 70 and 25, and return over the same route.

MC 48958 (Deviation 88), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 E. 51st Ave., Denver, CO 80216, filed May 4, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Chicago, IL over Interstate Hwy 80 to Salt Lake City, UT, and (2) From Chicago, IL over Interstate Hwy 80 to junction Interstate Hwy 76, then over Interstate Hwy 76 to junction Interstate Hwy 25, then over Interstate Hwy 25 to junction Interstate Hwy 70, then over Interstate Hwy 70 (using portions of U.S. Hwy 6 where Interstate Hwy 70 is incomplete) to junction U.S. Hwys 6 and 50, then over U.S. Hwys 6 and 50 to Thistle, UT, then over U.S. Hwy 89 to Salt Lake City, UT, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, IL over U.S. Hwy 30A to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 138, then over U.S. Hwy 138 to Sterling, CO, then over U.S. Hwy 6 to Brush, CO, then over U.S. Hwy 34 to Greeley, CO, then over U.S. Hwy 85 to Albuquerque, NM, then over U.S. Hwy 66 to junction U.S. Hwy 89, then over U.S. Hwy 89 to junction U.S. Hwy 89A, then over U.S. Hwy 89A to junction U.S. Hwy 89, then over U.S. Hwy 89 to Gunnison, UT, then over UT Hwy 28 to Levan, UT, then over U.S. Hwy 91 to Salt Lake City, UT, and return over the same route.

MC 41432 (Deviation 32), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, TX 75207, filed May 2, 1979. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, OH over U.S. Hwy 23 to junction U.S. Hwy 35, then over U.S. Hwy 35 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction Interstate Hwy 64, then over Interstate Highway 64 to Richmond, VA and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus, OH over U.S. Hwy 40 to Hebron, OH, then over Ohio Hwy 79 to Newark, OH, then over Ohio Hwy 16 to Coshocton, OH, then over U.S. Hwy 36 to Uhrichsville, OH, then over U.S. Hwy 250 to Dover, OH, then over Ohio Hwy 21 to Massillon, Oh, then over U.S. Hwy 30 to Canton, OH, then over U.S. Hwy 62 to Salem, OH, then over Ohio Hwy 45 to Lisbon, OH, then over U.S. Hwy 30 to East Liverpool, OH, then over Ohio Hwy 39 to Ohio-Pennsylvania state line, then over Pennsylvania Hwy 68 to Rochester, PA.

MC 41432 (Deviation 32) then over Pennsylvania Hwy 88 to Pittsburgh, PA (also from Newcomerstown, OH, over U.S. Hwy 21 to Dover, OH, then to Pittsburgh as specified above), then over U.S. Hwy 30 via Irwin, PA, to junction Pennsylvania Hwy 982, then over Pennsylvania Hwy 982 to Youngstown, PA and return over Pennsylvania Hwy 982 to junction U.S. Hwy 30, then over U.S. Hwy 30 via Stoystown, PA, to junction Pennsylvania Hwy 53, then over Pennsylvania Hwy 53 to Kantner, PA, and return over Pennsylvania Hwy 53 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Bedford, PA, then over U.S. Hwy 220 to Cumberland, MD, then over U.S. Hwy 40 to Hagerstown, MD, then over Maryland Hwy 60 via

Leitersburg, MD, to the Maryland-Pennsylvania state line, then over Pennsylvania Hwy 316 (formerly unnumbered highway) to Waynesboro, PA, then over Pennsylvania Hwy 16 via Rouzerville, PA to the Pennsylvania-Maryland state line, then over Maryland Hwy 16, via Emmittsburg to Maryland Hwy 97 (formerly Maryland Hwy 82), then over Maryland Hwy 97 to Westminister, MD, then over U.S. Hwy 140 to Baltimore, MD, then over U.S. Hwy 1 to Richmond, VA, and return over the same route. NOTE: A portion of this deviation is premised on a grant of temporary authority under section 210(a)(b). If applicant's right to operate all or part of the leased authority expires, this deviation, if authorized, will likewise expire.

MC 11220 (Deviation 44), GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., Memphis, TN 38101, filed May 14, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction US Hwy 71 and MO Hwy 7 near Harrisonville, MO over MO Hwy 7 to junction MO Hwy 13, then over MO Hwy 13 to Springfield, MO, then over US Hwy 65 to Conway, AR and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction US Hwy 71 and MO Hwy 7 near Harrisonville, MO, over US Hwy 71 to Alma, AR, then over US Hwy 64 to Conway, AR and return over the same route.

MC 11220 (Deviation 43), GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., Memphis, TN 38101, filed May 14, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, OH over US Hwy 27 to Richmond, IN and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, OH over Interstate Hwy 75 to Dayton, OH, then over US Hwy 25 to junction US Hwy 40, then over US Hwy 40 to Richmond, IN, and return over the same route.

MC 111651 (Deviation 7), MIDDLEWEST FREIGHTWAYS, INC., 6810 Prescott Ave., St. Louis, MO 63147, filed May 11, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, KY over Interstate Hwy 65 to Chicago, IL and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Louisville, KY over US Hwy 150 to junction US Hwy 50, then over US Hwy 50 to St. Louis, MO, then over US Hwy 66 to Chicago, IL and return over the same route.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before July 23, 1979.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Passengers

MC 1515 (Deviation 742), GREYHOUND LINES, INC., Greyhound Tower, Phoeniz, AZ 85077, filed May 8, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* qnd *newspapers* in the same vehicle with passengers, over the deviation route as follows: From Nevada City, CA over California Hwy 20 to junction Interstate Highway 80, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above described property, over pertinent service routes as follows: (1) From Nevada City, CA, over California Hwy 49 to Auburn, CA, and (2) From the point where Interstate Hwy 80 intersects the Nevada-California state line, then over Interstate Hwy 80 to junction California Hwy 160, then over California Hwy 160 to Sacramento, and return over the same route.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Alabama Docket 17734, filed April 27, 1979. Applicant: ARAB CARTAGE & EXPRESS CO., INC., P.O. Box 427, Arab, AL 35016. Representative: Michael B. Bryan, No. 2 Office Park, 601 Cullman Rd., Arab, AL 35016. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, except: (1) those of unusual value such as precious gems, metals, or jewelries, (2) Class A and B explosives, (3) livestock, (4) household goods (items that are carried by moving vans), (5) commodities in bulk, (6) commodities requiring special equipment such as lowboy trailers, extention trailers, etc., between Arab, AL, and Decatur, AL, West from Arab, AL, on Alabama Hwy No. 69 to junction of said Hwy No. 69 with Alabama Hwy No. 67; North on said Hwy No. 67 to Decatur, AL; same route returning to Arab, AL. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Alabama Public Service Commission, P.O. Box 991, Montgomery, AL 36130, and should not be directed to the Interstate Commerce Commission.

Alaska Docket 78-460-MP/E, filed September 25, 1978. Applicant: PRINCE WILLIAM SOUND TOURS, A. T. Dunham, d.b.a., P.O. Box 1081, Valdez, AK 99686. Representative: (same address as above.) Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Inter-urban bus service* (including express) between Valdez and Anchorage serving all intermediate points and places and all off route points and places within a 20 mile radius laterally along each side of highways No. 4 and No. 1 in the State of Alaska. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, Time and Place not yet fixed.

Requests for procedural information should be addressed to Alaska Transportation Commission, 1000 MacKay Bldg., 338 Denali St., Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

Arkansas Docket M–12376, filed May 18, 1979. Applicant: ARKANSAS EXPRESS, INC., 1200 Arkansas Avenue, North Little Rock, AR 72114. Representative: James M. Duckett, 927 Pyramid Life Building, Little Rock, AR 72201. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities (except classes A & B explosives, household goods, commodities in bulk and commodities requiring special equipment): (1) Between Pine Bluff, Arkansas and West Memphis, Arkansas. From Pine Bluff over U.S. Highway 79 to its junction with U.S. Highway 70, then over U.S. Highway 70 to West Memphis, and return over the same route serving all intermediate points, (2) between Marianna, Arkansas and Wynne, Arkansas, from Marianna over Arkansas Highway 1 to Wynne, and return over the same route serving all intermediate points, (3) between West Helena, Arkansas and Elaine, Arkansas from West Helena over U.S. Highway 49 to its junction with Arkansas Highway 85, then over Arkansas Highway 85 to its junction with Arkansas Highway 44, then over Arkansas Highway 44 to Elaine, and return over the same route serving all intermediate points, (4) between Little Rock, Arkansas and DeWitt, Arkansas, from Little Rock over Arkansas Highway 130 to DeWitt, and return over the same route serving all intermediate points, (5) between DeWitt, Arkansas and Dumas, Arkansas, from DeWitt over Arkansas Highway 152 to its junction with Arkansas Highway 1, then over Arkansas Highway 1 to its junction with Arkansas Highway 54, then over Arkansas Highway 54 to Dumas, and return over the same route serving all intermediate points, (6) between Dumas, Arkansas and Star City, Arkansas, from Dumas over Arkansas Highway 54 to its junction with Arkansas Highway 81, then over Arkansas Highway 81 to Star City, and return over the same route serving all intermediate points, (7) between Gould, Arkansas and Star City, Arkansas, from Gould over Arkansas Highway 114 to Star City, and return over the same route serving all intermediate points, (8) between Grady, Arkansas and Fresno, Arkansas from Grady over Arkansas Highway 11 to Fresno, and return over the same route serving all intermediate points. All routes to be tacked at common points of joinder and with existing authority. Intrastate, interstate and foreign commerce authority sought. Hearing: Arkansas Transportation Commission Hearing Room, August 1st and 2nd, 1979 at 9:30 a.m. Requests for procedural information should be addressed to Arkansas Transportation Commission, Justice Building, Little Rock, AR 72201, and should not be directed to the Interstate Commerce Commission.

New York Docket T–1158, filed February 26, 1979. Applicant: BENTLEY EXPRESS CO., INC., 268 Milton Avenue, Ballston Spa, NY 12020. Representative: Neil D. Breslin, Exq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, between all points in Saratoga, Albany, Warren, Washington and Schenectady Counties. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Ave., State Campus Bldg., No. 4, Room G–21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket T–9651, filed April 9, 1979. Applicant: HARRY E. BERNSTEIN, SR., d.b.a. HARRY'S MOVING, 847 Jackson Street, Dunkirk, NY 14048. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Household goods—between Chautauqua County and all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Department of Transportation, 1220 Washington Ave., State Campus Building No. 4, Room G–21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket MC 37219 (Sub-1), filed April 24, 1979. Applicant: J & M CARTAGE, INC., 101 S.E. 4th, Oklahoma City, OK 73129. Representative: WILLIAM P. PARKER, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) from Oklahoma City, OK, to Tulsa, OK. Restricted to a transportation service to be performed under continuing contract or contracts with Target Stores. Intrastate, interstate and foreign commerce authority sought. Hearing: June 18, 1979, at Oklahoma Corporation Commission, Jim Thorpe Office Building. Requests for procedural information should be addressed to Oklahoma Corporation Commission, 2nd Floor Jim Thorpe Bldg., Oklahoma City, OK 73105, and should not be directed to the Interstate Commerce Commission.

South Carolina Docket 77–466–T, filed July 23, 1976. Applicant: J. S. McCLARY d.b.a. MACK'S TRANSFER AND STORAGE, P.O. Box 1035, Maryville Station, Georgetown, SC 29440. Representative: Arthur M. Flowers, Jr., 121 Screven Street, Georgetown, SC 29440. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, (with usual exceptions), between points and places in Georgetown and Williamsburg Counties, and from points and places in these counties to points and places in South Carolina, and from points and places in South Carolina to points and places in Georgetown and Williamsburg Counties. *Household goods*, between points and places in Georgetown and Williamsburg Counties, and from points and places in these counties to points and places in South Carolina, and from points and places in South Carolina to points and places in Georgetown and Williamsburg Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to South Carolina Public Service Commission, P.O. Drawer 11649, Columbia, SC 29211, and should not be directed to the Interstate Commerce Commission.

Texas Docket 002627B8A, filed May 16, 1979. Applicant: CENTRAL FREIGHT LINES, INC., 5601 West Waco Drive, P.O. Box 238, Waco, TX 76703. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX 78768. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, between Marshall, TX, and Scottsville, TX, from Marshall, TX, over FM Hwy 1998 to Scottsville, TX, and return over the same route, serving the termini and all intermediate points, and the off-route point of the plantsite of

Alcoa Aluminum Company near Scottsville, TX. Applicant seeks no duplicate authority. Intrastate, interstate and foreign commerce authority sought hearing: July 6, 1979—if uncontested, time and place not yet fixed. Requests for procedural information should be addressed to Texas Railroad Commission, 611 South Congress, P.O. Drawer 12967, Capitol Station, Austin, TX 78711, and should not be directed to the Interstate Commerce Commission.

Note.—Applicant proposes to tack and coordinate the proposed additional services with all services authorized in intrastate commerce under Certificates 2627, 2054, 4336 and 4337 and with all services now authorized in interstate and foreign commerce under authorities granted in Docket MC–30867 and all subs thereunder.

Texas Docket 002627B9A, filed May 17, 1979. Applicant: CENTRAL FREIGHT LINES INC., 5601 West Waco Drive, P.O. Box 238, Waco, TX 76703. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX 78768. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, as follows: Between Crockett, Texas, and Latexo, Texas, as follows: From Crockett, TX, over Texas Hwy 19 to Latexo, TX, and return over the same route, serving the termini and all intermediate points. Hearing: July 6, 1979 (if non-contested), time and place not yet fixed. Requests for procedural information should be addressed to Transportation Division, Railroad Commission of Texas, 611 South Congress, P.O. Drawer 12967, Capitol Station, Austin, TX 78711, and should not be directed to the Interstate Commerce Commission.

Note.—Applicant proposes to tack and coordinate the proposed additional services with all services authorized in intrastate commerce under Certificates 2627, 2054, 4336, and 4337 and with all services now authorized in interstate and foreign commerce under authorities granted in Docket No. MC–30867 and all subs thereunder. Applicant seeks no duplicate authority. Intrastate, interstate and foreign commerce authority sought.

Transportation of Used Household Goods in Connection With a Pack-and-Crate Operation on Behalf of the Department of Defense

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of used household goods, for the account of the United States Government, incident to the performance of a pack-and-crate service on behalf of the Department of Defense under the Direct Procurement Method or the Through Government Bill of Lading Method under the Commission's regulations (49 CFR 1056.40) promulgated in "Pack-and-Crate" operations in Ex Parte No. MC 115, 131 M.C.C. 20 (1978).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before July 12, 1979. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the **Federal Register**, subject to its tariff publication effective date.

HG–9–79 (special certificate—used household goods), filed June 1, 1979. Applicant: WHALEN'S MOVING & STORAGE CO., INC., 39 Kiscona Road, Mt. Kisco, NY 10549. Representative: Alvin Altman, 888 Seventh Ave., New York, NY 10019. Authority sought: Between points in Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, NY, serving the United States Military Academy, West Point, NY.

HG–10–79 (special certificate—used household goods), filed June 1, 1979. Applicant: COLLINS MOVING SYSTEMS, INC., 904 W. Morgan Street, Kokomo, IN 46901. Representative: Harold A. Collins, President, Collins Moving Systems, Inc., (address same as applicant). Authority Sought: Between points in Newton, Jasper, Starke, Pulaski, Fulton, White, Cass, Miami, Wabash, Huntington, Benton, Carroll, Howard, Grant, Blackford, St. Joseph, Elkhart, LaGrange, Steuben, Marshall, Noble, Kosciusko, DeKalb, Whitley, Allen, Wells and Adams Counties, IN, serving Grissom Air Force Base, Indiana.

HG–11–79 (special certificate–used household goods), filed April 25, 1979. Applicant: FRANCES J. LINDEMAN, d.b.a. LINDEMAN/KURTZ MOVING, 2010 Greenwood St., Harrisburg, PA 17104. Representative: Robert C. Spitzer, Six North Third Street, P.O. Box 840, Harrisburg, PA 17108. Authority Sought: Between points in Bedford, Berks, Blair, Bradford, Bucks, Cambria, Carbon, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties, PA, serving Fort Indiantown Gap, Annville, PA, Carlisle Barracks, Carlisle, PA, Letterkenny Army Depot, Chambersburg, PA, New Cumberland Army Depot, New Cumberland, PA, and Navy Ships Parts Control Center, Mechanicsburg, PA.

HG–12–79 (special certificate–used household goods), filed May 17, 1979. Applicant: BOB'S TRANSFER, INC., Moorhead, MN 56560. Representative: Gene P. Johnson, Johnson & Maxwell, Ltd., P.O. Box 2471, Fargo, ND 58108. Authority Sought: Between points in North Dakota (except points in Barnes, Stutsman, Cass, LaMoure, Ransom, Richland, Sargent, and Dickey Counties), and Minnesota (except points in Norman, Mahnomen, Clay, Becker, Wilkin, Otter Tail, Big Stone, Chippewa, Douglas, Grant, Lac Qui Parle, Pope, Stevens, Swift, Traverse, Yellow Medicine, Benton, Isanti, Kandiyohi, Meeker, McLeod, Sherburne, Stearns, Wright, Lincoln, Cottonwood, Lyon, Murray, Nobles, Pipestone, Redwood, Renville, Rock, Blue Earth, Brown, Faribault, Freeborn, Le Sueur, Nicollet, Rice, Sibley, Steele, Waseca, and Watonwan Counties), serving Grand Forks Air Force Base, Grand Forks, ND, Duluth Air Force Base, Duluth, MN, Fort Snelling, St. Paul, MN, and Finley Radar Station, Finley, ND.

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Letter Notices

Date

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 2, 1979. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 106644 (Sub-E57), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW, Atlanta, GA 30318. Applicant's representative: Guy H. Postell, Postell & Hall, P.C., 3384 Peachtree Rd., N.E., Suite 713, Atlanta, GA 30326. (1) *Heat exchangers or equalizers*, (2) *heating, cooling, humidifying and dehumidifying machinery and equipment*, and (3) *parts, attachments and accessories* for use in the installation and operation of the commodities in (1) and (2) above when commodities in (1), (2) and (3) require special equipment to load and/or unload (except commodities requiring special equipment for over-the-road movement) from points in OK and TX to points in CT, DE, ME, NH, VT, and DC. (Gateway eliminated: points in Montgomery County, TN).

MC 107012 (Sub-E441), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Commercial & Institutional Fixtures and Store and Office Equipment, crated.* From Hamblen County, TN to points in AZ, AR, CA, CO, ID, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA; points in KS; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock and Watonwan Counties, MN; Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren Washington, Barry, Barton, Camden, Cedar, Christian , Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon, Webster, Andrew, Atchison, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Chariton, Clay, Clinton, Cooper, Daviess, De Kalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Jackson, Johnson, Lafayette, Livingston, Mercer, Morgan, Nodaway, Pettis, Platte, Ray, Saint Claire, Saline and Worth Counties, MO; points in MT, NV, NM; Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie and Williams Counties, ND; points in OK, OR, SD, TX, UT, WA, and WY. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E442), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Commercial & Institutional Fixtures, and Store and Office Equipment, uncrated.* From Hamblen County, TN to points in AZ, AR, CA, CO, ID, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA; points in KS; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock and Watonwan Counties, MN; Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren Washington, Barry, Barton, Camden, Cedar, Christian , Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon, Webster, Andrew, Atchison, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Chariton, Clay, Clinton, Cooper, Daviess, De Kalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Jackson, Johnson, Lafayette, Livingston, Mercer, Morgan, Nodaway, Pettis, Platte, Ray, Saint Claire, Saline and Worth Counties, MO; points in MT, NV, NM; Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie and Williams Counties, ND; points in OK, OR, SD, TX, UT, WA, and WY. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E443), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New Commercial & Institutional Fixtures, Crated.* 1. From points in PA to points in AL. 2. From points in Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Sullivan, Ulster and Westchester, and Suffolk Counties, NY to points in Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. 3. From points in Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY to points in Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. (Gateway eliminated: points in KY and TN.)

MC 107012 (Sub-E444), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Store Fixtures, Crated.* 1. From Chicago, IL to points in AZ, LA and TX. 2. From points in AZ, LA and TX to Chicago, IL. (Gateway eliminated: Green County, AR.)

MC 107012 (Sub-E445), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Uncrated*, 1. From points in AL, FL, GA and SC, to points in Alaska (*points in AR and Sedgewick County, KS). 2. From points in AR, to points in Alaska (*Sedgewick County, KS). 3. From points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT and WV to points in Alaska (*points in KY). 4. From points in IL, IN, MO and OH to points in Alaska (*Sedgewick County, KS). 5. From points LA and NC to points in Alaska (*points in AR and TX). 6. From

points in MS and VA to points in Alaska (*Greene County, AR and Sedgewick County, KS) (Gateways eliminated: Indicated by asterisks.)

MC 107012 (Sub-E446), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated* 1. From points in Al and LA. to points in Alaska (*Fort Smith, AR and Sedgewick County, KS). 2. From points in AR to points in Alaska (*Greene County, AR and points in TN). 3. From points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT and WV to points in Alaska (*points in KY). 4. From points in FL to points in Alaska (*Camden, AR and Sedgewick County, KS). 5. From points in GA, NC and SC to points in Alaska (*Greene County, AR and Sedgewick County, KS). 6. From points in IL, IN, MO and OH to points in Alaska (*Sedgewick County, KS). 7. From points in MS and VA to points in Alaska (*Greene County, AR and Sedgewick County, KS). (Gateways eliminated: asterisks.)

MC 107012 (Sub-E447), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicants representative: David D. Bishop and Gary M. Crist (same as above). *New Commercial and Instituctional Fixtures, Uncrated* 1. From points in AL, FL, GA, LA, MS, NC, SC and VA, to points in Alaska (*Greene County, AR and Sedgewick County, KS). 2. From points in AR to points in Alaska (*Sedgewick County KS). 3. From points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT and WV, to points in Alaska (*points in KY). 4. From points in IL, IN and MO to points in Alaska (*Sedgewick County, KS). 5. From points in the lower peninsula of Michigan and Ohio, to points in Alaska (points in KY). (Gateways eliminated: asterisks.)

MC 107012 (Sub-E448), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New Commercial and Institutional Fixtures, Crated* 1. From points in AL, AR, FL, GA, LA, MS, NC, SC and VA, to points in Alaska (*Greene County, AR and Sedgewick County, KS). 2. From points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT and WV, to points in Alaska (*points in KY). 3. From points in IL and MO to points in Alaska (*Sedgewick County, KS). 4. From points in IN and OH to points in Alaska (*points in KY). (Gateways eliminated: Asterisks.)

MC 107012 (Sub-E449), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures, Uncrated* From points in AL, AR, CT, DE, DC, FL, GA, IL, IN, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA and WV, to points in Alaska. (Gateways eliminated: Greene County, AR, and Sedgewick County, KS.)

MC 107012 (Sub-E450), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures, Crated* From points in AL, AR, CT, DE, DC, FL, GA, IL, IN, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA and WV, to points in Alaska. (Gateway elininated: Greene County, AR and Sedgewick County, KS.)

MC 107012 (Sub-E451), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Crated* From points in Lincoln, Sublette, Sweetwater and Uinta Counties, WY to points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Ohio, Ripley, Rush, Scott, Switzerland, Union, Washington and Wayne Counties, IN. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E452), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New Household Kitchen Appliances, Uncrated* 1. From points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT and WV, to points in Alaska. 2. From points in IL, IN and OH, to points in Alaska, (Gateway eliminated: points in KY.)

MC 107012 (Sub-E453), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New Household Kitchen Appliances, Crated* 1. From points in AL, AR, FL, GA, LA, MS, NC, SC and VA, to points in Alaska (*Evansville, IN and points in KY 38B + 27B + 48A). 2. From points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT and WV, to points in Alaska (*points in KY 38A + 48A). 3. From points in IL, IN and OH, to points in Alaska (*points in KY). (Gateway eliminated: asterisk.)

MC 107012 (Sub-E454), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Church, Chapel, Cathedral and Seminary Furniture, Uncrated* From Janesville, WI to points in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington and Wilcox Counties, AL; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in FL; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox and Worth Counties, GA; points in LA; points in MS; Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown,

Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackleford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E455), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Church, Chapel, Cathedral and Seminary Furniture, Crated* From Janesville, WI to points in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington and Wilcox Counties, AL; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in FL; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox and Worth Counties, GA; points in LA; points in MS; Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, Mclennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Gaudalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E456), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial & Institutional Fixtures, and Store & Office Equipment, Uncrated* from points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Ohio, Ripley, Rush, Scott, Switzerland, Union, Washington and Wayne Counties, IN to points in AR, CA, Garfield, Mesa, Moffat, Rio Blanco, Routt, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; points in ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton and Stevens Counties, KS; Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; points in NV; points in NM; points in OK; points in OR; points in UT; points in WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E457), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's

representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures, and Store and Office Equipment, Uncrated.* From points in AR, CA, ID, NV, NM, OK, OR, UT and WA to points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Ohio, Ripley, Rush, Scott, Switzerland, Union, Washington and Wayne Counties, IN. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E458), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures, and Store and Office Equipment, Uncrated.* From points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO to points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Ohio, Ripley, Rush, Scott, Switzerland, Union, Washington and Wayne Counties, IN. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E459), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated.* From points in Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton and Stevens Counties, KS to points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Ohio, Ripley, Rush, Scott, Switzerland, Union, Washington and Wayne Counties, IN. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E460), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated.* From points in Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Linclon, Marion, Pike, Walthall and Wilkinson Counties, MS to points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Ohio, Ripley, Rush, Scott, Switzerland, Union, Washington and Wayne Counties, IN. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E461), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated.* From points in Lincoln, Sublette, Sweetwater and Uinta Counties, WY to points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Ohio, Ripley, Rush, Scott, Switzerland, Union, Washington and Wayne Counties, IN. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E463), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Crated.* From points in AR, CA, ID, NV, NM, OK, OR, UT and WA to points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Ohio, Ripley, Rush, Scott, Switzerland, Union, Washington and Wayne Counties, IN. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E464), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial & Institutional Fixtures, and Store & Office Equipment, Crated.* From points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers, and Pueblo Counties, CO to points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Ohio, Ripley, Rush, Scott, Switzerland, Union, Washington and Wayne Counties, IN. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E465), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Crated.* From points in Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton and Stevens Counties, KS to points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Ohio, Ripley, Rush, Scott, Switzerland, Union, Washington and Wayne Counties, IN. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E466), filed June 3, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Crated.* From points in Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS to points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Ohio, Ripley, Rush, Scott, Switzerland, Union, Washington and Wayne Counties, IN. (Gateway eliminated: Greene County, AR.)

MC 115826 (Sub-E74), filed December 18, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Termina, Denver, CO 80217. Representative: William H. Shawn, Suite 501, 1730 M St., NW, Washington, DC 20036. *Frozen, fresh and cured meats and frozen meat products,* from points in CO in, east and south of a line beginning at the CO–NM State line extending along U.S. Hwy 85 to Colorado Springs, then along CO Hwy 94 to junction U.S. Hwy 40, then along U.S. Hwy 40 to the CO–KS State line, to points in OR on and west of a line beginning at the CA–OR State line extending along U.S. Hwy 97 to junction U.S. Hwy 20, then along U.S. Hwy 20 to junction OR Hwy 126, then along OR Hwy 126 to junction OR Hwy 22, then along OR Hwy 22 to junction I Hwy 5, then along I Hwy 5 to junction OR Hwy 99E, then along OR Hwy 99E to junction I Hwy 5, then along I Hwy 5 to the OR–

WA State line, and points in WA on and west of a line beginning at the WA–OR State line extending along I Hwy 5 to junction WA Hwy 507, then along WA Hwy 507 to junction WA Hwy 7, then along WA Hwy 7 to Tacoma, then along I Hwy 5 to Seattle, then along an imaginary line to Bremerton, then along WA Hwy 3 to junction U.S. Hwy 101, then along U.S. Hwy 101 to junction WA Hwy 8, then along WA Hwy 8 to junction U.S. Hwy 12, then along U.S. Hwy 12 to Aberdeen, then along an imaginary line to the Pacific Ocean. (Gateways eliminated: Alturas, CA, and Denver, CO.)

MC 118831 (Sub-E134), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW, Washington, DC 20001. *Liquid petrochemicals*, in bulk, in tank vehicles, from Orangeburg, SC, to Greenville, TN. (Gateway eliminated: Charlotte, NC.)

MC 118831 (Sub-E152), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW, Washington, DC 20001. *Liquid petrochemicals*, in bulk, in tank vehicles, (A) between points in SC (except Beaufort, Charleston, Walterboro, and Orangeburg) on, east and south of a line beginning at the NC–SC State line extending along U.S. Hwy 17 to junction SC Hwy 90, then along SC Hwy 90 to junction U.S. Hwy 501, then along U.S. Hwy 501 to junction U.S. Hwy 378, then along U.S. Hwy 378 to junction SC Hwy 41, then along SC Hwy 41 to junction SC Hwy 261, then along SC Hwy 261 to junction U.S. Hwy 301, then along U.S. Hwy 301 to junction SC Hwy 4, then along SC Hwy 4 to junction U.S. Hwy 78, then along U.S. Hwy 78 to Augusta, GA, on the one hand, and, on the other, points in SC on and west of a line beginning at Augusta, GA, extending along SC Hwy 230 to junction SC Hwy 283, then along SC Hwy 283 to junction SC Hwy 23, then along SC Hwy 23 to junction U.S. Hwy 221, then along U.S. Hwy 221 to junction SC Hwy 28 to junction U.S. Hwy 178, then along U.S. Hwy 178 to the NC–SC State line; (B) between Beaufort, SC, on the one hand, and, on the other, points in SC on, south and west of a line beginning at the GA–SC State line extending along SC Hwy 28 to Walhalla, then along SC Hwy 183 to Pickens, then along US Hwy 178 to junction SC Hwy 28, then along SC Hwy 28 to junction U.S. Hwy 221, then along U.S. Hwy 221 to junction SC Hwy 23, then along SC Hwy 23 to junction SC Hwy 283, then along SC Hwy 283 to junction SC Hwy 230, then along SC Hwy 230 to the SC–GA State line; and (C) between Walterboro, SC, on the one hand, and, on the other, points in SC on, south, and west of a line beginning at the GA–SC State line extending along SC Hwy 28 to Walhalla, then along SC Hwy 183 to Pickens, then along U.S. Hwy 178 to junction SC Hwy 28, then along SC Hwy 28 to junction U.S. Hwy 221, then along U.S. Hwy 221 to junction SC Hwy 23, then along SC Hwy 23 to junction SC Hwy 283, then along SC Hwy 283 to junction SC Hwy 230, then along SC Hwy 230 to the GA–SC State line. (Gateway eliminated: points in Richmond County, GA.)

MC 118831 (Sub-E153), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW, Washington, DC 20001. *Liquid petrochemicals*, in bulk, in tank vehicles, between points in SC (except Charleston, Walterboro and Beaufort) on and south of line beginning at the Atlantic Ocean extending along U.S. Hwys 17 and 701 to junction SC Hwy 402, then along SC Hwy 402 to junction Alt. Hwy 17, then along Alt. Hwy 17 to junction SC Hwy 6, then along SC Hwy 6 to junction unnumbered highway near Pinopolis, then along unnumbered highway to junction U.S. Hwy 176, then along U.S. Hwy 176 to junction SC Hwy 173, then along SC Hwy 173 to junction U.S. Hwy 78, then along U.S. Hwy 78 to North Augusta, on the one hand, and, on the other, points in SC (except Greenville) bordered on the east by a line beginning at North Augusta extending along U.S. Hwy 25 to Greenwood, then along U.S. Hwy 221 to Laurens, then along SC Hwy 49 to Cross Anchor, then along SC Hwy 56 to junction SC Hwy 150, then along SC Hwy 150 to junction U.S. Hwy 176, then along U.S. Hwy 176 to junction unnumbered highway through Glendale, Clifton and Converse to junction U.S. Hwy 29, then along U.S. Hwy 29 to Cowpens, then along SC Hwy 110 to junction SC Hwy 11, then along SC Hwy 11 to junction Alt. U.S. Hwy 221, then along Alt. U.S. Hwy 221 to the NC–SC State line, and points bordered on the west by a line beginning at Augusta, GA, extending along SC Hwy 230 to junction SC Hwy 283, then along SC Hwy 283 to junction SC Hwy 23, then along SC Hwy 23 to junction U.S. Hwy 221, then along U.S. Hwy 221 to junction SC Hwy 28, then along SC Hwy 28 to junction U.S. Hwy 178, then along U.S. Hwy 178 to the NC–SC State line. (Gateway eliminated: points in Richmond County, GA.)

MC 118831 (Sub-E154), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW, Washington, DC 20001. *Liquid petrochemicals*, in bulk, in tank vehicles, between points in SC on, south and west of a line beginning at the Atlantic Ocean extending along U.S. Hwy 21 to junction SC Hwy 68, then along SC Hwy 68 to junction U.S. Hwy 278, then along U.S. Hwy 278 to junction SC Hwy 125, then along SC Hwy 125 to North Augusta, on the one hand, and, on the other, points in SC bordered on the east by a line beginning at North Augusta extending along U.S. Hwy 25 to junction SC Hwy 121, then along SC Hwy 121 to junction U.S. Hwy 21, then along U.S. Hwy 21 to the SC–NC State line, and points bordered on the west by a line beginning at North Augusta extending along U.S. Hwy 25 to Greenwood, then along U.S. Hwy 221 to Laurens, then along SC Hwy 49 to Cross Anchor, then along SC Hwy 56 to junction SC Hwy 150, then along SC Hwy 150 to junction U.S. Hwy 176, then along U.S. Hwy 176 to junction unnumbered highway, then along unnumbered highway through Glendale, Clifton and Converse to junction U.S. Hwy 29, then along U.S. Hwy 29 to Cowpens, then along SC Hwy 110 to junction SC Hwy 11, then along SC Hwy 11 to junction Alt. U.S. Hwy 221, then along Alt. U.S. Hwy 221 to the NC–SC State line. (Gateway eliminated: points in Richmond County, GA.)

MC 118831 (Sub-E156), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW, Washington, DC 20001. *Liquid petrochemicals*, in bulk, in tank vehicles, between Walterboro, SC, on the one hand, and, on the other, points in SC on and west of a line beginning at the Savannah River Plant extending along SC Hwy 125 to junction Old U.S. Hwy 1, then along Old U.S. Hwy 1 through Clearwater, Bath, Langley, and Warrenville to junction SC Hwy 19, then along SC Hwy 19 to junction SC Hwy 121, then along SC Hwy 121 to Saluda, then along SC Hwy 39 to junction SC Hwy 34, then along SC Hwy 34 to

Chappells, then along SC Hwy 56 to Clinton, then along SC Hwy 49 through Union to junction SC Hwy 97, then along SC Hwy 97 to junction SC Hwy 5, then along SC Hwy 5 to Blacksburg. (Gateway eliminated: Richmond County, GA.)

MC 118831 (Sub-E157), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, DC 20001. *Liquid petrochemicals,* (except anhydrous ammonia, fertilizer and fertilizer materials), in bulk, in tank vehicles, from Acme, NC, to points in FL (except points east of a line beginning at the GA–FL State line extending along U.S. Hwy 301 to junction FL Hwy 316, then along FL Hwy 316 to junction FL Hwy 19, then along FL Hwy 19 to junction FL Hwy 40 east of Ormond Beach). (Gateway eliminated: points in SC and Charlotte, NC.)

MC 118831 (Sub-E158), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, DC 20001. *Liquid petrochemicals,* (except anhydrous ammonia, fertilizer and fertilizer materials), in bulk, in tank vehicles, from points in Beaufort County, NC, to points in FL. (Gateway eliminated: points in SC and Charlotte, NC.)

MC 118831 (Sub-E159), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, DC 20001. *Liquid petrochemicals,* (except anhydrous ammonia, fertilizer and fertilizer materials), in bulk, in tank vehicles, from Laurinburg, NC, to points in FL (except points east of a line beginning at the GA–FL State line extending along U.S. Hwy 441 to Lake City, then along I Hwy 75 to Orlando, then along FL Hwy 528 to Merritt Island). (Gateway eliminated: points in SC and Charlotte, NC.)

MC 118831 (Sub-E160), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, DC 20001. *Liquid petrochemicals,* (except anhydrous ammonia, fertilizer and fertilizer materials), in bulk, in tank vehicles, from Lumberton, NC, to points in FL (except points east of a line beginning at the GA–FL State line extending along FL Hwy 127 to Sanderson, then along FL Hwy 229 to Lake Butler, then along FL Hwy 121 to Gainesville, then along FL Hwy 20 to Hawthorne, then along U.S. Hwy 301 to Citra, then along FL Hwy 200–A to junction FL Hwy 316 to Kerr City, then along FL Hwy 40 to junction U.S. Hwy 17, then along U.S. Hwy 17 to DeLand, then along FL Hwy 44 to New Smyrna Beach). (Gateway eliminated: Charlotte, NC, and points in SC.)

MC 118831 (Sub-E161), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, DC 20001. *Liquid petrochemicals* (except anhydrous ammonia, fertilizer and fertilizer materials), in bulk, in tank vehicles, from Pisgah Forest, NC, to points in FL in and south of Levy, Marion and Volusia Counties. (Gateway eliminated: points in SC and Charlotte, NC.)

MC 118831 (Sub-E162), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, DC 20001. *Liquid petrochemicals* (except anhydrous ammonia, fertilizer and fertilizer materials), in bulk, in tank vehicles, from Wilmington, NC, to points in FL in and south of Manatee, De Soto, Glades and Palm Beach Counties, and points in and west of Leon and Wakulla Counties. (Gateway eliminated: Charlotte, NC, and points in SC.)

MC 118831 (Sub-E163), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, DC 20001. *Liquid petrochemicals* in bulk, in tank vehicles, from Greenville SC, to points in FL on, east and south of a line beginning at Clearwater extending along FL Hwy 60 to junction U.S. Hwy 92, then along U.S. Hwy 92 to Kissimmee, then from Kissimmee along an imaginary straight line to the Atlantic Ocean at Cocoa. (Gateway eliminated: Charlotte, NC.)

MC 118831 (Sub-E164), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, DC 20001. *Liquid petrochemicals* in bulk, in tank vehicles, from Spartanburg, SC, to points in FL on, east and south of a line beginning at Cedar-Key extending along FL Hwy 24 to junction U.S. Hwy 301, then along U.S. Hwy 301 to junction FL Hwy 16, then along FL Hwy 16 to junction FL Hwy 215, then along FL Hwy 215 to Orange Park, then along I Hwy 295 to junction Alt. U.S. Hwy 1, then along Alt. U.S. Hwy 1 to junction FL Hwy 10, then along FL Hwy 10 to the Atlantic Ocean. (Gateway eliminated: Charlotte, NC.)

MC 118831 (Sub-E165), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW, Washington, DC 20001. *Liquid petrochemicals* (except fertilizer and vegetable oils), in bulk, in tank vehicles, from Anderson, SC, to points in AL on and south of a line beginning at the AL–GA State line extending along AL Secondary Route 56 to junction AL Hwy 48, then along AL Hwy 48 to junction AL Hwy 9 at Ashland, then along AL Hwy 77 to Talladega, then along Alternate Hwy 231 to junction AL Hwy 34, then along AL Hwy 34 to junction U.S. Hwy 78, then along U.S. Hwy 78 to junction I Hwy 20, then along I Hwy 20 to junction U.S. Hwy 78, then along U.S. Hwy 78 to Graysville, then along AL Secondary Route 12 to Flat Creek, then along AL Secondary Route 61 to Cardova, then along AL Secondary Route 20 to junction AL Hwy 69, then along AL Hwy 69 to junction AL Hwy 124, then along AL Hwy 124 to junction U.S. Hwy 78, then along U.S. Hwy 78 to Guin, then along U.S. Hwy 278 to the AL–MS State line. (Gateway eliminated: Lanett, AL.)

MC 118831 (Sub-E166), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW, Washington, DC 20001. *Liquid petrochemicals* (except fertilizer and vegetable oils), in bulk, in tank vehicles, from Greenville, SC, to points in AL on and south of a line beginning at the AL–MS State line extending along U.S. Hwy 278 to junction U.S. Hwy 78, then along U.S. Hwy 78 to junction AL Hwy 34, then along AL Hwy 34 to junction AL Hwy 77, then along AL Hwy 77 to junction AL Hwy 9, then along AL Hwy 9 to junction AL Hwy 48, then along AL Hwy 48 to junction U.S. Hwy 431, then along U.S. Hwy 431 to junction AL Hwy 22, then along AL Hwy 22 to the AL–GA State line. (Gateway eliminated: Lanett, AL.)

MC 118831 (Sub-E167), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW, Washington, DC 20001. *Petrochemicals* (except fertilizer and vegetable oils), in bulk, in tank vehicles, from Leeds, SC, to points in AL. (Gateway eliminated: Charlotte, NC, and Lanett, AL).

MC 118831 (Sub-E167), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW, Washington, DC 20001. *Petrochemicals* (except fertilizer and vegetable oils), in bulk, in tank vehicles, from Leeds, SC, to points in AL. (Gateway eleminated: Charlotte, NC, and Lanett, AL.)

MC 118831 (Sub-E168), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW, Washington, DC 20001. *Liquid petrochemicals* (except fertilizer and vegetable oils), in bulk, in tank vehicles, from Orangeburg, SC, to points in AL, on, north and west of a line beginning at GA–AL State line extending along AL Hwy 10 to junction U.S. Hwy 431, then along U.S. Hwy 431 to junction AL Hwy 134, then along AL Hwy 134 to junction AL Hwy 123, then along AL Hwy 123 to junction AL Hwy 103, then along AL Hwy 103 to the AL–FL State line. (Gateway eliminated: Lanett, AL.)

MC 118831 (Sub-E169), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, D.C. 20001. *Liquid petrochemicals* (except fertilizer and vegetable oils), in bulk, in tank vehicles, from Charleston, SC, to points in MS on and west of a line beginning at the MS–LA State line extending along MS Hwy 27 to junction U.S. Hwy 98, then along U.S. Hwy 51 through Brookhaven to junction MS Hwy 27, then along MS Hwy 27 to Vicksburg, then along U.S. Hwy 61 to junction U.S. Hwy 49, then along U.S. Hwy 49 to the AR–MS State line. (Gateway eliminated: Charlotte, NC, and Lanett, AL.)

MC 118831 (Sub-E170), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, D.C. 20001. *Liquid petrochemicals* (except anhydrous ammonia, fertilizer, and vegetable oils), in bulk, in tank vehicles, from points in NC (except Charlotte) on and east of a line beginning at the NC–GA State line extending along NC Hwy 106 to Highland, then along U.S. Hwy 64 to junction U.S. Hwy 276, then along U.S. Hwy 276 to junction I Hwy 40, then along I Hwy 40 to the TN–NC State line, to points in MS. (Gateway eliminated: Lanett, AL, and points in SC.)

MC 118831 (Sub-E171), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, D.C. 20001. *Dimethyl terephtalate,* molten, in bulk, in tank vehicles, from Old Hickory, TN, to points in SC and points in VA on an east of a line beginning at the NC–VA State line extending along U.S. Hwy 220 to Martinsville, then along VA Hwy 57 to Chatham, then along U.S. Hwy 29 to Lynchburg, then along U.S. Hwy 501 to junction I Hwy 81, then along I Hwy 81 to junction U.S. Hwy 11, then along U.S. Hwy 11 to the VA–WV State line. (Gateway eliminated: points in Transylvania County.)

MC 118831 (Sub-E172), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, D.C. 20001. *Dimethyl terephthalate,* molten, in bulk, in tank vehicles, from Old Hickory, TN, points in NC on and east of a line beginning at the NC–GA State line extending along U.S. Hwy 23 northeastward to junction U.S. Hwy 70, then along U.S. Hwy 70 to junction NC Hwy 18, then along NC Hwy 18 to junction NC Hwy 268, then along NC Hwy 268 to junction U.S. Hwy 601, then along U.S. Hwy 601 to junction U.S. Hwy 52, then along U.S. Hwy 52 to the NC–VA State line. (Gateway eliminated: points in Transylvania, NC and SC.)

MC 118831 (Sub-E173) filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, DC 20001. *Dimethyl terephthalate,* molten, in bulk, in tank vehicles, from Old Hickory, TN, to point in DE, NJ, CT, MA, RI and points in MD, PA, and NY on and east of a line beginning at the MD–WV State line extending along US Hwy 11 to Binghamton, NY, then along NY Hwy 12 to Norwich, then along NY Hwy 80 to junction NY Hwy 5, then to Amsterdam, then along NY Hwy 67 to junction NY Hwy 50, then along NY Hwy 50 to junction US Hwy 9, then along US Hwy 9 to junction I Hwy 87, then along I Hwy 87 to the US–CD International Boundary line. (Gateway eliminated: points in SC, Charlotte, NC, and points in Transylvania County, NC.)

MC 118831 (Sub-E174) filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, DC 20001. *Liquid petrochemicals* (except anhydrous ammonia, fertilizer and fertilizer materials), in bulk, in tank vehicles, from Greensboro, NC, to points in NY on and north of a line beginning at Westport extending along NY Hwy N–9 to junction NY Hwy 73, then along NY Hwy 73 to junction NY Hwy 86, then along NY Hwy 86 to Junction NY Hwy 3, then along NY Hwy 3 to junction NY Hwy 56, then along NY Hwy 56 to Potsdam, then along US Hwy 11 to Canton, then along NY Hwy 68 to Ogdensburg, NY. (Gateway eliminated: points in SC and Charlotte, NC.)

MC 118831 (Sub-E175) filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, DC 20001. *Liquid petrochemicals* (except anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, from High Point, NC, to points in CT, MA, NY, and RI on, east and north of a line beginning at Charlestown extending along RI Hwy 112 to junction RI Hwy 138, then along RI Hwy 138 to Wyoming, then along I Hwy 95 to junction RI Hwy 102, then along RI Hwy 102 to junction RI Hwy 94, then along RI Hwy 94 to junction US Hwy 44, then along US Hwy 44 to Putnam, CT, then along CT Hwy 12 to junction CT Hwy 131, then along CT Hwy 131 to junction MA Hwy 131, then along MA Hwy 131 to Sturbridge, then along US Hwy 20 to junction MA Hwy 181, then along MA Hwy 181 to junction US Hwy 202, then along US Hwy 202 to Granby, then along MA Hwy 47 to Hadley, then along MA Hwy 9 through Northampton and Windsor to junction MA Hwy 8–A, then along MA Hwy 116 to Adams, then along MA Hwy 8 through North Adams to junction MA Hwy 2, then along MA Hwy 2 to junction NY Hwy 2, then along NY Hwy

2 to junction NY Hwy 22, then along NY Hwy 22 to junction NY Hwy 7, then along NY Hwy 7 through Boyntonville and Pittstown to junction unnumbered highway, then along unnumbered highway to Johnsonville, then along NY Hwy 67 to Amsterdam, then along NY Hwy 5 to Little Falls, then along NY Hwy 169 to junction NY Hwy 28, then along NY Hwy 28 to junction NY Hwy 12, then along NY Hwy 12 to Watertown, then along NY Hwy 3 to Lackets Harbor. (Gateway eliminated: points in SC and Charlotte, NC.)

MC 118831 (Sub-E177) filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, DC 20001. *Liquid petrochemcials,* in bulk, in tank vehicles, from points in SC bounded on the west by the western boundaries of Dillon, Florence, Williamsburg and Georgetown Counties and bounded on the east by a line beginning at Georgetown, SC, extending along US Hwy 17 to junction SC Hwy 51, then along SC Hwy 51 to junction SC Hwy 41, then along SC Hwy 41 to junction SC Hwy 41–A, then along SC Hwy 41–A to junction US Hwy 501, then along US Hwy 501 to the NC–SC State line, to points in MD and DE on and north of a line begining at the DC–MD State line extending along US Hwy 50 to junction MD Hwy 404, then along MD Hwy 404 to junction DE Hwy 404, then along DE Hwy 404 to junction DE Hwy 18, then along DE Hwy 18 to Cape Henlopen. (Gateway eliminated: Charlotte, NC.)

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-19535 Filed 6-21-79; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 28799 (Sub-No. 1)]

St. Louis Southwestern Railway Co. Purchase (Portion)—William M. Gibbons, Trustee of the Property of Chicago, Rock Island & Pacific Railroad Co., Debtor

AGENCY: Interstate Commerce Commission, Office of Policy and Analysis, Energy and Environment Branch.

ACTION: Notice of withdrawal of draft environmental impact statement prepared in above-entitled proceeding.

SUMMARY: On May 15, 1979 the Energy and Environment Branch served on a number of parties a copy of a draft environmental impact statement (DEIS) prepared in the above-entitled proceeding. It has since been determined that the DEIS was deficient in that it failed to address alternatives to and cumulative impacts of the proposed federal action. For this reason, the Energy and Environment Branch is withdrawing the DEIS which has been served.

A new DEIS in this proceeding will be served and hand carried to the Environmental Protection Protection Agency (EPA) on August 22, 1979. Assuming that the new draft statement is acceptable to EPA, EPA will publish notice of the availability of the DEIS by August 31, 1979. All parties will be allowed 45 days (until roughtly October 15, 1979) to file comments on the new DEIS. A final environmental impact statement (FEIS) will be served on November 28, 1979. It is anticipated that environmental hearings on the FEIS will commence on or about December 12, 1979.

FOR FURTHER INFORMATION CONTACT: Steve Botts, Telephone: (202) 275–7917.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-19533 Filed 6-21-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 107]

Motor Carrier Temporary Authority Applications

June 18, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 111729 (Sub-757TA), filed May 8, 1979. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch, Staff Vice President (same address as applicant). *General Commodities* (except articles 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 points in AR and TN; (b) between points in AR, on the one hand, and, on the other, points on and north of MS Hwy # 80; (c) between points in and west of Montgomery, Dickson, Hickman, Lewis and Lawrence Counties, TN, on the one hand, and, on the other, points in and north of MS Hwy # 80. Restricted (1) against the transportation of packages weighing more than 50 pounds; (2) against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location, in any one day, for 90 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are twenty five (25) supporting shippers. Their statements may be examined at the office listed below and headquarters. Send protests to: Maria B. Kejss, TA, ICC, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-19528 Filed 6-21-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF STATE

[Public Notice 674]

Allocation of Aggregate Sugar Import Quota in Conformity With the International Sugar Agreement, 1977 and Pursuant to Proclamation 4663

AGENCY: Department of State.

ACTION: Allocation of Aggregate Sugar Import Quota.

SUMMARY: This notice contains the allocation of the aggregate sugar import quota among foreign countries, established by a designee of the Secretary of State after appropriate consultations with the Secretary of Agriculture and the Special Trade Representative and notice to the Commissioner of Customs. Pursuant to Proclamation 4663, this allocation is in conformity with the International Sugar Agreement, 1977, which the United States is applying provisionally. The principal new effect of this allocation is to allow sugar imports from Austria and Haiti, which have become members of the International Sugar Agreement since issuance of Proclamantion 4610.

FOR FURTHER INFORMATION CONTACT: Marshall P. Adair, Deputy Chief, Tropical Products Division, Bureau of Economic and Business Affairs (202) 632–1490.

SUPPLEMENTARY INFORMATION: Proclamation 4610 (43 FR 56869) amended Headnote 3 of Subpart A, Part 10, Schedule 1 ("Headnote 3") of the Tariff Schedules of the United States (19 U.S.C 1202, referred to as "TSUS") to establish an annual aggregate import quota of 6,900,000 short tons, raw value of sugars, sirups and molasses described in items 155.20 and 155.30 of the TSUS; to allocate a large portion of that quota to certain named countries which were then parties or provisional parties to the International Sugar Agreement, 1977; and to allocate a smaller portion to Taiwan. That proclamation was designed substantially to bring the United States into conformity with certain provisions of the International Sugar Agreement, 1977.

Since issuance of Proclamation 4610, Austria and Haiti have become parties to that Agreement. Principally to take account of this and future such changes in membership in the International Sugar Agreement, 1977, Proclamation 4663 (44 FR 30663) amended Headnote 3 of TSUS to authorize the Secretary of State or his designee to allocate the sugar quota among supplying countries or areas to the extent necessary to conform with the provisions of the International Sugar Agreement, 1977.

Accordingly, pursuant to Proclamation 4663, in conformity with the International Sugar Agreement, 1977, and after appropriate consultations with and notice to other interested agencies, the sugar import quota has been allocated as described below.

Dated: June 20, 1979.

Julius L. Katz,

Assistant Secretary for Economic and Business Affairs.

Assistant Secretary of State
Washington, June 15, 1979.

Mr. Robert E. Chasen,
Commissioner of Customs,
Department of Treasury,
Washington, D.C.

Dear Commissioner Chasen: Presidential Proclamation No. 4663, of May 24, 1979, gives the Secretary of State or his designee the authority to allocate the sugar import quota to the extent necessary to conform with provisions of the International Sugar Agreement. The Secretary of State has appointed me as his designee, and appropriate consultations with the Secretary of Agriculture and the Special Trade Representative have been undertaken.

Therefore, pursuant to that proclamation; and in conformity with Headnote 3 of Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. Section 1202, hereinafter referred to as "TSUS") and with the International Sugar Agreement, 1977; you are directed, effective the day following publication of this letter in the **Federal Register**, for the two-year period beginning on January 1, 1978 and extending through December 31, 1979, to implement the following quotas for the entry, or withdrawal from warehouse, for consumption in the United States of sugars, sirups and molasses described in TSUS items 155.20 and 155.30 and produced by foreign countries:

1. The total amount of sugars, sirups, and molasses described in TSUS items 155.20 and 155.30, the products of all foreign countries entered, or withdrawn from warehouse, for consumption in any calendar year shall not exceed, in the aggregate, 6,900,000 short tons, raw value. For these purposes the term "raw value" means the equivalent of such articles in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope as determined in accordance with regulations issued by the Secretary of Treasury. The principal grades and types of sugar shall be translated into terms of raw value in the following manner:

(i) For articles described in item 155.20, by multiplying the number of pounds thereof by the greater of 0.93, or 1.07 less 0.0175 by each degree of polarization under 100 degrees (and fraction of a degree in proportion).

(ii) For articles described in item 155.30, by multiplying the number of pounds of the total sugars thereof (the sum of the sucrose and reducing or invert sugars) by 1.07.

(iii) The Secretary of the Treasury shall establish methods for translating sugar into the terms of raw value for any special grade or type of sugar for which he determines that the raw value cannot be measured adequately under the above provisions.

2. The quota of 210,987 short tons, raw value, established by Proclamation No. 4610, for entry, or withdrawal from warehouse, for consumption in the United States in the period from January 1, 1978 to December 31, 1979, of sugars, sirups, and molasses, the products of Taiwan, remains unchanged.

3. Proclamation No. 4610 established an aggregate quota of 150,544 short tons, raw value, for entry, or withdrawal from warehouse, for consumption in the United States in the period from January 1, 1978 to December 31, 1979 of sugars, sirups, and molasses, the products of all foreign countries which were not therein listed. The listed countries were the then members or provisional members of the International Sugar Agreement (ISA). Since that time, Austria and Haiti have become members of the ISA. Therefore, in conformity with the ISA, the aggregate quota of 150,544 short tons, raw value, established by Proclamation No. 4610 is reduced to 144,090 short tons, raw value, for all foreign countries which are not now members or provisional members of the ISA. Haiti and Austria are now added to the list of members and provisional members of the ISA, which is as follows:

Argentina, Australia, Austria, Bangladesh, Barbados, Belize, Bolivia, Brazil, Bulgaria, Canada, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, German Democratic Republic, Guatemala, Gyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Jamaica, Japan, Kenya, Republic of Korea, Madagascar, Malawi, Mauritius, Mexico, Mozambique, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Singapore, South Africa, St. Christopher-Nevis- Anguilla, Swaziland, Sweden, Thailand, Trinidad and Tobago, Uganda, Union of Soviet Socialist Republics, Venezuela, and Yugoslavia.

I note, with regard to paragraph 3 above, that the previous aggregate quota of 150,544 short tons, raw value, for the 1978–1979 period had already been exhausted. The above modification of the amount of this quota therefore has no practical effect, since under this allocation no more sugars, sirups, or molasses, the products of foreign countries other than those which are listed herein, may be entered, or withdrawn from warehouse, for consumption in the United States in the period from January 1, 1978 to December 31, 1979.

However, sugars, sirups, and molasses which have been released from the custody of the US Customs Service under the provisions of 19 U.S.C. Section 1448 (b) prior to the effective date of this directive shall not be denied entry under this directive.

The quotas set forth above are subject to adjustment in the future to remain in conformity with the International Sugar Agreement, 1977.

The actions taken with respect to the entry, or withdrawal from warehouse, for consumption in the United State of certain sugars, sirups, and molasses produced by foreign countries has been determined to involved foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. Section 553. This letter will be published in the **Federal Register.**

Sincerely,

Julius L. Katz,

[FR Doc. 79-19724 Filed 6-21-79; 10:45am]

BILLING CODE 4710-07-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 122
Friday, June 22, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-227, Amdt. 2; June 19, 1979.]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the June 20, 1979, meeting agenda.

TIME AND DATE: 10 a.m., June 20, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C.

SUBJECT:

6a. Docket 35603: National Airline Commission T/A Air Niugini application for exemption to operate scheduled service between Papua, New Guinea and Honolulu (BIA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Member O'Melia requested that this item be placed on the agenda for the June 20, 1979 meeting to insure that Air Niugini can commence service as planned on July 7, 1979. Accordingly, the following Members has voted that agency business requires the addition of Item 6a to the June 20, 1979 agenda and that no earlier announcement of this addition was possible.

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-1249-79 Filed 6-20-79; 3:20 pm]

BILLING CODE 6320-01-M

2

[M-227, Amdt. 3; 19 June 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition and closure of item to the June 20, 1979, meeting agenda.

TIME AND DATE: 10 a.m., June 20, 1979.

PLACE: Room 1027 (open), Room 1011 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

20. United States Position for Negotiations with the Philippines (Memo 8925, BIA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Negotiations with the Philippines are scheduled to begin June 25. The short notice request is necessary because the Board needs to prepare for an interagency meeting on this matter to take place during the week of June 18. Accordingly, the following Members have voted that agency business requires that the Board meet on this item on less than seven days' notice and that no earlier announcement of the meeting was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Gloria Schaffer

This meeting concerns strategy and positions to be taken by the United States in negotiations with the Philippines. Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interests of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting on this item should be closed:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; Member, Gloria Schaffer.
Assistants to Board Members.—Mr. David M. Kirstein, Mr. James L. Deegan, Mr. Richard Klem, and Mr. Stephen H. Lachter.
Office of the Managing Director.—Mr. Cressworth Lander.
Executive Assistant to Managing Director.—Mr. John R. Hancock.
Office of the General Director.—Mr. Michael E. Levine.
Bureau of International Affairs.—Mr. Sanford Rederer, Mr. James McMahon, Mr. Rosario J. Scibilia, Mr. David A. Levitt, Mr. Edward Wilbur, and Mr. Ron Miller.
Office of the General Counsel.—Mr. Philip J. Bakes, Jr., Mr. Gary Edles, and Mr. Peter Schwarzkopf.
Bureau of Domestic Aviation.—Ms. Barbara A. Clark.
Bureau of Consumer Protection.—Mr. Reuben B. Robertson, Ms. Patricia Kennedy, and Mr. John T. Golden.
Office of Economic Analysis.—Mr. Robert H. Frank, Mr. Larry Manheim.
Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee, and Ms. Louise Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that this meeting may be closed to public observation.

Phil Bakes, Jr.,
General Counsel.

[S-1250-79 Filed 6-20-79; 3:20 pm]

BILLING CODE 6320-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., June 29, 1979.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Market surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1248-79 Filed 6-20-79; 3:09 pm]

BILLING CODE 6351-01-M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1201-79.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. (eastern time), Tuesday, June 19, 1979.

CHANGE IN THE MEETING: The following matter was added to the agenda for the open portion of the meeting:

Resolution Concerning Employment Protection for the Handicapped.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier annoucement was possible.

In favor of Change: Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; Ethel Bent Walsh, Commissioner; and J. Clay Smith, Jr., Commissioner.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Sectariat, at (202) 634–6748.

This notice issued June 19, 1979.

[S–1239–79 Filed 6–20–79; 11:20 am]

BILLING CODE 6570–06–M

5

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. to noon and 2 p.m. to adjournment, Tuesday, June 26, 1979.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. Proposed contract for computer analysis in connection with a pending court case.
2. Proposed Notice and Administrative Regulations in connection with the Equal Pay Act.
3. Staff policy recommendation for the State and Local program for the coming year.
4. Proposed Commission policy statement on designation of State Personnel Boards.
5. Designation of the Colorado State Personnel Board as a 706 Agency.
6. Proposed delegation to State and Local Division of Office of Field Services of administrative responsibility for 706 agency designation.
7. Justification for non-competitive procurement in connection with contracts with State and Local agencies.
8. Proposed memorandum of understanding between EEOC and the Office of Federal Contract Compliance Programs.
9. Proposed printing of public hearings on Discrimination because of Religion.
10. Proposed contracts for grievance examiner services.
11. Report on operations of the Office of Review and Appeals.
12. Report on Commission operations by the Executive Director.

Closed to the public:

1. Litigation Authorization; General Counsel Recommendations.
2. Proposed Decision in Charge T403–1711.
3. Proposed Reconsideration of Decision in Charge 052–77–0749.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634–6748.

This notice issued June 19, 1979.

[S–1240–79 Filed 6–20–79; 11:20 am]

BILLING CODE 6570–06–M

6

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, June 21, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Additional item to be considered at open Commission meeting.

MATTER TO BE CONSIDERED:

Agenda, Item No., and Subject

Broadcast—3—9 KHz Channel Spacing for AM Broadcasting.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Affairs Office, telephone number (202) 632–7260.

Issued: June 19, 1979.

[S–1246–79 Filed 6–20–79; 2:49 pm]

BILLING CODE 6712–01–M

7

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, June 21, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: The following item has been deleted:

Agenda, Item No., and Subject

General—5—Application for review of a ruling by the General Counsel's Office denying James Reston's FOIA request for release of tape recordings, transcripts, and other documents dealing with amateur radio transmissions between the People's Temple in California and the People's Temple in Guyana.

Additional information concerning this item may be obtained from the FCC Public Affairs Office, telephone number (202) 632–7260.

Issued: June 19, 1979.

[S–1247–79 Filed 6–20–79; 2:49 pm]

BILLING CODE 6712–01–M

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 9:35 a.m. on Monday, June 18, 1979, the Board of Directors of the Federal Deposit Insurance Corporation met by telephone conference call to authorize payment of the insured deposits in Bank of Enville, Enville, Tennessee, which was closed by the Commissioner of Banking of the State of Tennessee as of the close of business Saturday, June 16, 1979.

In calling the meeting, the Board determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; and that the meeting could be closed to public observation pursuant to subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)), since the public interest did not require consideration of the matter in the meeting open to public observation.

Dated: June 18, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1241–79 Filed 6–20–79; 11:20 am]

BILLING CODE 6714–01–M

9

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, June 18, 1979, the Corporation's Board of Directors, voted on motion of Director William M. Isaac (Appointive),

seconded by Chairman Irvine H. Sprague, concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required its addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of recommendations regarding the liquidation of assets acquired by the Corporation from Franklin National Bank, New York, New York; The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee; American Bank & Trust Company, New York, New York; and Farmers Bank of the State of Delaware, Dover, Delaware (Case No. 43,921–L); American City Bank & Trust Company, National Association, Milwaukee, Wisconsin (Case No. 43,922–L (Amended)); International City Bank and Trust Company, New Orleans, Louisiana (Case No. 43,931–L (Addendum)); and The Hamilton Bank and Trust Company, Atlanta, Georgia (Case No. 43,956–L).

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters were eligible for consideration in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(B) and (c)(10)).

Dated: June 18, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1244-79 Filed 6-20-79; 2:11 pm]

BILLING CODE 6714-01-M

10

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 35103 June 18, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 am, June 20, 1979.

CHANGE IN MEETING: Addition to the agenda meeting June 6, 1979.

Item No., Docket No., and Company

CAG–19. IN78–1, Tenneco Oil Company, Inc.
M–3. RM79– , Delegation of the Commission's Authority to various Office Directors.
M–9. Notice of Well Category Determination by the USGS Northern Rocky Mountain Area Oil and Gas Supervisor.
M–10. RM78–7, RM79–8, RM78–14, RM77–12, RM77–13, RM77–16, RM77–23. RM75–7, RM75–12, RM75–19, RM75–20, RM74–17 and R–417, Termination of Various Proposed Rulemaking Proceedings.
RP–4. RP72–154 (PGA 78–1), RP76–115 (AP 78–1) and RP72–74 (DCA 78–1), Northwest Pipeline Corporation.
RP–5. RP74–97 (PGA 78–1), Montana-Dakota Utilities Company.
CI–5. RP77–13, Arkansas Louisiana Gas Company.
CI–6(A). G–17281, G–17529, RI71–154, AR64–2, *et al.*, Ginter, Warren and Company (Texas Gulf Coast Area).
CI–6(B). G–17281, G–17529, RI71–154, AR64–2, *et al.*, N. C. Ginter, *et al.*, (Texas Gulf Coast Area).
CP–1. CP77–267, Mid-Louisiana Gas Company and Transcontinental Gas Pipe Line Corporation.
CP–2. CP–421, *et al.*, Transcontinental Gas Pipe Line Company, *et al.*
CP–4(A). CP79–133, ONG Western Inc.
CP–4(B). RM79– , Final Part 284 Regulations Under the Natural Gas Policy Act of 1978.
CP–5. CP76–376, Town of Metcalfe, Mississippi, Applicant, v. Texas Gas Transmission Corporation, Respondent.

Kenneth F. Plumb,

Secretary.

[S-1243-79 Filed 6-20-79; 1:40 pm]

BILLING CODE 6740-02-M

11

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 35104, June 18, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., June 21, 1979.

CHANGE IN THE MEETING: Addition of the following item to the open session:

2. Shipping Act Amendments of 1979 (Pub. L. 96–); Interim Regulations and Proposed Rulemaking to Implement.

[S-1242-79 Filed 6-20-79; 11:20 am]

BILLING CODE 6730-01-M

12

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., June 27, 1979.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Report on Notation Items disposed of during May, 1979.
2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during May, 1979.
3. Report of the Secretary on Applications for Admission to Practice approved during May, 1979, pursuant to delegated authority.
4. Assignment of Informal Dockets by the Secretary during May, 1979.
5. Monthly Report of actions taken pursuant to authority delegated to the Managing Director.
6. Petitions under section 528.3(b)(3) of Part 528, 46 CFR (General Order 7, Revised) to allow officers or employees of a rate-fixing agreement to serve as the policing authority.
7. Docket No. 78–53: Independent Ocean Freight Forwarder Bids on Government Shipments United States Ports—Proposed final rules.
8. Special Docket No. 606: Application of Sea-Land Service, Inc. for the Benefit of Nepera Chemical, Inc.—Review of initial decision.

Portion closed to the public:

1. Docket No. 74–41: Agreement Nos. 8200–1, 8200–2 and 8200–3 Between the Pacific Westbound Conference and Far East Conference—Petitions of Pacific Westbound and Far East Conferences for reconsideration of Commission decision.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

[S-1245-79 Filed 6-20-79; 2:49 pm]

BILLING CODE 6730-01-M

13

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS.

TIME AND DATE: 12 noon, Wednesday, June 27, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: CLOSED.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments.
2. Proposed acquisition of real property by a Federal Reserve Bank.
3. Proposed space consolidation plan, involving competitive bidding, for the Federal Reserve Bank of New York. (This matter was originally announced for a meeting on Friday, June 15, 1979).
4. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
5. Any agenda items carried forward from a previously announced meeting.

[S-1234-79 Filed 6-20-79; 9:07 am]

BILLING CODE 6210-01-M

14

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Tuesday, June 26, 1979.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Oral Presentation in Appliance Labeling TRR

CONTACT PERSON FOR MORE INFORMATION: Ira J. Furman, Office of Public Information: (202) 523–3880; Recorded Message: (202) 523–3806.

[S–1235–79 Filed 6–20–79; 9:07 am]

BILLING CODE 6750–01–M

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FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Thursday, June 28, 1979.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Consideration of Appliance Labeling TRR.

CONTACT PERSON FOR MORE INFORMATION: Ira J. Furman, Office of Public Information: (202) 523–3830; Recorded Message: (202) 523–3806.

[S–1236–79 Filed 6–20–79; 9:07 am]

BILLING CODE 6750–01–M

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SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [44 FR 34241 June 14, 1979].

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, June 11, 1979.

CHANGES IN MEETING: Additional items.

The following additional items were considered at a closed meeting on Tuesday, June 19, 1979, immediately following the 10:00 a.m. open meeting:

Regulatory matter bearing enforcement implications and institution of injunctive action.

Litigation matter.

Subpoena enforcement action.

Settlement of injunctive action.

Commissioners Loomis, Evans, Pollack and Karmel determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling or meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Wheeler at (202) 755–1129.

June 19, 1979.

[S–1238–79 Filed 6–20–79; 10:18 am]

BILLING CODE 8010–01–M

Reader Aids

Federal Register

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Friday, June 22, 1979

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
DOT/UMTA*	MSPB/OPM		DOT/UMTA*	MSPB/OPM
DOT/FRA*	LABOR		DOT/FRA*	LABOR
CSA	HEW/FDA		CSA	HEW/FDA

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 June 14, 1979, the Urban Mass Transportation Administration and Federal Railroad Administration, Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

CIVIL AERONAUTICS BOARD

30080 5–24–79 / Application of no-smoking areas to commuter airlines

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Government National Mortgage Association—

30084 5–24–79 / List of attorneys-in-fact

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 21, 1979

Slip Laws

Subscriptions Now Being Accepted

96th Congress, 1st Session, 1979

Separate prints of Public Laws, published immediately after enactment, with marginal annotations, legislative history references, and future Statutes volume page numbers.

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federal register

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Friday, June 22, 1979

Part II—Labor/ESA:
Minimum Wages for Federal and Federally Assisted Construction

Part III—HUD:
Fair Market Rents and Housing Assistance Payments Program; Amended Schedules

Part IV—Labor/PWBP; HEW/PHS:
Health Maintenance Organizations

Part V—USDA/APHIS:
Warmblooded Aquatic Animals or Marine Mammals

Part VI—Interior/OSMRE:
Surface Coal Mining and Reclamation Operations; Initial Regulatory Program

Part VII—USDA/FmHA:
Technical and Supervisory Assistance Grant Program; Implementation

Part VIII—HEW/OE:
Ethnic Heritage Studies Program

Part IX—SEC:
National Market System Securities

federal register

Friday
June 22, 1979

Part II

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages For Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage & Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New General Wage Determination Decisions

New Jersey:
NJ79-3013

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama:	
AL78-1069	September 8, 1978
District of Columbia:	
DC78-3098	December 15, 1978
Indiana:	
IN79-2003	January 26, 1979
Michigan:	
MI79-2018	May 4, 1979
Minnesota:	
MN79-2021; MN79-2022; MN79-2023; MN79-2024; MN79-2025.	May 4, 1979
Nevada:	
NV79-5107	March 9, 1979
New Jersey:	
NJ78-3009	April 21, 1978
Ohio:	
OH79-2043	May 4, 1979
OH79-2047; OH79-2050	May 11, 1979
Pennsylvania:	
PA78-3065	September 22, 1978
PA78-3099	December 15, 1978
Virginia:	
VA78-3074; VA78-3076	November 3, 1978

Supersedeas Decisions to General Wage Determination Decisions

The number of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois:	
IL78-2008(IL79-2061)	February 17, 1978
Indiana:	
IL78-2008(IL79-2061)	February 17, 1978
IN78-2066(IN79-2058)	July 28, 1978
IN78-2162(IN79-2059)	December 8, 1978
IN78-2163(IN79-2060)	December 1, 1978
Kentucky:	
IL78-2008(IL79-2061)	February 17, 1978
Missouri:	
IL78-2008(IL79-2061)	February 17, 1978
Ohio:	
IL78-2008(IL79-2061)	February 17, 1978
Texas:	
TX79-4004(TX79-4045)	January 5, 1979
West Virginia:	
IL78-2008(IL79-2061)	February 17, 1978

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 15th day of June 1979.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

[FR Doc. 79-19232 Filed 6-21-79; 8:45 am]

BILLING CODE 4510-27-M

NEW DECISION

STATE: New Jersey COUNTY: Atlantic
DECISION NO.: NJ79-3013 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction projects consisting of single family houses and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning & Refrigeration Mechanics:					
Installation of refrigeration equipment for any type of building where the combined compressor tonnage does not exceed 5 tons; installation of water-cooled air conditioning that does not exceed 10 tons (includes the piping of component system and the erection of the water tower); installation of air-cooled air conditioning that does not exceed 15 tons	$ 8.35	.065	.31	b	.04
Bricklayers	11.70	.75	1.00		.04
Carpenters & Soft Floor Layers	12.13	8%	7%		.3%
Cement Masons	11.65	.75	1.00		.04
Electricians:					
Units built primarily for family residence, not to exceed 4 unit apartments (Note: Firewalls alone are not a determinative criteria.)	6.49	6%	3%+.35		.05
All other residential construction:					
That portion south and west of a line following the White Horse Pile (US Hwy. #30) in a southeasterly direction from Camden County to the Mays Landing DaCosta Road, continuing south along that river to the Great Egg Harbor River near Weymouth along that river to the Harding Highway to the Mays landing Tuckahoe Road south on that road to the north limits of county	12.55	7%	3% + 1.10		.04
Remainder of County	12.73	7%	3% + .60		.02

DECISION NO. NJ79-3013

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers	12.25	.84	1.36		
Laborers:					
Common Laborers, Mason Tenders, Plasterers Tenders, Concrete Workers	8.50	.60	.75		.07
Tool Operators (except small hand tools) including operation of motorized buggies	8.75	.60	.75		.07
Gunnite men & gun nozzle operators for gunnite and asbestos sandblasting	8.90	.60	.75		.07
Painters:					
New Construction:					
Brush & Roller, Paper Hanging, Wall Covering	12.45	1.00	.90		.10
Spray	13.45	1.00	.90		.10
Repaint Work:					
Brush, Roller, Paper Hanging, Wall Covering	9.96	1.00	.90		.10
Spray	10.96	1.00	.90		.10
Plasterers	11.70	.75	1.00		.04
Roofers:					
Composition, Damproofing & Waterproofing	12.07	1.40	.95		
Plumbers & Pipefitters	12.78	4%	.52		.025
Sheet Metal Workers	12.04	1.01	.88		.02
Tile Setters	11.65	.75	1.00		.04
Truck Drivers:					
Regular	8.65	a	c	d+e	
Tractor, Trailers, Transit-Mix, 10-Wheel Flats Dumps	8.65	a	c	d+e	
Euclids, 10-Wheel Tractors and Tractor Trailers, Lowbeds and Pole Trailers	8.95	a	c	d+e	

DECISION NO. NJ79-3013

PAID HOLIDAYS:

A. New Year's Day
B. Memorial Day
C. Independence Day
D. Labor Day
E. Thanksgiving Day
F. Christmas Day

FOOTNOTES:

a. Employer contributes $6.30 per day to Health & Welfare.

b. Paid Holidays: A through F, Armistice Day and Washington's Birthday.

c. Employer contributes $4.00 per day to Pension Fund, per employee

d. One week vacation after one year's work; 2 weeks vacation after 3 years work.

e. Paid Holidays: A-F, Washington's Birthday, Veterans' Day and Presidential Election Day, (provided employee works the three days in the week in which the holiday falls).

f. Holidays: A-F, Washingtons Birthday, Veterans Day, and Presidential Election Day (provided the employee works any of the three days preceding the holiday and the first work day after the recognized holiday).

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	15.31	7%	15%	f	3%
GROUP 2	13.49	7%	15%	f	3%
GROUP 3	12.61	7%	15%	f	3%
GROUP 4	12.50	7%	15%	f	3%
GROUP 5	12.27	7%	15%	f	3%
GROUP 6	11.78	7%	15%	f	3%
GROUP 7	11.49	7%	15%	f	3%
GROUP 8	11.32	7%	15%	f	3%
GROUP 9	11.27	7%	15%	f	3%
GROUP 10	11.15	7%	15%	f	3%
GROUP 11	11.10	7%	15%	f	3%
GROUP 12	10.86	7%	15%	f	3%
GROUP 13	10.46	7%	15%	f	3%
GROUP 14	10.29	7%	15%	f	3%
GROUP 15	9.95	7%	15%	f	3%
GROUP 16	7.97	7%	15%	f	3%

50¢ per hour on machines where "Cat Head" or "Sheave Point" is at least 100 feet above ground level and less than 140 feet; 75¢ per hour on machines where "Cat Head" or "Sheave Point" is 140 feet or over above ground level.

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Autograde-combination subgrader, base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); back hoes (all types, including all combination hoe loaders); central power plants (all types); concrete paving machines; cranes (all types including over-head & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only), drillmaster, quarry master (down the hole drill); draglines; elevator graders; engines, large diesel (1625 HP) and staging pump; front end loaders (5 yds & over); gradalls; grader, rago; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver, resinous, Broyhill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; piledriver; scooper (loader and shovel) Koehring; shovels; treechopper with boom; trench machines.

GROUP 3 - Pump, staging.

GROUP 4 - A-frame, boom attachment on loaders; boring & drilling machines: brush chopper, chipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system, pumpcrete, squeezecrete & similar types; conveyors, 125' & over; economobiles (hilo, lull, hyster similar type equipment); forklifts; front end loaders (2 yds. but less than 5 yds); groove cutting machines (ride or type); heater planer; hoist (Chicago Boom); Pans, LeTourneau, DW's, Ukes, pumpcrete-unit type; pumpcrete machines, squeezecrete & concrete pumping; scrapers-LeTourneau, DW's Ukes; side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting).

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CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 5 - Aerial platform (used as hoist); hoists all types except Chicago Boom type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists.

GROUP 6 - Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop.

GROUP 7 - Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CMI & similar types); autograde curecrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slipform (CMI & similar types); barbending machines (power); batchers, batching plant & crusher on site; bet convey or systems; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-hetzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch witch or similar); drill doctor (duties include dust collector); dope pots (mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd & over but less than 2 yds) - highway, road, street & sewer construction rate only; front end loaders (under 2 yds) - building and heavy construction rates only; generators; giraffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (in conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only; laddervator; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pavement breakers - small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe bending machine (power); pitch pump; plasterer pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; steam pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic.

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CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 8 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building & heavy construction rate only.

GROUP 9 - Brooms & sweepers; bulldozer, D5 and over; fireman; sprinkler and water pump trucks (used on job site or in conjunction with jobsite); stone spreaders; sweepers & brooms; tractors, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site); field engineer: Party chief.

GROUP 10 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only.

GROUP 11 - Front end loaders (under 1 yd.) - highway, road, street & sewer construction rate only.

GROUP 12 - Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8.

GROUP 13 - Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 of less than 4 inch suction including submersible pumps); pumps, diesel engine & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propape, natural gas or flow type units); welding machines, gas or electric converters of any type - single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance).

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CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 14 - Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); muching equipment; road finishing machines (small type) - highway road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only).

GROUP 15 - Assistant engineer/oiler; mechanics helper; tire repair and maintenance; field engineer: transit/instrument man.

GROUP 16 - Field engineer: rodmen/chairman

Decision #AL78-1069- Mod. # 2 (43 FR-40172 September 8, 1978) Tuscaloosa County, Alabama	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Sheet metal worker	10.80	.69	.82		.09
DECISION NO. DC78-3098 - Mod. # 7 (43 FR 58723 - December 15, 1978) District of Columbia; Maryland Montgomery & Prince George's Counties, and D, C. Training School; Virginia - Independent City of Alexandria & Arlington					
Change:					
HEAVY CONSTRUCTION EXCLUDING WATER AND SEWER LINES:					
All Counties					
BUILDING CONSTRUCTION:					
Excluding Alexandria, Virginia					
Boilermakers	$12.875	1.07	1.00		.04
Electricians	12.20	.70	3%+.80		.13
Elevator Constructors	11.72	.895	.69		.03
Elevator Constructors Helpers	70%JR	.895	.69		.03
Elevator Constructors Helpers (Prob.)	50%JR				
Divers	21.79	.80	.65		.05
Diver Tenders	21.43	.80	.65		.05
Painters:					
Brush, spray. paperhangers, tapers	11.50	.91	1.10		.08
Steel, sandblasting, swing stage, power brushing	12.00	.91	1.10		.08
Plasterers	11.23	.65	.75		.06

DECISION NO. IN79-2003 - MOD. #3 (44 FR 5614 - January 26, 1979) Brown, Clark, Crawford, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Henry, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Randolph, Ripley, Rush, Scott, Switzerland, Union, Washington & Wayne Cos., Indiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Ironworkers:					
Fayette (Rem. of Co.), Randolph (S. part including Union City but exclu. Winchester), Union (N 2/3), & Wayne Cos.:					
Within 15 mi. radius of Dayton, Ohio	$12.36	1.00	1.45		.06
Beyond 15 mi. radius of Dayton, Ohio	12.51	1.00	1.45		.06
DECISION #MI79-2018 - MOD. #1 (44 FR 26457 - May 4, 1979) Kent County, Michigan					
CHANGE:					
Electricians	$11.95	.50	3%+.35		.02

DECISION NO. MN79-2021 - MOD #1
(44 FR 26463 - May 4, 1979)
Anoka, Carver, Hennepin, Scott, Dakota, Ramsey & Washington Counties, Minnesota

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS & STONEMASONS	$11.16	.655	.73	.70	
ELECTRICIANS:					
Residential					
Carver, Hennepin & Scott Cos; Twps. of Anoka, Fridley, Crow & Ramsey in Anoka County: Construction of all new family dwellings up to & including 4-plexes; and to all residential remodeling, rewiring & repairing in apartment buildings up to & including a 400 ampere service. This is limited to 3 floor occupied as living quarters floors & non-elevator apartment buildings	8.50	.48	3%	.37	1%
Dakota, Ramsey, Washington Cos; & Remainder of Anoka Co: Construction of all new family dwellings up to & including 4-plexes, townhouses of 4 or less contiguous units; and to all residential remodeling, rewiring & repairing except that any single apartment project including a change of main service entrance shall not exceed 8 living units or 400 amps.	8.50	.50	3%	5%	3/4 of 1%
IRONWORKERS	12.20	.85	.80		.04
PAINTERS:					
Remaining Counties:					
Brush & Roller	11.31	.65	.40		.11
Structural Steel & Spray	11.91	.65	.40		.11

DECISION NO. MN79-2021 - MOD #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS	$11.30	.45	.50	.35	.01
PLUMBERS:					
Plumbers; Steamfitters & Pipefitters:					
Dakota, Ramsey & Washington Cos.	11.77	.53	.50	1.52	.06
Remainding Counties:					
Plumbers	11.94	.53	.50	1.35	.05
Steamfitters & Pipefitters	11.94	.54	.50	1.25	.05

DECISION NO. MN79-2022 - MOD #1
(44 FR 26468 - May 4, 1979)
Blue Earth, Fairbault, Freeborn & Mower Counties, Minnesota

CHANGE:					
CEMENT MASONS & PLASTERERS:					
Building: Blue Earth County					
Cement Masons	$11.45				
ELECTRICIANS:					
Blue Earth & Fairbault Cos;					
Jobs outside the Mankato City area less than $50,000	10.00	7%	6%	10½%	3/4 of 1%
Jobs within a 5 mile radius of Mankato $50,000 & over	12.15	7%	6%	10½%	3/4 of 1%
Freeborn & Mower Counties;					
$75,000 or more	11.39	.66	3%	6%	.25%
$75,000 or less & Residential	9.11	.66	3%	6%	.25%
IRONWORKERS	12.20	.85	.80		.04

DECISION NO. MN79-2023 - MOD #1
(44 FR 26473 - May 4, 1979)
Olmsted County, Minnesota

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
$75,000 or more	$11.39	.66	3%	6%	.25%
Under $75,000 & Residential	9.11	.66	3%	6%	.25%
TILE SETTERS	12.70				

DECISION NO. MN79-2024 - MOD #1
(44 FR 26476 - May 4, 1979)
Benton, Sherburne & Stearns Counties, Minnesota

CHANGE:					
ELECTRICIANS:					
Benton & Stearns Cos; Twps. of Haven, Palmer, Santiago, Becker & Clear Lake in Sherburne County:					
Jobs under $50,000	$10.00	7%	6%	10½%	3/4 of 1%
Jobs over $50,000	12.15	7%	6%	10½%	3/4 of 1%
PAINTERS:					
Eastern 2/3 of Sherburne Co:					
Brush, Roller & Paperhangers	11.31	.65	.40		.11
Spray, Structural Steel & Sandblasting	11.91	.65	.40		.11
PLUMBERS & STEAMFITTERS:					
Sherburne County:					
Plumbers Eastern ½ of County	11.94	.53	.50	1.35	.05
Steamfitters & Pipefitters Eastern ½ of County	11.94	.54	.50	1.25	.05
Benton & Stearns Cos; & the Western ½ of Sherburne Co:					
Plumbers & Steamfitters	12.57	.53	.50		.06
OMIT:					
PAINTERS:					
Benton & Stearns Cos; & the remainder of Sherburne Co:					
Residential	8.50			3%	

DECISION NO. MN79-2025 - MOD #1
(44 FR 26484 - May 4, 1979)
Carlton, Cook, Itasca, Koochiching, Lake & St. Louis Counties, Minnesota

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS	$12.80	.50	.75		
BRICKLAYERS:					
Cook, Lake & Carlton Counties & all that part of St. Louis County South of line between Township 54 & 55 to 2 miles North of Cotton.	12.32	.40	.30		
Itasca County & the Northern ½ of St. Louis County	12.075	.40	.30		
ELECTRICIANS:					
Cook, Lake, Carlton Counties, the Southerly 12 Townships of Itasca County including Harris, Feely, Blackberry, Spang, Goodland, Sago & Wawina & all of the Southerly part of County bounded on the North by the lines of Kelsey Township extended East & West in St. Louis County	12.08	4%	8%	11%	¼ of 1%
Koochiching County, Itasca County, (except that section South of a line extending East & West of the South line of Grand Rapids & Trout Lake Township), Northern part of St. Louis County bounded by the South line of Ellsburg Township extended East & West	11.83	4%	6%	11%	1½%
PLUMBERS & STEAMFITTERS:					
Cook & Carlton Counties & Southern ½ of St. Louis & Lake Counties	11.51	.40	.75	1.50	.05
SHEET METAL WORKERS:					
Cook, Lake, Carlton Counties & Southern ½ of St. Louis County	11.54	.40	.66	1.25	.04

DECISION #NV79-5107 - Mod. #1
(44 FR 13225 - March 9, 1979)
Nevada Test Site including Tonopah Test Range in Clark, Lincoln, Nye Counties, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Groundman	11.38	.98	3% + 1.55		.05
Laborers:					
Group 1	8.98	.66	1.25	1.25	
Group 2	9.03	.66	1.25	1.25	
Group 3	9.06	.66	1.25	1.25	
Group 4	9.08	.66	1.25	1.25	
Group 5	9.10	.66	1.25	1.25	
Group 6	9.11	.66	1.25	1.25	
Group 7	9.13	.66	1.25	1.25	
Group 8	9.16	.66	1.25	1.25	
Group 9	9.17	.66	1.25	1.25	
Group 10	9.19	.66	1.25	1.25	
Group 11	9.24	.66	1.25	1.25	
Group 12	9.27	.66	1.25	1.25	
Group 13	9.29	.66	1.25	1.25	
Group 14	9.32	.66	1.25	1.25	
Group 15	9.34	.66	1.25	1.25	
Group 16	9.405	.66	1.25	1.25	
Group 17	9.43	.66	1.25	1.25	
Group 18	9.50	.66	1.25	1.25	
Power Equipment Operators:					
Group 1	10.78	1.10	2.30	.35	.04
Group 2	11.02	1.10	2.30	.35	.04
Group 3	11.26	1.10	2.30	.35	.04
Group 4	11.37	1.10	2.30	.35	.04
Group 5	11.56	1.10	2.30	.35	.04
Group 6	11.66	1.10	2.30	.35	.04
Group 7	10.36	1.10	2.30	.35	
Group 7-A	10.07	1.10	2.30	.35	
Group 7-B	9.96	1.10	2.30	.35	
Group 7-C	9.72	1.10	2.30	.35	
Roofers	15.05	.80			
Truck Drivers:					
Group 1	10.98	.46	1.12		
Group 2	11.09	.46	1.12		
Group 3	11.14	.46	1.12		
Group 4	11.30	.46	1.12		
Group 5	11.48	.46	1.12		
Add:					
Boilermakers	14.36	1.075	1.00	1.00	.03

DECISION #NJ78-3009 - Mod. #10
(42 FR 17223 - April 21, 1978)
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union & Warren Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers, stone masons, cement masons & plasterers:					
Zone 3	$12.10	.84	.90		.02
Zone 4:					
Bricklayers & stone masons	12.96				
Zone 6	11.45	1.10	1.20		.02
Zone 9	12.28	.75	.70		.04
Carpenters, insulators & Millwrights:					
Zone 3:					
Carpenters & insulators	12.13	8%	7%		1/2%
Millwrights	12.38	8%	7%		1/2%
Electricians & cable splicers:					
Zone 1	13.75	9%	12%		
Zone 2	13.84	7%	6%+1.00		.02
Zone 3	14.26	7%	3%+.90		.015
Zone 6:					
Wiremen	14.25	7%	10%		
Cable splicers	15.32	7%	10%		
Zone 7	14.10	7%	3%+.80		
Zone 8	14.01	7%	3%+.90		.015
Zone 11	13.75	7%	3%+1.65		.02
Zone 12	14.43	7%	3%+.90		.015
Zone 13	13.75	14%	8%		.02
Glaziers:					
Zone 1	11.17	.80	2.00	1.25	.03
Laborers, Building Construction:					
Zone 1:					
Laborers, air tool ops. (jackhammers and vibrators), mason tenders, mortar mixers, pipelayers (concrete & clay) & plasterer tenders	8.40	.85	.85		.07

NJ78-3009 CONT.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Zone 2:					
Laborers, air tool ops. (jackhammers and vibrators), mason tenders, mortar mixers, pipelayers (concrete and clay), plasterers tenders, wrecking and excavation	$ 8.25	1.10	.75		.07
Zone 4:					
Common laborers	8.80	.80	.50		.07
Zone 6:					
Common laborers, air tool ops., mason tenders, mortar mixers & pipelayers (concrete and clay)	8.10	.90	1.10		.07
Zone 7:					
Common laborers	8.15	.80	1.20		.07
Zone 8:					
Common laborers	9.10	.40	.60		.07
Zone 9:					
Common laborers	8.80	.55	.75		.07
Zone 12:					
Laborer, tenders, scaffolds, excavation, bituminous concrete & aggregates, pipelayers, underpinning, lagging, bracing & wrecking	8.65	.80	.65		.07
Zone 15					
Common laborers	8.40	.85	.85		.07
Zone 17					
Common laborers, hod carriers, power tool ops. & plasterer tenders	8.70	.65	.55		.07
Line Construction:					
Zone 1					
Linemen, cable splicers, line equipment operators, line truck operators, groundmen and welders	13.75	9%	12%		3/4%

NJ78-3009 CONT.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Zone 2					
Linemen & equipment operators	$14.25	7%	10%		3/4%
Cable Splicers	15.32	7%	10%		3/4%
Groundmen	9.975	7%	10%		3/4%
Zone 4					
Linemen, cable splicers, line equipment operators & groundmen	13.84	7%	6%+1.00		3/4%
Zone 5					
Linemen, cable splicers, line equipment operators and groundmen	13.84	7%	3%+.90		3/4%
Zone 6					
Linemen, cable splicers, line equipment operators, and groundmen	13.84	7%	3%+.80		3/4%
Zone 7					
Linemen & equipment operator	14.10	7%	3%+.80		3/4%
Groundmen & line truck operators	12.45	7%	3%+.80		3/4%
Zone 8					
Linemen & equipment operators	14.01	7%	3%+.90		
Groundmen	12.15	7%	3%+.90		
Zone 9					
Linemen & equipment operators	14.01	7%	3%+.80		3/4%
Groundmen	12.15	7%	3%+.80		3/4%
Zone 10					
Linemen, cable splicers and groundmen	13.75	7%	3%+1.65		3/4%
Zone 11					
Linemen, cable splicers and groundmen	13.75	7%	3%+.90		3/4%
Zone 12					
Linemen, cable splicers & equipment operators	13.97	13%	7%		3/4%
Groundmen & winch operators	13.07	13%	7%		3/4%

NJ78-3009 CONT.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Zone 13					
Linemen, line truck operators, equipment operators and cable splicers	$12.39	8%	3%+1.00		
Groundmen	7.434	8%	3%+1.00		
Zone 14					
Linemen, line truck operators, equipment operators & cable splicers	12.39	7%	3%+.80		3/4%
Groundmen	7.434	7%	3%+.80		3/4%
Painters:					
Zone 1					
Painters & tapers	10.75	1.00	2.05		.06
steel outside	11.75	1.00	2.05		.06
Spray	12.30	1.00	2.05		.06
Zone 2					
Brush & roller	10.47	.93	1.00		.07
Spray	11.43	.93	1.00		.07
Repaint	10.04	.93	1.00		.07
Sheet metal workers:					
Middlesex County	12.39	6%	5%+.11	8%	.04

DECISION NO. OH79-2043 - MOD. #3
(44 FR 26504 - May 4, 1979)
Statewide, Ohio

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers:					
Allen, Auglaize, Clinton, Darke, Greene, Mercer, Miami Montgomery, Preble & Shelby Cos., The North ½ of Butler & Warren Cos., the West 2/3 of Champaign & Logan Cos., the West 3/4 of Clark Co. & the West 4/5 of Highland Co.:					
Dayton Metropolitan Area	12.36	1.00	1.45		.06
Outside Dayton Metropolitan Area	12.51	1.00	1.45		.06

DECISION NO. OH79-2047 - MOD. #3
(44 FR 27889 - May 11, 1979)
Adams, Brown, Butler, Champaign Clark, Clermont, Clinton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Geauga, Greene, Hamilton, Highland, Lawrence, Licking, Madison, Meigs, Miami, Montgomery, Muskingum, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union & Warren Cos., Ohio

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers:					
Butler (N. ½ of Co.), Champaign (W. 2/3 of Co.), Clark (W 3/4), Clinton, Darke, Fayette (Part), Greene, Highland (W 4/5), Miami, Montgomery, Preble, Shelby, & Warren (N. ½) Cos.:					
Within 15 mi. radius of Local Union #290 office	12.36	1.00	1.45		.06
Beyond 15 mi. radius of Local Union #290 office	12.51	1.00	1.45		.06

DECISION NO. OH79-2050 - MOD. #3
(44 FR 27913 - May 11, 1979)
Allen, Auglaize, Crawford, Defiance, Erie, Hancock, Hardin, Henry, Huron, Knox, Logan, Marion, Mercer, Morrow, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, Williams, Wood, & Wyandot Cos., Ohio

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Ironworkers:					
Allen, Auglaize, Logan (W 2/3) & Mercer Cos.:					
Within 15 mi. radius of Local Union #290	$12.36	1.00	1.45		.06
Beyond 15 mi. radius of Local Union #290	12.51	1.00	1.45		.06

DECISION NO. PA78-3065 - Mod. # 5
(43 FR 43226 - September 22, 1978)
Sullivan County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers:					
Unskilled & window washers	$9.52	.55	.80		
Mason tenders inc., scaffold builders	9.92	.55	.80		
Semi-skilled, pneumatic, electrical & mechanical tool ops., under the jurisdiction of the laborers - 2" pumps - non-metallic pipelaying & making of joints clay, terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot materials, cement finishers & blaster helpers, power buggies, walk along hoist	9.72	.55	.80		
Plasterers tenders, blasters & wagon drill operators	9.84	.55	.80		

DECISION NO. PA78-3099 - Mod. #6
(43 FR 58729 - December 15, 1978)
Bradford, Tioga, Union Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Zone III	10.90	.75	3%+.50	1.00	.10
Glaziers					
Zone II	10.14	.55	.65		.01
Laborers:					
Class I	7.60	.55	.50		
Class II	7.75	.55	.50		

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision No. VA78-3074-Mod. #4 (43 FR 51588-November 3,1978) Henrico and the independent City of Richmond, Virginia					
CHANGE: Electricians	$11.65	.67	3%		5%
Decision No. VA78-3076-Mod. #3 (43 FR 51592- November 3,1978) The cities of Chesapeake, Portsmouth, and Virginia Beach, Va					
CHANGE: Electricians	10.20	.60	8%	a	1%

SUPERSEDEAS DECISION

STATES: Illinois, Indiana, Kentucky, Missouri, Ohio, & West Virginia
DECISION NUMBER: IL79-2061 DATE: Date of Publication
SUPERSEDES DECISION NO.: IL78-2008 dated February 17, 1978 in 43 FR 7125
DESCRIPTIONOF WORK: Dredging on the Illinois River between Miles 0.0 and 80.0; the Ohio River between Miles 950.0 and 122.0; the Upper Mississippi River between Miles 0.0 and 195.0; and the Kaskaskia River from the mouth to Fayetteville, Illinois.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I					
Within the geographical jurisdiction of the St. Louis District, Corps of Engineers.					
Levermen, Engineer, Mechanic, and Boatman	$10.93	.90	1.51		
Oiler	9.22	.90	1.51		
AREA II					
Within the geographical jurisdiction of the Louisville District, Corps of Engineers					
Levermen, Engineer, Mechanic, and Boatman	10.61	.90	1.51		
Oiler	8.01	.90	1.51		
AREA III					
Within the geographical jurisdiction of the Huntington District, Corps of Engineers					
Levermen, Engineer, Mechanic, and Boatman	10.26	.90	1.51		
Oiler	7.51	.90	1.51		

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NO. IN79-2058
COUNTIES: *See Below
DATE: Date of Publication
Supersedes Decision No. IN78-2066 dated July 28, 1978 in 43 FR 33003
DESCRIPTION OF WORK: Building Construction Projects (Does not include single family homes & garden type apartments up to & including 4 stories)

*Elkhart, Jasper, Kosciusko, LaGrange, Marshall, Newton, Pulaski, & Starke

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Elkhart, Jasper, Kosciusko, Marshall, Pulaski, & Starke Cos.	12.98	.65	.90		
LaGrange Co.	12.60	.55	1.25		
Newton Co.	13.01	.91	.99		.05
BOILERMAKERS	13.25	1.175	1.00		.03
BRICKLAYERS; Stonemasons:					
Elkhart, Kosciusko, & LaGrange Cos.	12.33		.30		.02
Jasper, Newton & Starke Cos.	12.70	.90	.55		.05
Marshall Co.	12.20	1.00	.90		.07
Pulaski Co.	11.10	1.00	.40		
CARPENTERS; Millwrights; Pile-drivermen; & Soft Floor Layers:					
Elkhart Co.					
Carpenters; Soft Floor Layers	11.25	.80	.65		.08
Millwrights; Piledrivermen	11.50	.80	.65		.08
Jasper, Newton, & Starke Cos.:					
Carpenters; Soft Floor Layers	13.43	.75	.82		.05
Millwrights	13.53	.75	.82		.05
Kosciusko (Warsaw & Vic.), Marshall & Pulaski Cos.:					
Carpenters; Soft Floor Layers	11.23	.80	.60		.05
Millwrights	11.73	.80	.60		.05
Piledrivermen	11.43	.80	.60		.05
Kosciusko (Remaining Portion) Co.	11.60	.65	1.00		.08
LaGrange Co.:					
Carpenters; Soft Floor Layers	10.57	6%a			.08
Millwrights; Piledrivermen	10.90	6%a			.08
CEMENT MASONS:					
Elkhart, Kosciusko, & LaGrange Cos.	11.38		.30		.02
Jasper (Northern 1/3), Pulaski (Northern ½), & Starke Cos.	10.95	.90	1.00		.06
Jasper (Remaining Portion), & Newton (Southeastern 2/3) Cos.	10.75	.60	.75		
Marshall & Pulaski (S½) Cos.	11.23	.85	.80		.04
Newton (Northern 1/3) Co.	11.42	.90	.60		.03
ELECTRICIANS:					
Elkhart, Kosciusko, & Marshall Cos.	11.85	4.8%	7%		.2%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (Cont'd)					
Jasper, Pulaski, & Starke Cos.	13.00	4%	7½%		.5%
LaGrange Co.	12.70	.50	3%+.50		.06
Newton Co.	12.60	6.5%	8.3%		.7%
ELEVATOR CONSTRUCTORS:					
Elkhart, Jasper, Kosciusko (NW Portion), LaGrange (NW of City of LaGrange), Marshall, Pulaski, & Starke Cos.:					
Elevator Constructors	11.44	.745	.56	b+c	.035
Helpers	70%JR	.745	.56	b+c	.035
Helpers (Prob.)	50%JR				
Kosciusko (SE part), & LaGrange (Remaining Portion) Cos.:					
Elevator Constructors	11.635	.745	.56	b+c	.035
Helpers	70%JR	.745	.56	b+c	.035
Helpers (Prob.)	50%JR				
Newton Co.:					
Elevator Constructors	13.20	.745	.56	b+c	.035
Helpers	70%JR	.745	.56	b+c	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Kosciusko (Southern portion), & LaGrange Cos.	10.79		.25	.40+d	.04
IRONWORKERS:					
Elkhart, Kosciusko (NW portion exclu. Warsaw), LaGrange (W ½ exclu. city of LaGrange), Marshall, Pulaski, & Starke Cos.	11.45	.90	1.33		.03
Jasper (N½), & Newton Cos.	12.72	.90	1.66		.09
Jasper (S½) Co.	11.54	.90	1.25		.02
Kosciusko (SW portion incl. Warsaw), & LaGrange (E½ of Co. incl. city of LaGrange) Cos.	12.35	1.00	1.70		.02
LATHERS:					
Elkhart, Kosciusko, LaGrange, Marshall & Starke Cos.	10.12	.43	.50		.01
Jasper (So. of Hwy. 14) Co.	11.29	.55	.35		.01
MARBLE SETTERS; Terrazzo Workers; & Tile Setters:					
Elkhart, Kosciusko, & LaGrange Cos.:					
Terrazzo Workers; & Tile Setters	11.10		.30	e	.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS; Terrazzo Workers; & Tile Setters: (Cont'd)					
Jasper, Newton, & Starke Cos.:					
Marble Setters; Terrazzo Workers	12.70	.90	.55		.05
Tile Setters	12.60	.90	.55		.02
Marshall, & Pulaski Cos.	10.49	1.00	.90	f	.02
PAINTERS:					
Elkhart, Kosciusko, Marshall, Pulaski, & Starke Cos.:					
Brush	10.44		.40		$15.00p/yr
Drywall tapers & finishers	10.34		.40		$15.00p/yr
Jasper & Newton Cos.:					
Brush	10.50	.64	.50		.05
Paperhanging	10.75	.64	.50		.05
Sandblasting; Spray	11.25	.64	.50		.05
Drywall taping	11.55	.64	.50		.05
LaGrange Co.:					
Brush; Paperhangers; Rollers; & Tapers	9.90	.60	.85		.12
Sandblasting; Spray; & Steam cleaning	10.90	.60	.85		.12
PIPEFITTERS; Plumbers; & Steamfitters:					
Elkhart, Kosciusko, & LaGrange Cos.	12.65	.55	.85		.07
Jasper (N. side of city of Rensselaer, S.), Marshall, Pulaski, & Starke Cos.	12.53	.55	.95		.10
Pipefitters; Steamfitters:					
Jasper (Rem. of Co.), & Newton Cos.	14.10	.85	1.12		.03
Plumbers:					
Jasper (Rem. of Co.) Co.	12.20	.90	1.50		.04
Newton Co.	12.22	1.00	1.15		.04
PLASTERERS:					
Elkhart, Kosciusko, & LaGrange Cos.	11.18		.30		.02
Jasper (NE portion of Co. W. to but not inclu. Wheatfield), Pulaski (N 2/3 of Co.), & Starke Cos.	10.87	.90	1.00		.06
Marshall & Pulaski (S⅓) Cos.	10.99	.85	.90		.04
Newton Co. (N½) of Co.	10.21	.90	.60		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Elkhart, Kosciusko, Marshall, Pulaski, & Starke Cos.:					
Composition, Damp & Waterproof	10.95	.50	.40		.03
Slate, Tile, & Asbestos	11.45	.50	.40		.03
Jasper & Newton Cos.	13.01	.75	.60		
LaGrange Co.:					
Roofers	10.90		.10		
Pitch	11.15		.10		
SHEET METAL WORKERS:					
Elkhart, Kosciusko, & Marshall Cos.	11.88	.75	.615		.07
Jasper, Newton, Pulaski, & Starke Cos.	12.15	.75	1.16		.12
LaGrange Co.	12.57	.50+g	.60		.12
SPRINKLER FITTERS	12.10	.75	1.05		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6% for health and welfare includes pension
b. 7 paid holidays: A through F, and Day after Thanksgiving Day.
c. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years; 6% for employee who has worked in business less than 5 years.
d. 6 paid holidays: A through F provided such employees work the last scheduled day prior to and the next scheduled work day after the holiday unless permission for not working on such days is granted by the employer.
e. 6 paid holidays: A through F
f. 6 paid holidays: A through F
g. 3% of gross earnings to SASMI

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Elkhart, Kosciusko, LaGrange, & Marshall Counties					
GROUP I	$8.25	.70	.50		.09
GROUP II	8.45	.70	.50		.09
GROUP III	8.55	.70	.50		.09
GROUP IV	9.25	.70	.50		.09
Jasper & Newton Counties					
GROUP I	8.70	.70	.55		.09
GROUP II	8.90	.70	.55		.09
GROUP III	9.00	.70	.55		.09
GROUP IV	9.70	.70	.55		.09
Pulaski County					
GROUP I	7.70	.70	.50		.09
GROUP II	7.90	.70	.50		.09
GROUP III	8.00	.70	.50		.09
GROUP IV	8.70	.70	.50		.09
Starke County					
GROUP I	8.50	.70	.50		.09
GROUP II	8.70	.70	.50		.09
GROUP III	8.80	.70	.50		.09
GROUP IV	9.50	.70	.50		.09

LABORERS

GROUP I: Building & Construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker Helpers; Mechanic Tenders; Civil Engineer Helpers & Surveyor Helpers; Rodmen & Chainmen; Window Washers & Cleaners; Waterboys & Toolhousemen; Roofer's Helpers' Railroad Workers; Masonry Wall Washers (interior & exterior); Cement Finisher Helpers; Carpenter Helpers; Helpers of All other Crafts not listed; Mason Tenders for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All Portable Water Pumps With Discharge Up to 3 inches

GROUP II: Waterproofing; Handling of Creosote Lumber or Like Treated Material (excluding railroad material); Asphalt Rakers & Luteman; Kettlemen; Air Tool Operators, Vibrators, Chipping Hammer Operators and All Pneumatic Tool Operators; Earth Compactors; Jackmen & Sheetmen Working Ditches Deeper than 6 ft. in Depth; Laborers Working Ditches 6 ft. in Depth or Deeper; Assembly of Unicrete Pump; Chain Saw Operators; Tile Layers (sewer or field) & Sewer Pipe Layers (metallic or non-metallic); Motor Driven Wheelbarrows & Concrete Buggies; Hyster Operators; Pump Crete Assemblers; Conveyor Assemblers; Core Drill Operators; Cement, Lime or Silica Clay Handlers (bulk or bag); Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operators; Water Main & Cable Ducking (metallic & non-metallic)

GROUP III: Plasterers' Tenders; Mason Tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders when Working for Plasterers; Scaffold Builders when Working for Masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP IV: Dynamite Men

DECISION NO. IN79-2058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Jasper, Newton, Pulaski, & Starke Counties					
Group 1	$13.20	$1.10	$1.10		.05
Group 2	12.70	1.10	1.10		.05
Group 3	11.15	1.10	1.10		.05
Group 4	10.15	1.10	1.10		.05

CLASSIFICATIONS

Group 1: Mechanic; Asphalt Plant; Autograde; Batch Plant; Benoto (requires two engineers); Boiler and Throttle Valve; Boring Machine (Mining Machine); Caisson Rigs; Central Redimix Plant; Combination Backhoe, Front End Loader with Backhoe Bucket, over 1/2 cu. yd.; Combination Tugger Hoist and Air Compressor; Compressor and Throttle; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Paver 27E cu. ft. and under; Concrete Pump with Boom (truck mounted); Concrete Tower; Cranes, all; Cranes, Hammerhead Tower; Creter Crane; Derricks, all; Derricks, traveling; Forklift - Lull type; Forklift - 10 ton and over; Hoists, one, two, and three drum; Hoist, two tugger, one floor; Hydraulic Boom Truck; Locomotive, all; Motor Patrol; Mucking Machine; Pile Drivers and Skid Rig; Pit Machines; Prestress Machine; Pump Cretes and similar types; Rock Drill (self-propelled); Rock Drill (truck mounted); Slipform Paver; Straddle Buggies; Tractor with Boom and Side Boom; Trenching Machine; Winch Tractors

Group 2: Asphalt Spreader; Boiler; Bulldozers; Combination Backhoe, Front-end Loader with Backhoe Bucker, 1/2 cu. yd. and under; Grader, Elevating; Greaser Engineer; Grouting Machines; Highlift Shovels or Front Endloader; Hoist, automatic; Cowboy Drilling Machines; Hoists, all elevators; Hoists, Tugger, single drum; Post Hole Digger; Rollers, all; Scoops - tractor drawn; Stone Crushers; Tournapull; Winch Trucks

Group 3: Concrete Mixer (2 bag and over); Conveyor, portable; Steam Generators; Tractors, farm and similar type; Air Compressor - small, 150 and under (1 to 5 not to exceed a total of 300 ft.); Air Compressor - large, over 150; Combination - small equipment operator; Forklift - under 10 tons; Generators; Pumps (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 electric Drill Winches

Group 4: Heaters, Mechanicsl (1 to 5); Oilers & Switchmon

DECISION NO. IN79-2058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Elkhart, Kosciusko, LaGrange, & Marshall Counties:					
Pick-ups	$6.94	$13.50a	$22.00a	b	
Single Axles	7.15	13.50a	22.00a	b	
Tandems; Fuels	7.26	13.50a	22.00a	b	
Tri-Axles	7.31	13.50a	22.00a	b	
Semi-Trailers	7.36	13.50a	22.00a	b	
Jasper & Newton Counties:					
Pickups	8.23	20.00a	34.00a	c & d	
Greasers; Helpers; & Tiremen	8.33	20.00a	34.00a	c & d	
Single Axles; Straight Trucks; & Warehousemen	8.38	20.00a	34.00a	c & d	
Tandem Axle & Dogleg Straight Trucks	8.48	20.00a	34.00a	c & d	
Bituminous Distributors	8.53	20.00a	34.00a	c & d	
Mechanics; Tri-Axles; Semi Trucks	8.68	20.00a	34.00a	c & d	

FOOTNOTES:

a. Per Week Per Employee

b. 1 Week's Paid Vacation for 3 Years' Service; 2 Weeks' Paid Vacation for 10 Years' Service; & 3 Weeks' Paid Vacation for 15 Years' Service.

c. 6 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; & Christmas Day

d. 1 Week's Paid Vacation after 1 Year's Employment; 2 Weeks' Paid Vacation After 3 Years' Employment; & 3 Weeks' Paid Vacation After 10 Years' Employment

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: *See Below
DECISION NO. IN79-2059 DATE: Date of Publication
Supersedes Decision No. IN78-2162, dated December 8, 1978 in 43 FR 57789
DESCRIPTION OF WORK: Building Construction Projects (Does not include single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

*Lake, LaPorte, Porter & St. Joseph	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Lake & Porter Counties	$13.01	.91	.99		.05
LaPorte & St. Joseph Counties	12.98	.65	.90		
BOILERMAKERS	13.25	1.175	1.00		.03
BRICKLAYERS:					
Lake, LaPorte & Porter Counties:					
Bricklayers; Marble Setters; Stone Masons & Terrazzo Workers	12.70	.90	.55		.05
Tile Setters	12.60	.90	.55		.02
St. Joseph County:					
Bricklayers; Stonemasons	12.20	1.00	.90		.07
Marble Setters; Terrazzo Workers; Tile Setters	10.49	1.00	.90	a	.02
CARPENTERS:					
Lake, LaPorte, & Porter Counties:					
Carpenters	13.43	.75	.82		.05
Millwrights	13.53	.75	.82		.05
St. Joseph County:					
Building Construction: Carpenters; Millwrights; Pile-drivermen; Soft Floor Layers	11.60	.65	1.00		.08
Heavy & Highway Construction: Carpenters	11.13	.80	.80		.05
CEMENT MASONS:					
Building Construction:					
Lake County (Hammond Area)	11.42	.90	.60		.03
LaPorte County; Porter County (Eastern ½ of Co.)	10.95	.90	1.00		.06
St. Joseph Co.	11.23	.85	.80		.04
Heavy and Highway Construction:					
St. Joseph County	11.01	.85	.80		.04
Highway, Bridge and Airport Construction:					
Lake Co. (Hammond & Vic.)	11.43	.85	.55		.03
Lake Co. (Gary & Vic.), & Porter Co. (Western ½ including Valparaiso and Chesterton)	11.28	.70	.85		.03
LaPorte Co., & Porter Co. (Eastern ½)	10.72	.80	1.00		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Lake County	$12.60	6½%	8.3%		.7%
LaPorte & Porter Counties	13.00	4%	7½%		.5%
St. Joseph County	11.85	4.8%	7%		.2%
ELEVATOR CONSTRUCTORS:					
Lake & Porter Counties:					
Elevator Constructors	13.20	.745	.56	b+c	.035
Helpers	70%JR	.745	.56	b+c	.035
Helpers (Prob.)	50%JR				
LaPorte & St. Joseph Counties:					
Elevator Constructors	11.44	.745	.56	b+c	.035
Helpers	70%JR	.745	.56	b+c	.035
Helpers (Prob.)	50%JR				
IRONWORKERS:					
Lake, LaPorte (Michigan City), & Porter Counties	12.72	.90	1.66		.09
LaPorte (Remainder of Co.), & St. Joseph Counties	11.45	.90	1.33		.03
LATHERS:					
Lake & Porter Counties	12.09		.50		.01
LaPorte & St. Joseph Counties	10.12	.43	.50		.01
PAINTERS:					
Lake County (Hammond Area):					
Commercial:					
Brush	10.50	.64	.50		.05
Sandblasting; Spray	11.25	.64	.50		.05
Paperhanging; Vinyl	10.75	.64	.50		.05
Industrial:					
Brush & Roller	11.55	.64	.50		.05
Sandblasting; Sign Painters; Spray	12.30	.64	.50		.05
Lake County (Gary Area) & Porter County (North of Hwy #6):					
Commercial:					
Brush & Taping	10.30	.87	.60		.05
Sandblasting; Spray; Steam Cleaning; Machine Spray Stripping	11.05	.87	.60		.05
Paperhanging	10.55	.87	.60		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (CONT'D)					
Industrial:					
Brush & Taping	$11.40	.87	.60		.05
Sandblasting; Spray; Steam-cleaning; Machine Spray Stripping	12.15	.87	.60		.05
LaPorte County (Southern portion of County); St. Joseph County:					
Brush	10.44		.40		15.00p/y
Drywall Tapers & Finish; Paperhanging; Spray & Vinyl	10.34		.40		15.00p/y
LaPorte County (No. portion of Co.):					
Brush; Paperhangers; & Taping	9.80				
Sandblasting; Spray	10.80				
Porter (S. of Hwy #6):					
Brush; Paperhanging; Taping on Drywall; Sandblasting; Vinyl Hanging	9.25				
Spray	10.25				
Work above 40 ft. above ground	9.50				
PIPEFITTERS & STEAMFITTERS:					
Lake, LaPorte (except city of LaPorte) & Porter Cos.	14.10	.85	1.12		.03
PLASTERERS:					
Lake County (Hammond Area)	10.21	.90	.60		.01
LaPorte, Porter (Eastern ½ west to, but not including Chesterton) Counties	10.87	.90	1.00		.06
St. Joseph Co.	10.99	.85	.90		.04
PLUMBERS:					
Lake County (Hammond Area)	12.22	1.00	1.15		.04
Lake County (Gary Area), LaPorte County (except LaPorte City, Michigan City); & Porter County	12.20	.90	1.50		.04
LaPorte County (Michigan City, Trail Creek, & Long Beach)	12.90	.80	1.00		.02
PLUMBERS & STEAMFITTERS:					
LaPorte County (LaPorte City); St. Joseph County	12.53	.55	.95		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Lake & Porter Counties:					
Composition, Damp & Waterproof Workers; Slate, Tile & Asbestos	$13.01	.75	.60		
LaPorte & St. Joseph Counties:					
Composition, Damp & Waterproof	10.95	.50	.40		.03
Slate, Tile & Asbestos	11.45	.50	.40		.03
SHEET METAL WORKERS:					
Lake, LaPorte & Porter Counties	12.15	.75	1.16		.12
St. Joseph County	11.88	.75	.615		.07
SPRINKLER FITTERS:					
Lake County (30-mile radius from Chicago, Illinois City Hall)	12.50	.95	1.05		.15
Lake County (Remainder of Co.), LaPorte, Porter & St. Joseph Counties	12.10	.75	1.05		.08
TRUCK DRIVERS:					
Lake & Porter Counties:					
2 to 3 axles	9.25	32.00d	24.00d	.50	
4 axles	9.45	32.00d	24.00d	.50	
5 axles	9.65	32.00d	24.00d	.50	
6 axles	9.85	32.00d	24.00d	.50	
St. Joseph County (Building Construction):					
Pick-up	6.94	13.50d	22.00d	e	
Single Axle	7.15	13.50d	22.00d	e	
Tandem or Fuel	7.26	13.50d	22.00d	e	
Tri Axle	7.31	13.50d	22.00d	e	
Semi Trailer	7.36	13.50d	22.00d	e	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through F providing the employee works either the 5 days preceding or the 5 days following the holiday.
b. 7 paid holidays: A through F & Day after Thanksgiving.
c. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
d. Per man per week
e. 1 week's paid vacation for 3 years' service, 2 weeks for 10 years' service, & 3 weeks for 15 years' service.

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LABORERS (BUILDING CONSTRUCTION):

	AREA I	AREA IA	AREA IB
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$8.70	$8.50	$8.25
GROUP II	8.90	8.70	8.45
GROUP III	9.00	8.80	8.55
GROUP IV	9.70	9.50	9.25
GROUP V:			
A.	8.90	8.90	----
B.	8.775	8.775	----
C.	9.00	9.00	----
D.	8.975	8.975	----

	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I	.70	.55		.09
ALL OTHER AREAS	.70	.50		.09

AREA I: Lake County; Porter County (North of U. S. Highway No. 20)
AREA IA: Porter County (South of U. S. Highway No. 20); LaPorte County
AREA IB: St. Joseph County

LABORERS

GROUP I: Building & Construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker Helpers; Mechanic Tenders; Civil Engineer Helpers & Surveyor Helpers; Rodmen & Chainmen; Window Washers & Cleaners; Waterboys & Toolhousemen; Roofer's Helpers' Railroad Workers; Masonry Wall Washers (interior & exterior); Cement Finisher Helpers; Carpenter Helpers; Helpers of All other Crafts not listed; Mason Tenders for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All Portable Water Pumps With Discharge Up to 3 inches

GROUP II: Waterproofing; Handling of Creosote Lumber or Like Treated Material (excluding railroad material); Asphalt Rakers & Luteman; Kettlemen; Air Tool Operators, Vibrators, Chipping Hammer Operators and All Pneumatic Tool Operators; Earth Compactors; Jackmen & Sheetmen Working Ditches Deeper than 6 ft. in Depth; Laborers Working Ditches 6 ft. in Depth or Deeper; Assembly of Unicrete Pump; Chain Saw Operators; Tile Layers (sewer or field) & Sewer Pipe Layers (metallic or non-metallic); Motor Driven Wheelbarrows & Concrete Buggies; Hyster Operators; Pump Crete Assemblers; Conveyor Assemblers; Core Drill Operators; Cement, Lime or Silica Clay Handlers (bulk or bag); Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operators; Water Main & Cable Ducking (metallic & non-metallic)

GROUP III: Plasterers' Tenders; Mason Tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders when Working for Plasterers; Scaffold Builders when Working for Masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP IV: Dynamite Men

GROUP V:

A. Boiler Setter Laborers (Fire Brick Tear Out with Air Tools)
B. Boiler Setter Laborers (Fire Brick)
C. Boiler Setter Laborers (Mortar Mixers)
D. Expeditor, Bottom Man & Bell Man

LABORERS: HEAVY & HIGHWAY CONSTRUCTION

	Lake County	Remaining Counties				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$9.00	$8.30	.70	.70		.09
GROUP 2	9.15	8.45	.70	.70		.09
GROUP 3	9.20	8.50	.70	.70		.09
GROUP 4	9.30	8.60	.70	.70		.09
GROUP 5	9.85	9.15	.70	.70		.09

LABORERS

GROUP 1: Chainman; Construction Laborer; Continuous Steel Rod or Mat Installer; Fence Erector; Grade Checker; Guard Rail Erector; Joint Man (Mortar, Mastic & All other Types); Lighting Installer (Permanent & Temporary); Lineman for Automatic Grade Maker or Paving Machine; Manhole Erector; Mortar Man; Multi-plate Erector; Rip-Rap Laborer, incl. All Materials; Road Marking & Delineation Laborer; Rodman; Sandblaster Man; Setting & Placing of All Pre-Stressed & Precast Concrete Products; Spraying of Epoxy, Curing Compound or Like Material; Survey Crew Helper; Temporary Waterline Installer; Top Laborer; Wire Mesh Layer

GROUP 2: Air Tool, Power Tool, & Power Equipment Operator; Asphalt Lute Man; Asphalt Raker Man; Batch Truck Dumper; Cement Handler (Bulk or Bag Cement); Chain Saw Man; Concrete Conveyor Assembly Man; Concrete Puddler; Concrete Rubber; Concrete Saw Operator - Non Riding Type; Core Drill Operator; Hand Blade Operator; Hydro Seeder Man; Motor Driven Georgia Buggy Operator; Power Driven Compactor or Tamper Operator; Power Saw Operator; Pumpcrete Assembly Man; Sealer Applicator for Asphalt, Toxic; Side Rail Setter - For Sidewalks, Side Ditches, Radii & Pavements, etc.; Sign Installation, Including Supporting Structures; Spreader Box Tender; Straw Blower Man; Subsurface Drain & Culvert Pipe Layer; Transverse & Longitudinal Hand Bull Float Man

GROUP 3: Horizontal Boring & Jacking Man; Jackman & Sheetman; Pipe Grade Man; Wench & Windlass Operator

GROUP 4: Conduit Installer; Cutting Torch Burner; Lazer Beam Aligner; Manual Operated Welder; Sewer Pipe Layer; Water Line Installer

GROUP 5: Air Track & Wagon Drillman; Concrete Finisher; Dynamite & Powder Man

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LABORERS (Sewer, Tunnel, & Water Construction) St. Joseph County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$7.80	.70	.50		.09
GROUP 2	7.95	.70	.50		.09
GROUP 3	8.00	.70	.50		.09
GROUP 4	8.10	.70	.50		.09
GROUP 5	8.20	.70	.50		.09
GROUP 6:					
A.	8.00	.70	.50		.09
B.	8.15	.70	.50		.09
C.	8.60	.70	.50		.09
D.	8.10	.70	.50		.09

LABORERS

GROUP 1: Chainman; Construction Laborer; Continuous Steel Rod or Mat Installer; Fence Erector; Grade Checker; Guard Rail Erector; Joint Man (Mortar, Mastic & All other Types); Lighting Installer (Permanent & Temporary); Lineman for Automatic Grade Maker or Paving Machine; Manhole Erector; Mortar Man; Multi-plate Erector; Rip-Rap Laborer, incl. All Materials; Road Marking & Delineation Laborer; Rodman; Sandblaster Man; Setting & Placing of All Pre-Stressed & Precast Concrete Products; Spraying of Epoxy, Curing Compound or Like Material; Survey Crew Helper; Temporary Waterline Installer; Top Laborer; Wire Mesh Layer

GROUP 2: Air Tool, Power Tool, & Power Equipment Operator; Asphalt Lute Man; Asphalt Raker Man; Batch Truck Dumper; Cement Handler (Bulk or Bag Cement); Chain Saw Man; Concrete Conveyor Assembly Man; Concrete Puddler; Concrete Rubber; Concrete Saw Operator - Non Riding Type; Core Drill Operator; Hand Blade Operator; Hydro Seeder Man; Motor Driven Georgia Buggy Operator; Power Driven Compactor or Tamper Operator; Power Saw Operator; Pumpcrete Assembly Man; Sealer Applicator for Asphalt, Toxic; Side Rail Setter - For Sidewalks, Side Ditches, Radii & Pavements, etc.; Sign Installation, Including Supporting Structures; Spreader Box Tender; Straw Blower Man; Subsurface Drain & Culvert Pipe Layer; Transverse & Longitudinal Hand Bull Float Man

GROUP 3: Horizontal Boring & Jacking Man; Jackman & Sheetman; Pipe Grade Man; Wench & Windlass Operator

GROUP 4: Conduit Installer; Cutting Torch Burner; Lazer Beam Aligner; Manual Operated Welder; Sewer Pipe Layer; Water Line Installer

GROUP 5: Air Track & Wagon Drillman; Concrete Finisher; Dynamite & Powder Man

GROUP 6:

A. Bottom Man; Concrete Man
B. Concrete Headman
C. Miner or Header Man
D. Mucker & Tunnel Laborer

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POWER EQUIPMENT OPERATORS Lake, LaPorte, & Porter Counties (Building, Sewer, & Tunnel Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.20	$1.10	$1.10		.05
Group 2	12.70	1.10	1.10		.05
Group 3	11.15	1.10	1.10		.05
Group 4	10.15	1.10	1.10		.05

CLASSIFICATIONS

Group 1: Mechanic; Asphalt Plant; Autograde; Batch Plant; Benoto (requires two engineers); Boiler and Throttle Valve; Boring Machine (Mining Machine); Caisson Rigs; Central Redimix Plant; Combination Backhoe, Front End Loader with Backhoe Bucket, over 1/2 cu. yd.; Combination Tugger Hoist and Air Compressor; Compressor and Throttle; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Paver 27E cu. ft. and under; Concrete Pump with Boom (truck mounted); Concrete Tower; Cranes, all; Cranes, Hammerhead Tower; Creter Crane; Derricks, all; Derricks, traveling; Forklift - Lull type; Forklift - 10 ton and over; Hoists, one, two, and three drum; Hoist, two tugger, one floor; Hydraulic Boom Truck; Locomotive, all; Motor Patrol; Mucking Machine; Pile Drivers and Skid Rig; Pit Machines; Prestress Machine; Pump Cretes and similar types; Rock Drill (self-propelled); Rock Drill (truck mounted); Slipform Paver; Straddle Buggies; Tractor with Boom and Side Boom; Trenching Machine; Winch Tractors

Group 2: Asphalt Spreader; Boiler; Bulldozers; Combination Backhoe, Front-end Loader with Backhoe Bucker, 1/2 cu. yd. and under; Grader, Elevating; Greaser Engineer; Grouting Machines; Highlift Shovels or Front Endloader; Hoist, automatic; Cowboy Drilling Machines; Hoists, all elevators; Hoists, Tugger, single drum; Post Hole Digger; Rollers, all; Scoops - tractor drawn; Stone Crushers; Tournapull; Winch Trucks

Group 3: Concrete Mixer (2 bag and over); Conveyor, portable; Steam Generators; Tractors, farm and similar type; Air Compressor - small. 150 and under (1 to 5 not to exceed a total of 300 ft.); Air Compressor - large, over 150; Combination - small equipment operator; Forklift - under 10 tons; Generators; Pumps (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 electric Drill Winches

Group 4: Heaters, Mechanical (1 to 5); Oilers & Switchmen

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POWER EQUIPMENT OPERATORS (Heavy & Highway Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$12.35	1.05	1.05		.05
CLASS II	11.90	1.05	1.05		.05
CLASS III	11.45	1.05	1.05		.05
CLASS IV	10.35	1.05	1.05		.05
CLASS V	9.40	1.05	1.05		.05

CLASSIFICATIONS

CLASS I: Auto Patrol - Maintainer; Automatic Dry Batch Plant; Automated Concrete Placer; Automated Sub-grader; Automated Slip Form Paver; Automated Finish Machine; Combination Backhoe Front End Loader Machine, ½ cu. yd. Backhoe Bucket or over or with attachments; Combination Backhoe 1 cu. yd. Backhoe Bucket or over or with attachments; Ballast Regulator (R.R.); Belt Loader, Stationary; Bulldozer; Concrete Mixer, 27 cu. ft. or over; Concrete Pump; Concrete Pump Truck Mounted; Concrete Breaker Truck Mounted; Concrete Breaker Self-Propelled; Core Drilling Machine; Cranes & Backhoes all attachments; Cranes, Hammerhead; Creter Crane; Derricks; Derricks Travelling; Dredge Engineer; Dredge Operator; Formless Curb & Gutter Machine 36" & over; Formless Curb and Gutter Machine under 36"; Gradall and Machines of a like Nature; Guard Rail Post Driver Truck Mounted; Lead Greaser; Helicopters; Highlift Shovel 3 yds. & over; Hoist 1 drum; Hoist 2 & 3 drum; Hydraulic Power Units Grouting, Pile Driving and Extracting; Locomotive Operator; Mechanic - Welder; Mucking Machine; Panelboard Concrete Plant (Central Mix Type); Paver - Hetherington; Pile Driver, Skid or Crawler; Road Paving Mixer; Rock Drill Crawler or Skid Rig; Rock Drill Truck Mounted; Ross Carrier; Roto Mill Grinder 36" and over; Roto Mill Grinder less than 36"; Throttle Valve & Compressor or Clever Brooks Type Combination; Throttle Valve and Fireman Combination on Horizontal or Upright Boiler; Tournapull or similar type Equipment; Tractor - Boom; Tractor Drawn Belt Loader; Tractor Drawn Belt Loader with attached pusher (requires two engineers); Trench Machine; Tug Boat Operator; Wheel Excavator; Winch Truck with "A" Frame; Scoops, Tournapulls or similar type machines used in tandem (Add $1.00 to Class I hourly rate for each machine attached thereto)

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CLASS II: Combination Backhoe Front End Loader Machine with less than ½ cu. yd. Backhoe Bucket or with attachment; Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Bridge Deck Finisher; Concrete Mixer, less than 27 cu. ft.; Greaser; Highlift Shovel under 3 cu. yds.; Jersey Spreader or Base Paver; Pavement Bump Grinder (Self-Propelled); Roller, Asphalt, Waterbound Macadam, Bituminous Macadam, Brick Surface; Sheepfoot Roller (Self-Propelled) with Blade; Surface Heater and Planer; Tamper-Multiple Vibrating, Asphalt Waterbound Macadam, Bituminous Macadam, Brick Surface; Tractor - Push; Tractor with Scoop; Widener, Apsco or similar type

CLASS III: Assistant Plant Engineer; Back Filler; Bituminous Distributor; Broom and Belt Machine; Bull Float; Concrete Finishing Machine; Concrete Spreader, Power Driven; Digger, Post-Hole, Power Driven; Finishing Machine and Bull Float; Forklift; Form Grader; Form Tamper, Motor Driven; Multiple Tamping Machine; Paving Breaker; Roller, Earth & Subbase Material; Roller Sheepfoot (self-propelled); Sub-grader; Tamper-Multiple Vibrating-Earth and Subbase Material; Tractaire; Tractaire with Drill; Tractor with all drawn attachments except Backhoe and including highlift, Endloaders of 1 cu. yd. capacity and less

CLASS IV: Air Compressor; Conveyors, All; Fireman on Boiler; Generator; Assistant Mechanic; Power Curing Spraying Machine Self-Propelled; Broom, Self-Propelled; Seaman Tiller; Spike Machine (R.R.); Striping Machine, Paint, Self-Propelled; Throttle Valve; Welding Machine; Wellpoint Systems

CLASS V: Assistant Greaser; Deck Hand; Hetherington Driver; Mechanical Heater (1 to 5); Outboard or Inboard Motor Boat; Oiler; Power Saw, Concrete, Power Driven; Truck Crane Oiler-Driver; Water Pump; Helper on C.M.I. and similar type equipment; Grasscutters

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TRUCK DRIVERS:
Heavy & Highway Construction

St. Joseph County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$ 9.805	31.00a	37.00a		
GROUP B	9.755	31.00a	37.00a		
GROUP C	9.705	31.00a	37.00a		
GROUP D	9.655	31.00a	37.00a		
GROUP E	9.605	31.00a	37.00a		
GROUP F	9.555	31.00a	37.00a		
GROUP G	9.505	31.00a	37.00a		
GROUP H	9.455	31.00a	37.00a		
GROUP I	9.405	31.00a	37.00a		
GROUP J	9.355	31.00a	37.00a		
GROUP K	9.305	31.00a	37.00a		
GROUP L	9.205	31.00a	37.00a		

CLASSIFICATIONS

GROUP A - Acey Wagons over 3 Buckets
GROUP B - Acey Wagons to and including 3 Buckets
GROUP C - Tandem-tandem Semi-Trucks; Truck Mechanics and Welders; Heavy Equipment Type Water Wagon over 5,000 Gallons; Tri-Axle Trucks pulling Tilt-Top Trailers; Low Boys, Tandem-tandem Axle
GROUP D - Tri-Axle Trucks; Tandem Axle Trucks; Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.; Tandem Axle Trucks pulling Tilt-Top Trailers; LowBoys; Tandem Axle Tri-Axle Batch
GROUP E - Tandem "Dog-Legs" Trucks; Semi-Water Trucks; Sprinkler Trucks; Heavy Equipment Type Water Wagons 5,000 Gallons & Under
GROUP F - Truck Mounted Pavement Breakers; Tandem Trucks over 15 Ton Payload; Single Axle Semi-Trucks; Farm Tractors hauling material; Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under; Mixer Trucks, All Types; Single Axle Trucks pulling Tilt-Top Trailer; Lowboys, Single Axle
GROUP G - Tandem Axle Fuel Trucks; Tandem Axle Water Trucks; Bituminous Distributor (one man)
GROUP H - Single Axle Dog-Legs; Tandem Trucks or Dog Legs; Winch Trucks or A Frames used for Transportation; Batch Trucks Wet or Dry over 3 (34E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks
GROUP I - Single Axle Fuel Trucks; Single Axle Water Trucks; Bituminous Distributors, (two man)
GROUP J - Single Axle Straight Trucks; Wet or Dry 3 (34E) Batches or less; Grease & Maintenance Trucks servicing Single Axle Trucks
GROUP K - Helpers; Greasers; Tire men; Batch Board Tenders
GROUP L - Pick-Up trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

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LINE CONSTRUCTION EXCLUSIVE OF CALUMET AREA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen; Technicians	$11.42	.45	3%		.5%
Equipment Operators	8.92	.45	3%		.5%
Powder and Equipment Mechanic	8.72	.45	3%		.5%
Senior Groundman Truck Driver w/w	7.45	.45	3%		.5%
Groundman Truck Driver with winch	7.16	.45	3%		.5%
Groundman Truck Driver w/o winch	6.28	.45	3%		.5%
Senior Groundman after 5 years	7.15	.45	3%		.5%
Senior Groundman after 12 months	6.96	.45	3%		.5%
Groundman 0-12 months	5.89	.45	3%		.5%
CALUMET AREA					
Linemen; Technicians	11.99	.45	3%		.5%
Equipment Operators	9.37	.45	3%		.5%
Powderman and Equipment Mechanic	9.16	.45	3%		.5%
Senior Groundman Truck Driver w/w	7.82	.45	3%		.5%
Groundman Truck Driver with winch	7.52	.45	3%		.5%
Groundman Truck Driver w/o winch	6.59	.45	3%		.5%
Senior Groundman after 5 years	7.51	.45	3%		.5%
Senior Groundman after 12 months	7.31	.45	3%		.5%
Groundman 0-12 months	6.18	.45	3%		.5%

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: *See Below
DECISION NUMBER: IN79-2060 DATE: Date of Publication
Supersedes Decision No. IN78-2163, dated December 1, 1978 in 43 FR 56382
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

*Statewide, except Lake, LaPorte, Porter and St. Joseph Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Jasper, Newton and Starke Counties	$12.78	.65	.67		.05
Elkhart County	11.13	.80	.80		.05
Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (except Edinburg), Marion, Montgomery, Morgan (except Washington), Parke (except portion lying west of a line south and north running through Jessup, Rosedale, Carbondale, and Poland), Putnam, Vermillion (north of the south city limits of Summit Grove) and Warren Counties	11.95	.75	.60		.08
Remainder of State of Indiana	11.18	.60	.60		.05
CEMENT MASONS:					
Adams, Allen, DeKalb, Noble, Steuben and Whitley Counties	10.50	.75			.01
Brown, Jackson, Jefferson, Jennings, Lawrence, Orange, Scott & Washington Cos.	11.00				
Benton (Eastern 2/3), Carroll, Cass, Clinton, Fountain (Eastern ½), Howard, Jasper (Southern 2/3), Miami, Montgomery, Newton (Southeastern 2/3), Tippecanoe, Warren (Eastern 2/3), & White Cos.	10.75	.60	.75		
Jasper (Northeastern portion of Co. west to, but not incl. Wheatfield), Pulaski (Northern 2/3 of Co.), & Starke Cos.	10.72	.80	1.00		.03
Fulton & Pulaski (S½) Cos.	11.23	.85	.80		.04
Blackford, Delaware, Grant, Huntington, Jay, Randolph, Wabash, & Wells Cos.	10.75	.60	.80		
Elkhart, Kosciusko & LaGrange Cos.	11.38		.30		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (CONT'D)					
Boone, Hamilton (Southern ½ of Co., North to the new Rte. Indiana Hwy #32 incl. Noblesville), Hancock (southern & western part, north to but not incl. Wilkinson & east to, but not incl. Fortville), Hendricks, Johnson, Marion & Morgan (Northern ½ of Co.) Cos.	$11.16	.75	.75		.04
Crawford, Dubois, Perry, Posey, Spencer, Vanderburgh, & Warrick Cos.	10.60	.65	.55		
Greene & Sullivan Cos.	11.05	.50	.90		.01
Hamilton (Northern½ of Co.), Hancock (Eastern ½ of Co.), Henry, Madison & Tipton Cos.	10.61	.65	.50		
Marshall Co.	11.01	.85	.80		.04
Newton (Northern 1/3) Co.	11.43	.85	.55		.03
Daviess, Gibson, Knox, Martin & Pike Cos.	11.05	.80	.80		
Dearborn, Ohio, Ripley, & Switzerland Cos.	7.50				
Clay, Owen (extreme western part of Co.), Parke, Putnam, Vermillion, & Vigo Cos.	10.20	.60	.25		
IRONWORKERS:					
Adams, Allen, Blackford, DeKalb, Delaware (Northeastern 1/3 of Co.), Grant (excluding S/W portion), Huntington, Jay, Kosciusko (SW portion incl. Warsaw), LaGrange (Eastern ½ of Co.), Noble, Randolph (N. part of Co. excluding Union City but including Winchester), Steuben, Wabash, Wells & Whitley Cos.	12.35	1.00	1.70		.02
Elkhart, Fulton, Kosciusko (Rem. of Co.), LaGrange (Western ½ of Co.), Marshall, Pulaski & Starke Cos.	11.45	.90	1.33		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS: (CONT'D)					
Jasper (Northern ½ of Co.), & Newton Cos.	$12.72	.90	1.66		.09
Clark, Crawford, Floyd, Harrison Jackson (Southern ½ of Co.), Jefferson, Jennings (Southern ½ of Co.), Lawrence (Southern 2/3 of Co.), Martin (Eastern ½ of Co.), Orange, Scott & Washington Cos.	11.75	.90	1.15		.06
Marion Co.	11.40	.90	1.70		.05
Bartholomew, Boone (Southeastern ½ of Co.), Brown, Clinton (Eastern 1/3 of Co.), Decatur (Western ½ of Co.), Delaware (Southern 2/3 of Co.), Fayette (Western ½ of Co.), Franklin (NW Tip of Co.), Grant (SW Portion), Hamilton, Hancock, Hendricks, Henry, Howard, Jackson (Northern ½ of Co.), Jennings (Northern ½ of Co.), Johnson, Lawrence (Northeastern 1/6 of Co.), Madison, Monroe, Morgan, Owen, Putnam (Eastern ½ of Co., excluding Greencastle), Rush, Shelby, & Tipton Cos.	11.55	.90	1.70		.05
Benton, Boone (Northwestern ½ of Co.), Carroll, Cass, Clinton (Western 2/3 of Co.), Fountain, Jasper (Southern ½ of Co.), Miami, Montgomery, Tippecanoe, Warren, & White Cos.	11.54	.90	1.25		.02
Fayette (Eastern ½ of Co.), Randolph (Rem. of Co.), Union (N 2/3 of Co.), & Wayne Cos.	12.36	1.00	1.45		.06
Clay, Daviess, Greene, Knox, Lawrence (Northwestern 1/6 of Co.), Parke, Putnam (Western ½ of Co., including Greencastle), Sullivan, Vermillion, & Vigo Cos.	11.85	1.00	2.30		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS: (CONT'D)					
Dearborn, Decatur (Eastern ½ of Co.), Franklin,(Rem. of Co.), Ohio, Ripley, Switzerland, & Union (Southern 1/3) Cos.	$13.08	1.00	1.45		.03
PAINTERS:					
Adams, Allen, DeKalb, Grant, Huntington, LaGrange, Noble, Steuben, Wabash, Whitley & Wells (Northern ½ of Co. to & incl. Bluffton):					
Brush; Paperhangers; Rollers & Tapers	9.90	.60	.85		.12
Sandblasters; Spray	10.90	.60	.85		.12
Bartholomew, Decatur, Jackson & Jennings Cos.:					
Brush; Roller & Steel	9.45		.50		
Spray	10.45		.50		
Benton, Clinton, Fountain, Montgomery, Putnam, Tippecanoe, & Warren Cos.:					
Brush; Roller	10.75				
Structural Steel	11.00				
Sandblasting	11.75				
Spray	14.02				
Blackford, Cass, Delaware, Fulton, Howard, Jay, Madison, Miami, Tipton & Wells (to the South city limits of Bluffton) Cos.:					
Brush	9.95		.70		
Spray	10.95		.70		
Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan (North ½ of Co.) & Shelby Cos.:					
Brush	11.24	.78	.48		
Spray	12.24	.78	.48		
Brown, Monroe, Morgan (excluding North ½ of Co.) & Owen Cos.:					
Brush	8.90			.30	
Structural Steel	9.65			.30	
Spray	9.90			.30	
Carroll, Jasper, Newton & White Cos.:					
Brush	11.55	.64	.50		.05
Sandblasting; Sign & Spray	12.30	.64	.50		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (CONT'D)					
Clark, Crawford, Floyd, Harrison, Jefferson, Scott & Washington Cos.:					
Brush	$ 9.02	.35	.20		.03
Spray	9.47	.35	.20		.03
Clay Co.:					
Brush; Drywall; Paperhanger; Pointing & Taping	9.00				
Brush-Steel; Roller	9.50				
Brush-Swing Stage	10.05				
Spray	10.25				
Spray-Steel	10.50				
Sandblasting; Spray-Swing Stage	10.75				
Daviess, Gibson & Knox Cos.:					
Brush up to 30'	9.80	.45			
Brush over 30'	10.60	.45			
Spray up to 30'	10.80	.45			
Spray over 30'	11.60	.45			
Dearborn, Ohio, Ripley & Switzerland Cos.:					
Brush; Roller; Wallwashing; Drywall Taping & Finish; Paperhanging & Vinyl; Seamless Floors & Finishing					
Floors; Sanding	11.00				
Sandblasting & Steam Clean	11.75				
Spray; Epoxy	11.50				
Tanks, Elevators, Bridges, Steeples over 40 ft.	12.10				
Dubois, Perry, Pike, Posey, Spencer, Vanderburgh & Warrick Cos.:					
Brush	10.80	.65	.30		
Spray	11.80	.65	.30		
Elkhart, Kosciusko, Marshall, Pulaski & Starke Cos.:					
Brush	10.44		.40		15.00p/yr
Drywall Taping & Finish; Paperhangers; Spray & Vinyl	10:34		.40		15.00p/yr

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (CONT'D)					
Fayette, Franklin, Henry, Randolph, Rush, Union & Wayne Cos.:					
Brush	$ 9.35				
Sandblasting; Spray	10.35				
Structural Steel; Scaffold over 30 ft.	9.60				
Lawrence, Martin & Orange Cos.:					
Brush; & Structural Steel	9.00				
Parke, & Vermillion Cos.:					
Brush	10.65			.50	
Spray	12.15			.50	
Sullivan, & Vigo Cos.:					
Brush	10.00			.25	
Spray	11.00			.25	
Structural Steel up to 30'	10.25			.25	
Structural Steel 30' to 100'	11.00			.25	
Structural Steel over 100'	12.00			.25	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HEAVY & HIGHWAY CONSTRUCTION					
GROUP 1	$8.30	.70	.70		.09
GROUP 2	8.45	.70	.70		.09
GROUP 3	8.50	.70	.70		.09
GROUP 4	8.60	.70	.70		.09
GROUP 5	9.15	.70	.70		.09

LABORERS

GROUP 1: Chainman; Construction Laborer; Continuous Steel Rod or Mat Installer; Fence Erector; Grade Checker; Guard Rail Erector; Joint Man (Mortar, Mastic & All other Types); Lighting Installer (Permanent & Temporary); Lineman for Automatic Grade Maker or Paving Machine; Manhole Erector; Mortar Man; Multi-plate Erector; Rip-Rap Laborer, incl. All Materials; Road Marking & Delineation Laborer; Rodman; Sandblaster Man; Setting & Placing of All Pre-Stressed & Precast Concrete Products; Spraying of Epoxy, Curing Compound or Like Material; Survey Crew Helper; Temporary Waterline Installer; Top Laborer; Wire Mesh Layer

GROUP 2: Air Tool, Power Tool, & Power Equipment Operator; Asphalt Lute Man; Asphalt Raker Man; Batch Truck Dumper; Cement Handler (Bulk or Bag Cement); Chain Saw Man; Concrete Conveyor Assembly Man; Concrete Puddler; Concrete Rubber; Concrete Saw Operator - Non Riding Type; Core Drill Operator; Hand Blade Operator; Hydro Seeder Man; Motor Driven Georgia Buggy Operator; Power Driven Compactor or Tamper Operator; Power Saw Operator; Pumpcrete Assembly Man; Sealer Applicator for Asphalt, Toxic; Side Rail Setter - For Sidewalks, Side Ditches, Radii & Pavements, etc.; Sign Installation, Including Supporting Structures; Spreader Box Tender; Straw Blower Man; Subsurface Drain & Culvert Pipe Layer; Transverse & Longitudinal Hand Bull Float Man

GROUP 3: Horizontal Boring & Jacking Man; Jackman & Sheetman; Pipe Grade Man; Wench & Windless Operator

GROUP 4: Conduit Installer; Cutting Torch Burner; Lazer Beam Aligner; Manual Operated Welder; Sewer Pipe Layer; Water Line Installer

GROUP 5: Air Track & Wagon Drillman; Concrete Finisher; Dynamite & Powder Man

LABORERS: SEWER, TUNNEL, & WATER CONSTRUCTION 1 of 2

	ZONE 2	ZONE 2A	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP 1	$7.80	$7.60	$7.60	$7.60	$7.80
GROUP 2	7.95	7.75	7.75	7.75	7.95
GROUP 3	8.00	7.80	7.80	7.80	8.00
GROUP 4	8.10	7.90	7.90	7.95	8.10
GROUP 5	8.20	8.00	8.00	8.00	8.20
GROUP 6:					
A.	8.00	7.80	7.80	7.80	8.00
B.	8.15	7.95	7.95	7.95	8.15
C.	8.60	8.40	8.40	8.40	8.60
D.	8.10	7.90	7.90	7.90	8.10

Fringe Benefits Payments			
H & W	Pensions	Vacation	Education and/or Appr. Tr.
.70	.50		.09

ZONES

ZONE 1: Jasper, Lake, LaPorte, Newton, Porter, & Starke Counties (Excluded from this schedule)

ZONE 2: Elkhart & St. Joseph Counties

ZONE 2A: Kosciusko, LaGrange, & Marshall Counties

ZONE 3: Adams, Allen, Benton, Blackford, Boone, Carroll, Cass, Clinton, DeKalb, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jay, Madison, Miami, Montgomery, Noble, Pulaski, Randolph, Rush, Steuben, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, White, & Whitley Counties

ZONE 4: Marion & Shelby Counties

ZONE 5: Bartholomew, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, DuBois, Floyd, Fountain, Franklin, Gibson, Greene, Harrison, Hendricks, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Ripley, Scott, Spencer, Sullivan, Switzerland, Vanderburgh, Vermillion, Vigo, Warren, Warrick, & Washington Counties

LABORERS

GROUP 1: Chainman; Construction Laborer; Continuous Steel Rod or Mat Installer; Fence Erector; Grade Checker; Guard Rail Erector; Joint Man (Mortar, Mastic & All other Types); Lighting Installer (Permanent & Temporary); Lineman for Automatic Grade Maker or Paving Machine; Manhole Erector; Mortar Man; Multi-plate Erector; Rip-Rap Laborer, incl. All Materials; Road Marking & Delineation Laborer; Rodman; Sandblaster Man; Setting & Placing of All Pre-Stressed & Precast Concrete Products; Spraying of Epoxy, Curing Compound or Like Material; Survey Crew Helper; Temporary Waterline Installer; Top Laborer; Wire Mesh Layer

GROUP 2: Air Tool, Power Tool, & Power Equipment Operator; Asphalt Lute Man; Asphalt Raker Man; Batch Truck Dumper; Cement Handler (Bulk or Bag Cement); Chain Saw Man; Concrete Conveyor Assembly Man; Concrete Puddler; Concrete Rubber; Concrete Saw Operator - Non Riding Type; Core Drill Operator; Hand Blade Operator; Hydro Seeder Man; Motor Driven Georgia Buggy Operator; Power Driven Compactor or Tamper Operator; Power Saw Operator; Pumpcrete Assembly Man; Sealer Applicator for Asphalt, Toxic; Side Rail Setter - For Sidewalks, Side Ditches, Radii & Pavements, etc.; Sign Installation, Including Supporting Structures; Spreader Box Tender; Straw Blower Man; Subsurface Drain & Culvert Pipe Layer; Transverse & Longitudinal Hand Bull Float Man

GROUP 3: Horizontal Boring & Jacking Man; Jackman & Sheetman; Pipe Grade Man; Wench & Windlass Operator

GROUP 4: Conduit Installer; Cutting Torch Burner; Lazer Beam Aligner; Manual Operated Welder; Sewer Pipe Layer; Water Line Installer

GROUP 5: Air Track & Wagon Drillman; Concrete Finisher; Dynamite & Powder Man

GROUP 6:

A. Bottom Man; Concrete Man
B. Concrete Headman
C. Miner or Header Man
D. Mucker & Tunnel Laborer

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POWER EQUIPMENT OPERATORS
(Heavy & Highway Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Adams, Allen, Benton, Blackford, Carroll, Cass, Clinton, Dekalb, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Steuben, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, White, & Whitley Counties:					
GROUP I	$11.57	.75	.65		.10
GROUP II	10.23	.75	.65		.10
GROUP III	9.65	.75	.65		.10
GROUP IV	8.59	.75	.65		.10
Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Marshall, Newton, Noble, Pulaski, & Starke, Cos.:					
GROUP I	10.79	1.10	1.10		.08
GROUP II	9.45	1.10	1.10		.08
GROUP III	8.87	1.10	1.10		.08
GROUP IV	7.81	1.10	1.10		.08
Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick, & Washington Counties:					
GROUP I	11.69	.50	.80		.08
GROUP II	10.35	.50	.80		.08
GROUP III	9.77	.50	.80		.08
GROUP IV	8.71	.50	.80		.08
Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties:					
GROUP I	11.49	.75	.75		.08
GROUP II	10.15	.75	.75		.08
GROUP III	9.57	.75	.75		.08
GROUP IV	8.51	.75	.75		.08

POWER EQUIPMENT OPERATORS 2 of 3

Group 1: Air Compressors in Manifold with throttle valve; Asphalt Plant Engineer; Auto Grade or similar type machine; Auto Patrol; Backhoe on Farm type Tractor, 45 H.P. and over; Ballast Regulator (R. R.); Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Bull Dozer; Caisson Drilling Machine; Cherry Picker - 15 ton or over; Chip Spreader; Concrete Mixer 21 cu. ft. or over; Core Drilling Machine; Crane or Derrick with any attachment including clamshell, dragline, shovel, backhoe, etc.; Dredge Engineer; Dredge Operator; Drilling Machine on which the drill is an integral part; Earth Mover - rubber tired (paddle wheel, 619, 631, TS-24 or similar type); Earth Mover, rubber tired - tandem (50 cents per hour additional for each bowl); Elevating Grader; Fork Lift (10 ton or over); P.C.C. Formless Paver; Gradall; Gravel Processing Plant (Portable); Operator of Guard Rail Post Driver; Highlift Shovel - 1-1/2 cu. yd. or over; Hoist (2 drums and over); Helicopter - Crew; Hydraulic Boom Truck; Keystone (Skimmer Scoop); Loader - self-propelled (Belt-chain Wheel); Locomotive Operator; Mucking Machine; Panel Board Concrete Plant (Central Mix type); Paver-Hetherington; Pile Driver - Skid or Crawler; Road Paving Mixer; Rock Breaking Plant; Rock Crushing Plant (portable); Roller - Asphalt, Waterbound Macadam; Bituminous Macadam, Brick Surface; Roller with Dozer Blade; Root Rake, Tractor Mounted; Self-propelled Widener; Stump Remover, Tractor Mounted; Surface Heater and Planer; Tandem Push Tractor (50 cents per hour additional); Tractor - Boom, Winch or Hoe Head; Tractor - Push; Tractor Mounted Spreader; Tree Mover; Trench Machine (over 24"); Tug Boat Operator; Well Drilling Machine; Winch Truck with A-Frame; Tractor with scoop

Group 2: Air Compressor with throttle valve or Clever Brooks type combination; Backfiller; Back Hoe on Farm type Tractor, under 45 H.P.; Bull Float; Cherry Picker under 15 ton; Chip Spreader (self-propelled); Concrete Pump; Concrete Mesh Depressor - independently operated; Concrete Spreader - power driven; End Loader under 1-1/2 cu. yd.; Excavating Loader - portable; Finishing Machine and Bull Float; Gunite Machine; Head Greaser; Mechanic; Mesh or Steel Placer; Multiple Tamping Machine (R.R.); P.C.C. Concrete Belt Placer; Pull Grader - power control; Refrigerating Machine - freezing operation; Ross Carrier; Sheepfoot Roller (self-propelled); Tamper - Multiple Vibrating - Asphalt, Waterbound Macadam, Bituminous Macadam, Brick Surface; Trench Machine 24" and under; Tube Float; Welder

POWER EQUIPMENT OPERATORS (Cont'd) 3 of 3

Group 3: Assistant Plant Engineer; Base Paver (Jersey or similar type machine); Concrete Finishing Machine; Concrete Mixer - less than 21 cu. ft.; Curb Machine; Farm Tractor - including farm tractor with all attachments except backhoe and including high lift end loaders of 1 cu. yd. capacity or less; Fireman (on boiler); Hoist (one drum); Operator, 5 pieces of minor equipment; Paving Breaker; Power Broom, self-propelled; Roller (Earth and Sub-base material); Slurry Seal Machine; Spike Machine (R.R.); Tamper - Multiple Vibrating - Earth and Sub-base material); Throttle Valve; Throttle Valve and Fireman combination on horizontal or upright boiler; Tractaire with Drill; Tractor - 50 H.P. or over; Well Point System; Widener (Apsco or similar type)

Group 4: Air Compressor; Assistant to Engineer - Oiler; Automatic Dry Batch Plant; Bituminous Distributor; Bituminous Patching Tamper; Belt Spreader; Broom and Belt Machine; Chair Cart (self-propelled); Coleman Type Screen; Conveyor (portable); Deck Hand; Digger Post Hole (power-driven); Fork Lift - under 10 ton; Form Grader; Form Tamper (motor driven); Generator; Greaser Helper; Hetherington Driver; Hetherington Helper; Hydra Seeder; Mechanics Helper; Mechanical Heater; Operator 1 thru 4 pcs. of minor equipment; Outboard or Inboard Motor Boat; Power Curing Spraying Machine; Power Saw - Concrete (power driven); Pug Mill; Pull Broom (power type); Seaman Tiller; Straw Blower or Brush Mulcher; Striping Machine, Paint (motor driven); Sub-grader; Tractaire; Tractor (below 50 H.P.); Truck Crane Oiler - Driver; Spreader; Water Pump; Welding Machine - 2 of 300 amps or over

DECISION NO. IN79-2060

POWER EQUIPMENT OPERATORS (Tunnel & Sewer Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Adams, Allen, Blackford, DeKalb, Huntington, Jay, Steuben, Wells, & Whitley Counties:					
GROUP I	$11.57	.75	.65		.10
GROUP II	10.23	.75	.65		.10
GROUP III	9.65	.75	.65		.10
GROUP IV	8.59	.75	.65		.10
Benton, Carroll, Cass, Clinton, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Tippecanoe, Tipton, Union, Wabash, Wayne & White Counties:					
GROUP I	12.50	.55	.65		.10
GROUP II	11.50	.55	.65		.10
GROUP III	9.60	.55	.65		.10
GROUP IV	8.50	.55	.65		.10

CLASSIFICATIONS

Group 1: Air Compressor (pressurizing Shafts, Tunnels and Divers); Air Tugger; Auto Patrol; Back Filler; Backhoe; Boom Cat; Boring Machine; Bull Dozer; Caisson Drilling Machine; Cherry Picker; Compactor (with dozer blade); Concrete Mixer (dual drum); Concrete Plant; Concrete Pump; Crane with all attachments; Crane - electric overhead; Derrick; Dual Purpose Truck (pitman type); Ditching Machine (18" and over); Dredge; Elevators (when hoisting material or tools); Fork Lift; Form-less Paver; Generator (power for Welders or Compressors); Gradall; Helicopter; Helicopter Winch Operator; High Lift - Front End Loader; Hoist; Locomotive and/or Dinky Engine; Mechanic on job site; Mucking Machine; Panel Board Concrete Plant; Pile Driver; Push Cat; Scoop and Tractor; Scraper - rubber tired; Spreader - tractor mounted; Straddle Carrier - Ross type; Sub Base Finish Machine (C.M.I. or similar); Tower Crane; Tractor with Backhoe (1/2 yard and over); Trench Box - power driven; Tunnel Shield; Welder (craft)

Group 2: A-Frame Truck; Batcher Plant (Automatic Dry Batch); Bending Machine - power driven; Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Boatman; Bull Float; Compactor or Tamper - self-propelled; Concrete Mixer (21 cu. ft. or over); Concrete Spreader - power driven; Ditching Machine (less than 18"); Drilling Machine; Finish Machine and Bull Float; Finishing Machine; Fireman - Pile Driving and Boilers; Gunite Machine; Head Greaser; Mesh Depresser - Mesh Placer; P.C.C. Concrete Belt Placer; Roller - Asphalt, Stone and Sub Base; Rotary Drill; Sheepsfoot Roller - self-propelled; Shop Mule; Spreader or Base Paver - self-propelled; Sub Grader; Throttle Valve with Air Compressor or Boiler; Tractor with Backhoe (under 1/2 yard); Tractor - High Lift, farm type; Tractor, industrial type; Tractor with Winch; Well Points; Winch Truck

Group 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor; Chair Cart; Concrete Curing Machine; Concrete Saw; Dope Pot, power agitated; Flex Plane; Form Grader; Hydrohammer; Jacks - Hydraulic, power driven; Minor Equipment Operator 2, 3, 4 or 5; Paving Joint Machine; Post Hole Digger; Roller, earth; Throttle Valve; Track Jack, power driven; Tractor, farm type; Truck Crane Driver

Group 4: Air Compressor (less than 210 cu. ft.); Concrete Mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical Heater; Oiler; Power Broom; Pump Welding Machine; Helpers

POWER EQUIPMENT OPERATORS
(Sewer, Tunnel, & Water Construction)

Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick, & Washington Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.25	.40	.45		.08
Group 2	9.15	.40	.45		.08
Group 3	7.91	.40	.45		.08

CLASSIFICATIONS

Group 1: A-Frame Winch Truck; Air Compressor, 900 cu. ft. and over; Air Tugger; Auto-grade (CMI); Auto Patrol; Backhoe; Ballast Regulator (RR); Batcher Plant (electric control concrete); Bending Machine (Pipe); Bituminous Plant; Bituminous Mixer Travel Plant; Bituminous Paver; Roller; Bulldozer; Cable Way; Chicago Boom; Clamshell; Concrete Mixer (21 cu. ft. or over); Concrete Paver; Concrete Pump (Crete); Crane; Craneman; Crusher Plant; Derrick; Derrick Boat; Dinkey; Dope Pots (Pipeline); Dragline; Dredge Operator; Dredge Engineer; Drill Operator; Elevating Grader; Elevator; Ford Hoe (or similar type equipment); Forklift; Formless Paver; Gantry Crane; Gradeall; Grademan; Grout Pump; Helicopter Crew; Hetherington Paver; Highlift; Hoist; Hopto; Hough Loader (or similar type); Hydro Crane; Hydro Hammer; Locomotive Crane; Locomotive; Mechanic; Mobile Mixer; Motor Crane; Mucking Machine; Multiple Tamping Machine (RR); Overhead Crane; Pile Driver; Pulls; Push Dozer; Push Boats; Roller (Sheepfoot); Ross Carrier; Scoop; Shovel; Side Boom; Swing Crane; Tail Boom; Tar Machine (Pipeline); Throttle Valve; Tower Crane; Trench Machine; Welder, heavy duty; Truck Mounted Concrete Pump and Drill; Well Point; Whirleys

Group 2: Air Compressor (up to 900 cu. ft.); Brakeman; Bull Float; Concrete Mixer (over 10S and under 21S); Concrete Spreader or Puddler; Deck Engine; Electric Vibrator Compactor (earth or rock); Finishing Machine; Fireman; Greaser (on grease facilities servicing heavy equipment); Material Pump; Motor Boats; Portable Loader; Post Hole Digger; Power Broom; Rock Roller; Roller-wobble wheel (earth and rock); Spike Machine (RR); Seaman Tiller; Spreader Rock; Sub-grader; Tamping Machine; Welding Machine; Widener (Apsco or similar type)

Group 3: Bituminous Distributor; Cement Gun; Concrete Saw; Conveyor; Deck Hand Oiler; Drill Helpers; Earth Roller; Form Grader; Generator; Guard Rail Driver; Heater; Oiler; Paving Joint Machine; Steam Jenny; Truck Crane Oiler; Vibrator; Water Pump

POWER EQUIPMENT OPERATORS 1 of 2

(Tunnel & Sewer Construction)

Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$12.40	.55	.75		.08
GROUP II	12.30	.55	.75		.08
GROUP III	12.10	.55	.75		.08
GROUP IV	8.00	.55	.75		.08

CLASSIFICATIONS

GROUP I Master Mechanics

GROUP II Utility Operator

GROUP III Power Cranes; Draglines; Derricks; Electric Overhead Cranes; Shovels; Gradall; Mechanics; Repair and Maintenance of all Equipment; Tractor Highlift; Fork lifts; Tournadozer; Mixer over 14S Capacity; Tournamixer; Two Drum Machine or Two Cage Hoists; Cableways; Tower Machines; Motor Patrol; Boom Tractor; Boom or Winch Truck; Truck Crane; Tournapull; Tractor operating Scoops; Bulldozer; Push Tractor; Finishing Machine on Asphalt; Large Rollers & Rollers on Asphalt; Gravel, Macadam and Brick Surface; Ross Carrier or similar Machine; Gravel Processing Machine; Asphalt Plant Engineer or Pug Mill; Two Air Compressors; Hetherington Paver Operator; Farm Tractor with half Yard bucket and/or Back Hoe Attachment; Trench Machines cutting over 24"; Dredging Equipment; Central Mix Plant Engineer; CMI or similar type Machine; Concrete Spreader; Cherry Picker; Standard or Dinkey Locomotives; Scoopmobiles; Euclid Loader; Soil Cement Machines; Back Filler; Elevating Machine; Power Blade; Asphalt Plant Engineer; Well Drilling Machines; Paint Machine; Pipe Cleaning Machines; Pipe Wrapping Machine; Pipe Bending Machine; Apsco Paver; Boring Machine; Tractor Without Winch; Head Equipment Greasers; Barber Green Loaders; Formless Paver; Well Point System Hydra Ax; Resco Concrete Saw; Marine Scoops; Brush Mulcher; Brush Burner; Mesh Placer; Tree Mover; Helicopter Crew (3); Pile Driver Skid or Crawler; Stump Remover; Root Rake; Tug Boat Operator; Refrigerating Machine Freezing Operator; Chair Cart - Self Propelled; Hydra Seeder; Straw Blower; Concrete Mixers with Skip; all one Drum Hoists with Tower or Boom; Dredge Engineer; Dredge Operator; Rock Spreader; Truck or Skid Mounted Tower Crane; Engine or Rock Crusher Plant; Boiler Operator; Concrete Plant Engineer; Loaders; Hydra Crane Caissons; Shaft or any similar type Drilling Machine; Concrete Curb Machine - Self Propelled; Winch or Hydraulic Boom Truck

GROUP IV Mixers 14S capacity or less; Trench Machine cutting 24" and under; Farm Tractor with less than half yard bucket and other Attachments except Back Hoe; Truck Crane Oiler; Power Subgrader; Bull Float; Form Grader; Finishing Machine; Pavement Breaker; Rock Crushers; One Drum Machine; One Air Compressor; Concrete Pump; Gunite Machine; Air Taggers; Truck Crane Drivers; House Elevators when used for hoisting Material; Two to Four Generators or Welding Machine; Mechanized Heaters irrespective of Motor Power when used for temporary heat; Small Rollers on Earth; Engine Tenders; Firemen; Wagon Drill; Flexplane; Conveyor; Two to Four Water Pumps; Siphon and Pulsometer; Switchman on Paint Pots; Fireman on Asphalt Plants; Distributor Operator on Trucks; Tampers; Power Broom; Post Hole Digger; Self-propelled Concrete Saw; Striping Machine (Motor Driven); Form Tamper; Seaman Tiller; Bulk Cement Plant Equipment Greaser; Track Jack; Mud Jack; Operator to do Winter Repair Work in Shop between November 1st and March 1st; Concrete Buggies motor driven; Oilers; Barrel Type Mixer; One Welding Machine or One Water Pump; Air Valves or Steam Valves from Plant; Concrete Mixers without Skip; Curing Machine; Concrete & Blacktop Curb Machine; Deck Hands

Cranes with booms from 149 ft. to 199 ft. including jib. receive additional $.75 per hour

Cranes with boom over 199 ft. including job receive additional $1.25 per hour.

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POWER EQUIPMENT OPERATORS (Tunnel & Sewer Construction) Jasper, Newton, Pulaski, & Starke Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.20	$1.10	$1.10		.05
Group 2	12.70	1.10	1.10		.05
Group 3	11.15	1.10	1.10		.05
Group 4	10.15	1.10	1.10		.05

CLASSIFICATIONS

Group 1: Mechanic; Asphalt Plant; Autograde; Batch Plant; Benoto (requires two engineers); Boiler and Throttle Valve; Boring Machine (Mining Machine); Caisson Rigs; Central Redimix Plant; Combination Backhoe, Front End Loader with Backhoe Bucket, over 1/2 cu. yd.; Combination Tugger Hoist and Air Compressor; Compressor and Throttle; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Paver 27E cu. ft. and under; Concrete Pump with Boom (truck mounted); Concrete Tower; Cranes, all; Cranes, Hammerhead Tower; Creter Crane; Derricks, all; Derricks, traveling; Forklift - Lull type; Forklift - 10 ton and over; Hoists, one, two, and three drum; Hoist, two tugger, one floor; Hydraulic Boom Truck; Locomotive, all; Motor Patrol; Mucking Machine; Pile Drivers and Skid Rig; Pit Machines; Prestress Machine; Pump Cretes and similar types; Rock Drill (self-propelled); Rock Drill (truck mounted); Slipform Paver; Straddle Buggies; Tractor with Boom and Side Boom; Trenching Machine; Winch Tractors

Group 2: Asphalt Spreader; Boiler; Bulldozers; Combination Backhoe, Front-end Loader with Backhoe Bucker, 1/2 cu. yd. and under; Grader, Elevating; Greaser Engineer; Grouting Machines; Highlift Shovels or Front Endloader; Hoist, automatic; Cowboy Drilling Machines; Hoists, all elevators; Hoists, Tugger, single drum; Post Hole Digger; Rollers, all; Scoops - tractor drawn; Stone Crushers; Tournapull; Winch Trucks

Group 3: Concrete Mixer (2 bag and over); Conveyor, portable; Steam Generators; Tractors, farm and similar type; Air Compressor - small, 150 and under (1 to 5 not to exceed a total of 300 ft.); Air Compressor - large, over 150; Combination - small equipment operator; Forklift - under 10 tons; Generators; Pumps (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 electric Drill Winches

Group 4: Heaters, Mechanical (1 to 5); Oilers & Switchmen

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$ 9.805	31.00a	37.00a		
GROUP B	9.755	31.00a	37.00a		
GROUP C	9.705	31.00a	37.00a		
GROUP D	9.655	31.00a	37.00a		
GROUP E	9.605	31.00a	37.00a		
GROUP F	9.555	31.00a	37.00a		
GROUP G	9.505	31.00a	37.00a		
GROUP H	9.455	31.00a	37.00a		
GROUP I	9.405	31.00a	37.00a		
GROUP J	9.355	31.00a	37.00a		
GROUP K	9.305	31.00a	37.00a		
GROUP L	9.205	31.00a	37.00a		

CLASSIFICATIONS

GROUP A - Acey Wagons over 3 Buckets
GROUP B - Acey Wagons to and including 3 Buckets
GROUP C - Tandem-tandem Semi-Trucks; Truck Mechanics and Welders; Heavy Equipment Type Water Wagon over 5,000 Gallons; Tri-Axle Trucks pulling Tilt-Top Trailers; Low Boys, Tandem-tandem Axle
GROUP D - Tri-Axle Trucks; Tandem Axle Trucks; Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.; Tandem Axle Trucks pulling Tilt-Top Trailers; LowBoys; Tandem Axle Tri-Axle Batch
GROUP E - Tandem "Dog-Legs" Trucks; Semi-Water Trucks; Sprinkler Trucks; Heavy Equipment Type Water Wagons 5,000 Gallons & Under
GROUP F - Truck Mounted Pavement Breakers; Tandem Trucks over 15 Ton Payload; Single Axle Semi-Trucks; Farm Tractors hauling material; Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tourna-Trailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under; Mixer Trucks, All Types; Single Axle Trucks pulling Tilt-Top Trailer; Lowboys, Single Axle
GROUP G - Tandem Axle Fuel Trucks; Tandem Axle Water Trucks; Bituminous Distributor (one man)
GROUP H - Single Axle Dog-Legs; Tandem Trucks or Dog Legs; Winch Trucks or A Frames used for Transportation; Batch Trucks Wet or Dry over 3 (34E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks
GROUP I - Single Axle Fuel Trucks; Single Axle Water Trucks; Bituminous Distributors, (two man)
GROUP J - Single Axle Straight Trucks; Wet or Dry 3 (34E) Batches or less; Grease & Maintenance Trucks servicing Single Axle Trucks
GROUP K - Helpers; Greasers; Tire men; Batch Board Tenders
GROUP L - Pick-Up trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

Statewide, except Clark, Crawford, Dearborn, DuBois, Floyd, Fountain, Gibson, Harrison, Jackson, Jefferson, Miami (Peru & Grissom AFB), Perry, Pike, Posey, Scott, Spencer, Switzerland, Vanderburgh, Vermillion, Warren, Warrick Washington, & Clinton (Frankfort) Counties

LINE CONSTRUCTION EXCLUSIVE OF CALUMET AREA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen; Technicians	$11.42	.45	3%		.5%
Equipment Operators	8.92	.45	3%		.5%
Powder and Equipment Mechanic	8.72	.45	3%		.5%
Senior Groundman Truck Driver w/w	7.45	.45	3%		.5%
Groundman Truck Driver with winch	7.16	.45	3%		.5%
Groundman Truck Driver w/o winch	6.28	.45	3%		.5%
Senior Groundman after 5 years	7.15	.45	3%		.5%
Senior Groundman after 12 months	6.96	.45	3%		.5%
Groundman 0-12 months	5.89	.45	3%		.5%
CALUMET AREA					
Linemen; Technicians	11.99	.45	3%		.5%
Equipment Operators	9.37	.45	3%		.5%
Powderman and Equipment Mechanic	9.16	.45	3%		.5%
Senior Groundman Truck Driver w/w	7.82	.45	3%		.5%
Groundman Truck Driver with winch	7.52	.45	3%		.5%
Groundman Truck Driver w/o winch	6.59	.45	3%		.5%
Senior Groundman after 5 years	7.51	.45	3%		.5%
Senior Groundman after 12 months	7.31	.45	3%		.5%
Groundman 0-12 months	6.18	.45	3%		.5%
Clark, Floyd, Harrison, Jackson, Jefferson, Scott, & Washington Counties:					
Linemen; Line Truck Driver; Mechanized Equipment Operators	13.30	.50	3%+.60		
Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Counties:					
Linemen; Line Truck Operators; Hole Digger; Stool Handling Cable Splicer	13.45	.50	3%+.60		.5%
Truck Driver	12.40	.50	3%+.60		.5%
Groundman	12.09	.50	3%+.60		.5%

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fountain, Vermillion, & Warren Counties:					
Linemen; Groundman Equipment Operator	$12.62	.50	3%+.50		.5%
Groundman Truck Driver With Winch	10.26	.50	3%+.50		.5%
Groundman Truck Driver Without Winch	9.60	.50	3%+.50		.5%
Groundman	9.09	.50	3%+.50		.5%
Clinton (Frankfort Only) & Miami (Peru & Grissom AFB Only) Cos.:					
Linemen; Heavy Equipment Operators "A"	12.38	.45	3%		.5%
Cable Splicers	13.46	.45	3%		.5%
Heavy Equipment Operators "B"	9.98	.45	3%		.5%
Powderman; Equipment Mechanic	9.75	.45	3%		.5%
Senior Groundman - Truck Driver With Winch	8.17	.45	3%		.5%
Groundman - Truck Driver With Winch	7.82	.45	3%		.5%
Senior Groundman After 5 Years	7.79	.45	3%		.5%
Senior Groundman After 12 Months	7.56	.45	3%		.5%
Groundman - Truck Driver Without Winch	6.99	.45	3%		.5%
Groundman 0 to 12 Months	6.47	.45	3%		.5%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Dearborn & Switzerland Counties					
Up to & including 18 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operator all mechanized equipment operators	$13.50	.70	3%+.60		.5%
Groundmen	10.13	.70	3%+.60		.5%
Over 18 up to & including 21 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operators all mechanized equipment operators	13.80	.70	3%+.60		.5%
Groundmen	10.35	.70	3%+.60		.5%
Over 21 up to & including 25 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operators all mechanized equipment operators	13.90	.70	3%+.60		.5%
Groundmen	10.43	.70	3%+.60		.5%
Over 25 mi radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operators all mechanized equipment operators	14.05	.70	3%+.60		.5%
Groundmen	10.54	.70	3%+.60		.5%

SUPERSEDEAS DECISION

STATE: Texas COUNTY: El Paso
DECISION NO.: TX79-4045 DATE: Date of Publication
Supersedes Decision No. TX79-4004, dated January 5, 1979, in 44 FR 1673.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & garden type apartments up to & including 4 stories). (Use current highway general wage determination for Paving Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 8.86	.57	1.30		.03
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS; BLOCKLAYERS; ROCK MASONS; STONEMASONS	8.10	.67	.20		.05
CARPENTERS:					
Carpenters	8.74	.77			.03
Millwrights & piledrivermen	9.29	.77			.03
Stationary radial arm power saw operator	8.92	.77			.03
Floor layers	8.74	.77			.03
CEMENT MASONS	7.35	.77	.25		.03
ELECTRICIANS:					
Electricians	9.85	.45	3%		1/10%
Cable splicers	10.10	.45	3%		1/10%
ELEVATOR CONSTRUCTORS:					
Mechanics	8.68	.895	.69	4%+a+b	.035
Helpers	70%JR	.895	.69	4%+a+b	.035
Helpers (Probationary)	50%JR				
GLAZIERS	7.29	.30	.10		.02
IRONWORKERS	9.30	.55	1.40		.15
LABORERS:					
GROUP 1 - Powderman or blasterer	6.71	.63	.40		
GROUP 2 - Outside wagon drill; wagon drill tenders; miner	6.46	.63	.40		
GROUP 3 - Cement gun or gunite; mason tender; mortar mixer; machine man; track man; chuck tender	6.21	.63	.40		
GROUP 4 - Pipelayer, main sewer and drainage	6.09	.63	.40		
GROUP 5 - Jackhammer operator, asphalt raker; asphalt or pot man	5.96	.63	.40		
GROUP 6 - Common, flag man	5.81	.63	.40		
LATHERS	8.98				.01
LINE CONSTRUCTION:					
Lineman-Technician; Equipment op.	9.85	.45	3%		1/10%
Cable splicers	10.10	.45	3%		1/10%
Groundman	75%JR	.45	3%		1/10%
Groundmen (less than 6 months)	50%JR	.45	3%		1/10%

DECISION NO. TX79-4045

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
MARBLE MASONS	$ 7.28		.20		.04
PAINTERS:					
GROUP 1 - Painters, paperhangers & tapers	7.70	.68			.02
GROUP 2 - Steel after erection, power tools	8.11	.68			.02
GROUP 3 - Spray, swing stage, stripping machine	8.415	.68			.02
GROUP 4 - Ames tools	7.92	.68			.02
GROUP 5 - Water tanks, smoke stacks, towers from 70-100 ft.	9.06	.68			.02
GROUP 6 - Spray texture	8.40	.68			.02
PLASTERERS	8.48	.77	.25		.01
PLUMBERS & STEAMFITTERS	9.66	.59	.56		.05
ROOFERS	8.30	.35			
SHEET METAL WORKERS	9.97	3%+.51	.385		.04
SOFT FLOOR LAYERS	7.45	.38	.10		.02
SPRINKLER FITTERS	11.60	.75	1.05		.08
TERRAZZO WORKERS & TILE SETTERS	7.28		.20		.04
TERRAZZO & TILE FINISHERS	4.70		.20		
TRUCK DRIVERS:					
GROUP 1 - up to & including 2 tons	3.50	.26			
GROUP 2 - Flat bed dump trucks, mechanically; tanks trucks up to 2500 gallons; standard dump trucks up to & including 4 cu. yds.	3.60	.26			
GROUP 3 - Dump trucks over 4 cu. yds.; trucks over 4 tons including transit mix, all semitruck, etc.; lowboy	3.75	.26			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:

a - 1st 6 months - none; 6 months to 5 years - 2%; over 5 years - 4% of basic hourly rate

b - Paid Holidays - A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 7.59	.70	.60		.15
GROUP 2	8.17	.70	.60		.15
GROUP 3	8.26	.70	.60		.15
GROUP 4	8.76	.70	.60		.15
GROUP 5	8.84	.70	.60		.15
GROUP 6	8.98	.70	.60		.15
GROUP 7	9.54	.70	.60		.15
GROUP 8	9.01	.70	.60		.15
GROUP 9	9.24	.70	.60		.15
GROUP 10	9.54	.70	.60		.15

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Fireman, Oiler; Mechanic, Grease truck and welder's helpers; screedman, pneumatic roller towed by farm type tractor or truck; scale operator and such as bin-a-batch; rubber-tired farm type tractors and tractors under 35 HP without attachments

GROUP 2 - Air compressors, power plants, pumps and welding machines; concrete mixers, under 1 yd. & concrete batch plants, under 1 yd., gunnite & pumpcrete machine, mechanical bull floats, spreading & finishing machines. Screening plants. Drilling machines, diamond, torary, core & cable drilling; well under 6". Hoists scoopmobiles, A-frame air tugger; hydrolift, hydrocranes, winch truck. Loaders: elevating, belt type loader, front end loader (under 2 yds.) & over head loaders; forklift & lumber staker on construction job site. Motor man & Industrial locomotive. Tractors under 35 HP with attachments.

GROUP 3 - Concrete mixers 1 yd. & over and batch plants 1 yd. & over, single drum paving machines, crushing plant, drilling machine, 6" & over; front end loaders, 2 yds. & over; Paving: Asphalt plants, boiler or retort heater, distributor, lay down machine, pug mill, breakdown & tandem rollers. Steam Engineer. Trenching machines. Patrol, rough, not required to blue top or finish.

GROUP 4 - Tractor Equipment: Athey & Barber Green Loader, Bulldozer, DW10, DW20, DW21, Dumor, Elevating Grader; Euclid, Highlander, Scraper, Traxcavator, Turnapull, Turnarocker & Tractors 35 HP & up & farm type tractors with backhoe & shovel type attachments

GROUP 5 - Concrete paving machines, double drum. Caterranes, Hysters, Cherry Pickers, Attachments cranes, side & swing boom tractors; Mechanic, welder, patrol, finish; grease truck operator (head oiler). Building hoist, 1 drum. Concrete Pump (Snorkle-Type Trailer Mounted)

GROUP 6 - Shovel, Backhoe, clam & dragline 3/4 yds. & under; Cranes 25 tons & under; Building Hoist, 2 drums & up. Concrete pump (Snorkle Type Truck Mounted)

GROUP 7 - Guy & stiff leg derrick, Piledrivers; Crawler or skid rig, shovel, backhoe, clam & dragline over 3/4 yds.; crane over 25 tons. Pecco type cranes

GROUP 8 - Refrigeration, slusher, Jumbo form operators

GROUP 9 - Mucking machines

GROUP 10 - Mine hoists

BILLING CODE 4510-27-C

federal register

Friday
June 22, 1979

Part III

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Amendment of Schedule B—Fair Market Rents—Section 8 Existing Housing and Section 23 Existing Housing

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Parts 803, 882 and 888]

[Docket No. R-79-670]

Amendment of Schedule B; Fair Market—Rents Section 8 Existing Housing and Section 23 Existing Housing

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

ACTION: Proposed rule.

SUMMARY: The Department is proposing to amend the schedules that set forth Fair Market Rents under the Section 8 and Section 23 Housing Assistance Payments Programs for Existing Housing. The proposed Fair Market Rents (FMRs) are based on data from the Annual Housing Survey (AHS) sponsored by the Department and conducted by the Department of Commerce. Fair Market Rents reflect the average rents currently being charged for available standard units in the applicable county or Standard Metropolitan Statistical Area (SMSA). The proposed rule supersedes the proposed rule on FMRs for certain areas which was published for comment on December 28, 1978. The Department is also proposing to amend the provisions governing rent adjustments in the Section 8 Existing Housing Program in light of the new methodology for establishing Fair Market Rents.

COMMENTS DUE: July 23, 1979.

ADDRESSES: All materials which persons wish to submit should be sent to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. 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: Nancy S. Chisholm, Director, Economic Market Analysis Division, PD&R, HUD, Washington, D.C. 20410, 202-755-5875. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department is proposing to amend the Fair Market Rent Schedules for the Section 23 and Section 8 Existing Housing Programs, based on the use of a revised methodology incorporating Annual Housing Survey Data. Section 8(c)(1) of the U.S. Housing Act of 1937 requires annual publication of Fair Market Rents in the **Federal Register.**

The Department has determined that the public interest would be served by publishing this Proposed Rule for a 30-day comment period. The reasons for this determination are explained below. Fair Markets Rents are required to be published annually, and the last schedule was published on March 29, 1978. HUD recognizes that many owners and landlords may not renew leases nor execute new contracts unless Fair Market Rents are published as soon as possible. The new schedule, when published as a final rule, will be retroactive to March 29, 1979 for rent adjustments and calculations of the PHA earned administrative fee but not for contracts for units initially executed since March 29, 1979 which are subject to the Fair Market Rent limitations now in effect.

1. *Rationale for Change in FMR Methodology*

A. *Deficiencies of Current Data and Methodology.* Current Fair Market Rents are based on 1970 Census data updated annually by the Consumer Price Index (CPI) for rents and for utilities which is provided by the Bureau of Labor Statistics, Department of Commerce. In addition, in instances in which the updated 1970 Census data resulted in rents too low for effective program operation, local data, including data derived from program experience, were utilized to estimate the median rent of an available standard unit, and the Fair Market Rents were adjusted accordingly. Provision for such special revision was appropriate because:

(1) Census data do not provide for identification of rents of units meeting the program's housing quality standards, and (2) the annual CPI data are available only for 25 SMSAs, for the four Census regions, and for the country as a whole, and do not show that there may be significantly different rates of change among localities within a region. However, in making the special revisions, the available data on which the determinations have been made generally did not include a representative sample of housing in the area, and there was no uniform method used for obtaining data from all localities in the nation. As a result, the Fair Market Rents for individual cities range both above and below the AHS median rent even though the FMRs for the country as a whole are consistent with national AHS data.

B. *Improvements Possible Through Use of AHS.* The AHS includes data on physical characteristics, rent, and occupancy of a representative sample of 76,000 metropolitan and non-metropolitan housing units. In addition to the national sample of units, sufficient additional units are surveyed in 60 metropolitan areas so that more accurate rents can be set for these areas. The national AHS sample provides data from each of the four Census regions which can be used as bases for setting Fair Market Rents for all other Fair Market Rent areas. Use of the AHS data in developing FMRs will be a significant improvement over the current methodology because:

(1) *Accuracy:* The AHS data for individual SMSAs are 2 to 4 years old in contrast to the Census data which are now 9 years old. Data from the national AHS sample are available 2 years after each annual survey whereas new Census data will not be available until 1983.

(2) *Housing Quality Standards:* The AHS measures unit quality as well as rent, so that the median rent of a unit meeting the program standards is known with a high degree of accuracy. In contrast, the 1970 Census data does not accurately reflect housing standards since it only measures the most severe housing deficiencies, e.g., lack of private access, complete plumbing, or complete kitchen.

(3) *Program Rationality:* Because the Department has relied upon 1970 Census data updated by the CPI, a pattern of accommodation to individual markets has created a current rent structure that is inequitable among FMR areas as measured by the AHS. In some markets because of the excessive use of the 10 percent and 20 percent exceptions, Contract Rents may be higher than either the AHS data or the trended 1970 Census data. Use of AHS data with a restricted exception rent policy would have the effect of controlling future costs and preventing inappropriately higher rents which result from ad hoc decisions on Contract Rent approvals.

2. *New Methodology for Determining Fair Market Rents*

A. *Methodology.* Under the new methodology, FMRs are based on the median rent derived from the most recent AHS data of units meeting Section 8 program standards and rented by recent movers. These median rents are updated to October 1, 1979 by using a rent inflation factor based on the CPI. In the proposed FMRs shown in

Schedule B, no distinction is made between elevator and non-elevator units. Analysis has shown that rents for units serviced by elevators do not vary systematically from rents for units without elevators.

B. *Annual Housing Survey Data.* The AHS data used to derive the median rents, upon which the proposed FMRs are determined, are based on data available from three sets of SMSAs surveyed in 1974, 1975, and 1976, respectively, and from the 1976 AHS national sample of housing units which provided data from each of the four Census regions. Because the AHS measured the quality of units as well as rents, the median rents of units meeting Section 8 program standards can be determined.

3. *Deriving the AHS Based Rent*

The specific procedures used to derive the AHS based median rent updated to October 1, 1979 are as follows:

A. For the 25 SMSAs listed in Appendix I, the AHS data available for each SMSA was used to derive a median rent for two-bedroom units, meeting program standards, rented by recent movers, as of the date of the survey. The median rent was then updated to October 1, 1979 by using the CPI based rent inflation factors available for each particular SMSA.

B. For the 33 SMSAs listed in Appendix II, the median rent was derived by the same procedure as in A above. However, because these SMSAs do not have a historical series of CPI data, a CPI based rent inflation factor for the appropriate Census region was used to update these rents to October 1, 1979.

C. For the remaining 225 SMSAs and all non-metropolitan counties, the updated AHS based rent for any area was derived as follows:

(1) From the 1976 AHS data for each of the four Census regions, the 1976 median rent of two-bedroom units, meeting program standards, rented by recent movers was derived for each of the four regions.

(2) The AHS based median rent for each Census region was then updated to October 1, 1979 by using a CPI based rent inflation factor for the respective Census regions.

(3) The determination of the appropriate AHS based rent for an individual area (SMSA or non-metropolitan county) was derived from the Census region median rent developed in (1) and (2) above by applying a ratio based on the extent of variation between the median rent of standard units rented by recent movers in the region and median rent of similar units in the SMSA or county group, as measured by the 1970 Census.

(4) The 1976 AHS regional median rents and the regional CPI rent inflation factors used for updating are presented in Appendix III.

D. Rents for units other than two-bedroom units in the Fair Market Rent schedule for all areas were computed by applying the percentage relationships of the median rent for all standard quality occupied two-bedroom units derived from the 1976 AHS national summary to median rents for similar units of smaller and larger sizes, to the proposed FMR for each area. These percentage relationships, which are slightly higher for units with more than two bedrooms than the previous methodology, are presented in Appendix IV.

4. *Transition to AHS based FMRs.* The AHS based rents for each SMSA and non-metropolitan county were compared to the respective current FMRs for each area. In a substantial number of areas, the current FMRs are lower than the AHS based rents and, therefore, the FMRs have been increased to the level of the AHS based rents. However, in other areas, where the current FMRs are equal to or higher than the updated AHS based rents, there are three ways where the adverse impact of the changeover to the AHS methodology may be minimized, as discussed below.

A. FMR Hold Harmless

In an SMSA or county where the current FMRs were equal to or higher than the AHS based rents, the current FMR was not reduced and is published in this proposed FMR schedule. The FMRs will remain at the current level until the use of the AHS methodology results in a rent determination which is higher then the current FMR.

For example:

1978 FMR=$400.
1979 AHS based rent=$344.
1979 FMR=$400.

B. Lease Renewals Hold Harmless

Another result of the proposed change in the method for establishing Fair market Rents is that Fair Market Rents will not be increased this year in some areas and, therefore, under the present regulations and contracts some owners would not be eligible for an adjustment of Contract Rents this year and perhaps for several years. A policy which does not permit an adjustment to reflect increased costs might result in the eviction of a significant number of families.

Therefore, § 882.108 of the Section 8 Existing Regulations is proposed to be amended (and restructured) *to* permit Contract Rent Adjustments as follows:

The annual adjustment permitted may not exceed the *greater of:*

(a) For Contracts entered into *before January 29, 1979, the amount computed by applying the percentage change in Fair Market Rents* or for Contracts entered into *on or after January 29, 1979, the amount computed by applying the Annual Adjustment Factor subject in either case to the Fair Market Rent limitation*

Or

(b) 50 percent of the amount resulting from applying the applicable *factor without regard to the Fair Market Rent limitation.* Although the amount of the adjustment may be less than anticipated by owners in areas where the FMRs have not been increased, it will be more than the owners would otherwise be entitled to under their Contracts in accordance with the new AHS-based method. For Contracts where the rent adjustment is based on the percentage change in FMRs, PHAs should take particular care in applying the rent reasonableness test which applies in all cases. This is especially important in areas where the increase in FMRs is relatively larger than the Annual Adjustment Factor. In these cases, PHAs should consider the Factor in determining whether the rent is reasonable.

The following examples illustrate how the revised § 882.108(a)(1) would work for lease renewals:

Example 1: *Contract entered into before January 29, 1979.*
Procedure: The Contract Rent adjustment shall be determined by taking the greater of the amounts calculated by (a) or (b) as follows:

(a)	(b)
Percentage change in published FMR for Existing Housing (Subject to FMR limitation and rent reasonableness policy in § 882.106)	*50 percent of the amount resulting from applying the Annual Adjustment Factor* (FMR limitation in § 882.106, does not apply, but rent reasonableness policy does apply).

Calculations	Example A	Example B
1. Gross Rent originally approved 12/1/78	$200	$200
2. 1978 Fair Market Rent	200	200

Calculations	Example A	Example B
3. 1979 AHS based rent	180	220
4. 1979 Fair Market Rent	200	220
5. Calculation of rent adjustment based on the greater of (a) or (b):		
(a) *Rent Adjustment Based on Percentage Change in FMR:*		
—Gross Rent originally approved	200	200
—Percentage change in existing FMR	×0	×.10
—*Rent adjustment based on (a)*	0	20
(b) *Rent Adjustment Based on 50 Percent of Increase from Annual Adjustment Factor:*		
—Gross Rent originally approved	$200	$200
—Application of 50% of the Increase from the Annual Adjustment Factor (e.g. 50% of .06=.03)	×.03	×.03
—*Rent adjustment based on (b)*	6	6
6. Calculation of rent adjustment (greater of 5(a) or (b))	$6(b)	$20(a)
7. Gross Rent (No. 1+No. 6)	206	220

Example 2: *Contract entered into on or after January 29, 1979.*

Procedure: The Contract Rent adjustment shall be determined by taking the greater of the amounts calculated by (a) or (b) as follows:

(a)	(b)
Application of Section 8 Annual Adjustment Factor (Subject to FMR limitation and the rent reasonableness policy in § 882.106)	*50 percent of the amount resulting from applying the Annual Adjustment Factor* (FMR limitation in § 882.106 does not apply, but rent reasonableness policy does apply).

Calculations	Example A	Example B
1. Gross Rent originally approved 2/1/79	$200	$185
2. 1978 Fair Market Rent	200	200
3. 1979 AHS based rent	144	144
4. 1979 Fair Market Rent	200	200
5. Calculation of rent adjustment based on the greater of (a) or (b):		
(a) *Rent Adjustment Based on Annual Adjustment Factor Subject to FMR Limitation:*		
—Gross rent originally approved	200	185
—Application of Annual Adjustment Factor	×1.06	×1.06
—*Rent adjustment based on (a)*	212	197
	−200	−185
	*12	12
(b) *Rent Adjustment Based on 50% of Increase from Annual Adjustment Factor:*		
—Gross Rent initially approved	$200	$185
—Application of 50% of the Increase from the Annual Adjustment Factor (e.g. 50% of .06=.03)	×.03	×.03
—*Rent adjustment based on (b)*	6	6
6. Calculation of rent adjustment (greater of 5(a) or (b))	*6(b)	12(a)
7. Gross Rent (No. 1+No. 6)	206	197

**Adjustment based on (a) in this example is not useable because of FMR limitation.*

C. Use of Exception Rent Provisions

The current regulations which allow approvals of gross rents of up to 10 and 20 percent of published FMRs in certain circumstances will remain in effect (See § 882.106(a)). The Department will soon be proposing rules which will limit the use of 20 percent exception rents to promote specific objectives such as: (1) To increase mobility of racial minorities to non-impacted areas; (2) to provide units for those with special housing needs, e.g., the handicapped, and very large lower-income families, and, (3) to prevent displacement of low and moderate income families in revitalization areas.

5. *Comments on the Proposed Regulation and Fair Market Rent Schedule*

A. Interested persons are invited to participate by submitting comments on the proposed rents to the addresses set forth above. Communications should identify the subject matter by the above title, docket number, and date of publication. All relevant material received on or before the date specified above will be considered by HUD before the adoption of the revised Fair Market Rents.

B. Requests for revisions to the FMR schedules will generally be considered only during the 30 day period in which the FMR schedules are published for comment.

C. FMR revisions for a number of areas were published for comment on December 28, 1978. The proposed rule supersedes the proposed rule on FMRs which was published for comment on December 28, 1978. Additional comments on the rents now being proposed for these areas will be entertained during the 30 day comment period.

D. Comments regarding revisions to the FMR schedules for particular areas are invited particularly with regard to the procedures by which the AHS based median rent was derived. Comments which document the types and degree of changes which have occurred in the rental market, citing surveys, studies or other data which show what the current median rent for standard quality units is in the area or the rate of change in the rents during the period in question will be particularly helpful. The basis for comments and their content for each areas are as follows:

(1) For localities in the 25 SMSAs in Appendix I, it is anticipated that the proposed FMRs will be inappropriate only under the most unusual circumstances. If such a situation is believed to exist, comments are invited which address changes in the rental market during the period since the AHS of the SMSA and which are believed to have resulted in significant changes in the rents in the area that differ from those indicated by the rate of inflation (as measured by the CPI factors) used to update the AHS based median rent to October 1, 1979.

(2) For localities in the 33 SMSAs listed in Appendix II, comments are invited which demonstrate that the rate of inflation, as measured by the Census region CPI factor, does not reflect changes in the rental market that have occurred since the date of the AHS for that SMSA, which has resulted in a change in the rents in the area which differs from that shown in the Census region CPI factor.

(3) For localities in all other areas, comments are particularly invited which demonstrate that:

(a) The median rent for standard quality two-bedroom units in the area in 1976 differed significantly from the 1976 AHS based Census region median rent.

(b) The current relationship of rents in the area to rents in the Census region as a whole has changed compared to that relationship in 1969.

(c) Changes which have occurred in the rental market since 1976 have resulted in a change in the rents in the area which differs from that shown in the Census region CPI factor.

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 of 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.

Accordingly, 24 CFR Chapter VIII is proposed to be amended as follows:

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

1. Section 882.108(a) would be revised to read:

§ 882.108 Rent Adjustments.

(a) Contract Rents shall be adjusted as provided in paragraphs (a)(1) and (2) of this section upon request to the PHA by the owner: *Provided,* That the unit is in Decent, Safe and Sanitary condition and that the owner is otherwise in compliance with the terms of the lease and the Contract. Subject to the foregoing and the provisions of § 882.106, including the Fair Market Rent and rent reasonableness limitations of that section except as indicated in paragraph (a)(1)(i)(C), adjustments to Contract Rents shall be as follows:

(1) Annual Adjustments.

(i) Notwithstanding any Contract provisions to the contrary, an adjustemnt as of any anniversary date of the lease in an amount not to exceed the greater of:

(A) For a Contract entered into on or after January 29, 1979, the applicable Section 8 Annual Adjustment Factor (24 CFR Part 888, Schedule C) most recently published by HUD in the **Federal Register;**

(B) For a Contract entered into before January 29, 1979, the percentage change in the applicable published Existing Housing Fair Market Rent (with appropriate reduction in the adjustment where utilities are paid directly by the Family); or

(C) 50 percent of the amount resulting from applying the applicable Annual Adjustment Factor; however, in computing this amount under this paragraph (a)(1)(i)(C), the Fair Market Rent Limitation in § 882.106(a) shall not apply.

(ii) Adjustments under paragraph (a)(1) shall only be approved if the owner has the legal right to terminate the tenancy on the anniversary date. Contract Rents may be adjusted upward or downward, as may be appropriate. However, in no case shall the adjusted rents be less than the Contract Rents on the effective date of the Contract. Any adjustments under paragraph (a)(1)(i) which result in a Contract Rent which exceeds the Fair Market Rent Limitations of § 882.106(a) shall only be approved until the Family in the unit as of the effective date of this rule moves.

(2) Special Additional Adjustments.

* * * * *

PART 803—SECTION 23 HOUSING ASSISTANCE PAYMENTS PROGRAM

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

2. Part 803, Schedule B and Part 888, Schedule B would be revised as set forth below.

Appendix I.—*SMSAs with Local Annual Housing Survey Data (1974, 1975, or 1976) and Local Consumer Price Index Data*

[Gross rent in dollars]

Year of AHS	SMSA	AHS based median rent	CPI based rent inflation factor (percent [1])
1974	Boston, MA	$230	127.4
	Dallas-Ft. Worth, TX	170	155.9
	Detroit, MI	202	145.5
	Los Angeles-Long Beach, CA	193	144.0
	Minneapolis-St. Paul, MN	207	144.0
	Newark, NJ	210	132.9
	Pittsburgh, PA	178	150.0
	Washington, DC-MD-VA	220	138.6
1975	Atlanta, GA	205	118.0
	Chicago, IL	223	123.8
	Cincinnati, OH-KY-IN	184	130.4
	Kansas City, MO-KS	186	131.2
	Milwaukee, WI	199	126.6
	Paterson-Clifton-Passaic, NJ	259	125.1
	Phildelphia, PA.-NJ	235	126.8
	San Diego, CA	196	136.7
	San Francisco-Oakland, CA	228	136.0
1976	Baltimore, MD	221	129.9
	Buffalo, NY	195	113.3
	Cleveland, OH	197	123.9
	Honolulu, HI	286	123.4
	Houston, TX	225	119.6
	New York, NY-NJ	260	117.7
	St. Louis, MO-IL	195	128.2
	Seattle-Everett, WA	215	127.9

[1] Factor reflects the change in rents in the SMSA from the date of the survey to October 1, 1979, and includes changes in fuel and utilities.

Appendix II.—*SMSAs with Local Annual Housing Survey Data (1974, 1975 or 1976) and Census Region Consumer Price Index Data*

[Gross rent in dollars]

Year of AHS	SMSA	AHS based median rent	Census region CPI based rent inflation factor (percent [1])
1974	Albany-Schenectady-Troy, NY	$184	134.2
	Anahiem-Santa Ana-Garden Grove, CA	203	144.3
	Memphis, TN-AR-MS	161	142.2
	Orlando, FL	205	140.5
	Phoenix, AZ	197	144.2
	Salt Lake City-Ogden, UT	166	144.6
	Spokane, WA	172	144.2
	Tacoma, WA	165	144.2
	Wichita, KS	145	141.4
1975	Colorado Springs, CO	167	135.9
	Columbus, OH	186	131.7
	Hartford, CT	234	126.1
	Madison, WI	199	131.2
	Miami, FL	275	132.4
	New Orleans, LA	185	133.5
	Newport News-Hampton, VA	195	133.3
	Portland, OR-WA	181	135.9
	Rochester, NY	225	126.7
	Riverside-San Bernardino, CA	174	135.6
	San Antonio, TX	200	133.0
	Springfield-Chickopee-Holyoke, MA	205	126.3
1976	Allentown-Bethlehem-Easton, PA-NJ	213	118.8
	Birmingham, AL	187	126.2
	Denver-Boulder, CO	206	127.2
	Grand Rapids, MI	179	124.6
	Indianapolis, IN	196	124.5
	Las Vegas, NV	240	127.1
	Louisville, KY-IN	175	126.3

Appendix II.—*SMSAs with Local Annual Housing Survey Data (1974, 1975 or 1976) and Census Region Consumer Price Index Data—Continued*

[Gross rent in dollars]

SMSA	AHS based median rent	Census region CPI based rent inflation factor (percent [1])
Oklahoma City, OK	180	126.7
Omaha, NB–IA	202	124.3
Providence–Pawtucket–Warwick, RI–MA	197	118.8
Raleigh–Durham, NC	197	126.4
Sacramento, CA	200	127.0

[1] Factor reflects the change in rents in the Census Region from the date of the survey to October 1, 1979, and includes changes in fuel and utilities.

Appendix III.—*1976 Annual Housing Survey Census Region Median Rents and Census Region Consumer Price Index Rent Inflation Factors*

[Gross rent in dollars]

	AHS based median rent	CPI based Rent inflation factor (percent [1])
Census region:		
Northeast [2]	$196	118.4
North Central [3]	176	123.9
South [4]	170	126.5
West [5]	190	126.8

[1] Factor reflects the change in rents in the Census Region from date of the survey to October 1, 1979, and includes changes in fuel and utilities.

[2] Includes the states of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

[3] Includes the states of Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, North Dakota, South Dakota, and Wisconsin.

[4] Includes the states of Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, Puerto Rico, and the Virgin Islands.

[5] Includes the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, Wyoming, Guam, and the Trust Territories.

Appendix IV.—*1976 Annual Housing Survey; National Sample Ratios of Two-Bedroom Unit Median Rent to Units of Other Sizes*

0 bedrooms	1 bedroom	2 bedrooms	3 bedrooms	4 bedrooms
.70	.85	1.00	1.15	1.30

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
BANGOR, MAINE VALUATION AND ENDORSEMENT STATION					
SMSA: LEWISTON-AUBURN, ME					
SMSA PART:ANDROSCOGGIN	151	171	203	234	256
STATE:ME					
SMSA: PORTLAND, ME					
SMSA PART:CUMBERLAND	171	201	237	278	326
STATE:ME					
SMSA PART:YORK	171	201	237	278	326
STATE:ME					
NON SMSA					
NONSMSA PART:ANDROSCOGGIN	151	180	212	244	276
STATE:ME					
COUNTY:AROOSTOOK	155	183	216	238	260
STATE:ME					
NONSMSA PART:CUMBERLAND	151	180	212	244	276
STATE:ME					
COUNTY:FRANKLIN	141	162	191	211	231
STATE:ME					
COUNTY:HANCOCK	141	162	191	211	231
STATE:ME					
COUNTY:KENNEBEC	151	171	203	224	245
STATE:ME					
COUNTY:KNOX	141	162	191	211	231
STATE:ME					
COUNTY:LINCOLN	141	162	191	211	231
STATE:ME					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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
BANGOR, MAINE VALUATION AND ENDORSEMENT STATION					
NON SMSA					
COUNTY:OXFORD	141	162	191	211	231
STATE:ME					
COUNTY:PENOBSCOT	151	171	203	224	245
STATE:ME					
COUNTY:PISCATAQUIS	141	162	191	211	231
STATE:ME					
COUNTY:SAGADAHOC	151	171	203	224	245
STATE:ME					
COUNTY:SOMERSET	141	162	191	211	231
STATE:ME					
COUNTY:WALDO	141	162	191	211	231
STATE:ME					
COUNTY:WASHINGTON	141	162	191	211	231
STATE:ME					
NONSMSA PART:YORK	151	180	212	244	276
STATE:ME					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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					
SMSA PART:ESSEX STATE:MA	235	266	316	364	411
SMSA PART:MIDDLESEX STATE:MA	235	266	316	364	411
SMSA PART:NORFOLK STATE:MA	235	266	316	364	411
SMSA PART:PLYMOUTH STATE:MA	235	266	316	364	411
COUNTY:SUFFOLK STATE:MA	235	266	316	364	411
SMSA: BROCKTON, MA					
SMSA PART:BRISTOL STATE:MA	184	223	262	302	341
SMSA PART:NORFOLK STATE:MA	184	223	262	302	341
SMSA PART:PLYMOUTH STATE:MA	184	223	262	302	341
SMSA: FALL RIVER, MA-RI					
SMSA PART:BRISTOL STATE:MA	164	197	231	266	301
SMSA: FITCHBURG-LEOMINSTER, MA					
SMSA PART:MIDDLESEX STATE:MA	164	197	231	266	301
SMSA PART:WORCESTER STATE:MA	164	197	231	266	301

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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: LAWRENCE-HAVERHILL, MA-NH					
SMSA PART:ESSEX STATE:MA	190	223	262	316	359
SMSA: LOWELL, MA NH					
SMSA PART:MIDDLESEX STATE:MA	216	246	289	334	365
SMSA: NEW BEDFORD, MA					
SMSA PART:BRISTOL STATE:MA	164	197	231	266	301
SMSA PART:PLYMOUTH STATE:MA	164	197	231	266	301
SMSA: PITTSFIELD, MA					
SMSA PART:BERKSHIRE STATE:MA	164	188	221	255	278
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA					
SMSA PART:BRISTOL STATE:MA	164	199	234	269	304
SMSA PART:NORFOLK STATE:MA	164	199	234	269	304
SMSA PART:WORCESTER STATE:MA	164	199	234	269	304
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT					
SMSA PART:HAMPDEN STATE:MA	181	220	259	298	337
SMSA PART:HAMPSHIRE STATE:MA	181	220	259	298	337

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT					
SMSA PART: WORCESTER					
STATE: MA	181	220	259	298	337
SMSA: WORCESTER, MA					
SMSA PART: WORCESTER					
STATE: MA	198	226	264	304	333
NON SMSA					
COUNTY: BARNSTABLE					
STATE: MA	219	245	295	332	369
NONSMSA PART: BERKSHIRE					
STATE: MA	164	197	231	266	301
NONSMSA PART: BRISTOL					
STATE: MA	164	197	231	266	301
COUNTY: DUKES					
STATE: MA	219	245	295	332	369
NONSMSA PART: ESSEX					
STATE: MA	184	223	262	302	341
COUNTY: FRANKLIN					
STATE: MA	172	202	238	274	309
NONSMSA PART: HAMPDEN					
STATE: MA	164	197	231	266	301
NONSMSA PART: HAMPSHIRE					
STATE: MA	164	197	231	266	301
NONSMSA PART: MIDDLESEX					
STATE: MA	180	205	242	278	304

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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					
COUNTY: NANTUCKET					
STATE: MA	160	195	229	263	298
NONSMSA PART: NORFOLK					
STATE: MA	180	205	242	278	304
NONSMSA PART: PLYMOUTH					
STATE: MA	167	197	231	266	303
NONSMSA PART: WORCESTER					
STATE: MA	164	197	231	266	301

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
BURLINGTON, VERMONT VALUATION AND ENDORSEMENT ST					
NON SMSA					
COUNTY:ADDISON STATE:VT	167	191	227	275	297
COUNTY:BENNINGTON STATE:VT	167	191	227	275	297
COUNTY:CALEDONIA STATE:VT	153	182	215	259	284
COUNTY:CHITTENDEN STATE:VT	167	191	233	291	313
COUNTY:ESSEX STATE:VT	146	167	196	217	241
COUNTY:FRANKLIN STATE:VT	153	182	215	259	284
COUNTY:GRAND ISLE STATE:VT	153	182	215	259	284
COUNTY:LAMOILLE STATE:VT	146	167	196	217	241
COUNTY:ORANGE STATE:VT	153	182	215	259	284
COUNTY:ORLEANS STATE:VT	153	182	215	259	284
COUNTY:RUTLAND STATE:VT	167	191	227	275	297
COUNTY:WASHINGTON STATE:VT	153	182	215	259	284

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
BURLINGTON, VERMONT VALUATION AND ENDORSEMENT ST					
NON SMSA					
COUNTY:WINDHAM STATE:VT	167	202	238	275	309
COUNTY:WINDSOR STATE:VT	167	191	227	275	297

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
MANCHESTER, NEW HAMPSHIRE SERVICE OFFICE					
SMSA: LAWRENCE-HAVERHILL, MA-NH					
SMSA PART:ROCKINGHAM					
STATE:NH	190	223	262	316	359
SMSA: LOWELL, MA NH					
SMSA PART:HILLSBOROUGH					
STATE:NH	216	246	289	334	365
SMSA: MANCHESTER, NH					
SMSA PART:HILLSBOROUGH					
STATE:NH	175	218	260	316	359
SMSA PART:MERRIMACK					
STATE:NH	175	218	260	316	359
SMSA PART:ROCKINGHAM					
STATE:NH	175	218	260	316	359
SMSA: NASHUA, NH					
SMSA PART:HILLSBOROUGH					
STATE:NH	175	218	260	316	359
NON SMSA					
COUNTY:BELKNAP					
STATE:NH	159	181	215	248	271
COUNTY:CARROLL					
STATE:NH	144	175	206	237	268
COUNTY:CHESHIRE					
STATE:NH	167	202	238	274	309
COUNTY:COOS					
STATE:NH	146	167	196	217	241

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
MANCHESTER, NEW HAMPSHIRE SERVICE OFFICE					
NON SMSA					
COUNTY:GRAFTON					
STATE:NH	146	167	196	217	241
NONSMSA PART:HILLSBOROUGH					
STATE:NH	159	191	225	259	293
NONSMSA PART:MERRIMACK					
STATE:NH	159	191	225	259	293
NONSMSA PART:ROCKINGHAM					
STATE:NH	159	181	215	248	271
COUNTY:STRAFFORD					
STATE:NH	159	181	215	238	259
COUNTY:SULLIVAN					
STATE:NH	159	181	215	238	259

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
PROVIDENCE, RHODE ISLAND SERVICE OFFICE					
SMSA: FALL RIVER, MA-RI					
SMSA PART:NEWPORT					
STATE:RI	164	197	231	266	301
SMSA: NEW LONDON-NORWICH, CT-RI					
SMSA PART:WASHINGTON					
STATE:RI	160	195	229	263	298
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA					
SMSA PART:BRISTOL					
STATE:RI	164	199	234	269	304
SMSA PART:KENT					
STATE:RI	164	199	234	269	304
SMSA PART:NEWPORT					
STATE:RI	164	199	234	269	304
SMSA PART:PROVIDENCE					
STATE:RI	164	199	234	269	304
SMSA PART:WASHINGTON					
STATE:RI	164	199	234	269	304
NON SMSA					
NONSMSA PART:KENT					
STATE:RI	164	197	231	266	301
NONSMSA PART:NEWPORT					
STATE:RI	160	195	229	263	298
NONSMSA PART:PROVIDENCE					
STATE:RI	164	197	231	266	301
NONSMSA PART:WASHINGTON					
STATE:RI	160	195	229	263	298

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: BRIDGEPORT, CT					
SMSA PART:FAIRFIELD					
STATE:CT	184	224	264	303	343
SMSA PART:NEW HAVEN					
STATE:CT	184	224	264	303	343
SMSA: BRISTOL, CT					
SMSA PART:HARTFORD					
STATE:CT	177	213	251	289	326
SMSA PART:LITCHFIELD					
STATE:CT	177	213	251	289	326
SMSA: DANBURY, CT					
SMSA PART:FAIRFIELD					
STATE:CT	169	202	238	274	309
SMSA PART:LITCHFIELD					
STATE:CT	169	202	238	274	309
SMSA: HARTFORD, CT					
SMSA PART:HARTFORD					
STATE:CT	207	251	295	339	383
SMSA PART:LITCHFIELD					
STATE:CT	207	251	295	339	383
SMSA PART:MIDDLESEX					
STATE:CT	207	251	295	339	383
SMSA PART:NEW LONDON					
STATE:CT	207	251	295	339	383
SMSA PART:TOLLAND					
STATE:CT	207	251	295	339	383

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	167	202	238	274	309
STATE:CT					
SMSA: NEW BRITAIN, CT					
SMSA PART:HARTFORD	177	213	251	289	326
STATE:CT					
SMSA: NEW HAVEN-WEST HAVEN, CT					
SMSA PART:MIDDLESEX	183	210	239	277	318
STATE:CT					
SMSA PART:NEW HAVEN	183	210	239	277	318
STATE:CT					
SMSA: NEW LONDON-NORWICH, CT-RI					
SMSA PART:MIDDLESEX	160	195	229	263	298
STATE:CT					
SMSA PART:NEW LONDON	160	195	229	263	298
STATE:CT					
SMSA: NORWALK, CT					
SMSA PART:FAIRFIELD	184	224	264	303	343
STATE:CT					
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT					
SMSA PART:TOLLAND	181	220	259	298	337
STATE:CT					
SMSA: STAMFORD, CT					
SMSA PART:FAIRFIELD	221	284	328	389	418
STATE:CT					
SMSA: WATERBURY, CT					
SMSA PART:LITCHFIELD	167	202	238	274	309
STATE:CT					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: WATERBURY, CT					
SMSA PART:NEW HAVEN	167	202	238	274	309
STATE:CT					
NON SMSA					
NONSMSA PART:FAIRFIELD	169	202	238	274	309
STATE:CT					
NONSMSA PART:HARTFORD	177	213	251	289	326
STATE:CT					
NONSMSA PART:LITCHFIELD	156	189	222	256	289
STATE:CT					
NONSMSA PART:MIDDLESEX	156	189	222	256	289
STATE:CT					
NONSMSA PART:NEW HAVEN	167	202	238	274	309
STATE:CT					
NONSMSA PART:NEW LONDON	160	195	229	263	298
STATE:CT					
NONSMSA PART:TOLLAND	160	195	229	263	298
STATE:CT					
COUNTY:WINDHAM	160	195	229	263	298
STATE:CT					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
ALBANY, NEW YORK SERVICE OFFICE					
SMSA: ALBANY-SCHENECTADY-TROY, NY					
COUNTY:ALBANY STATE:NY	173	210	247	284	321
COUNTY:MONTGOMERY STATE:NY	173	210	247	284	321
COUNTY:RENSSELAER STATE:NY	173	210	247	284	321
COUNTY:SARATOGA STATE:NY	173	210	247	284	321
COUNTY:SCHENECTADY STATE:NY	173	210	247	284	321
SMSA: BINGHAMTON, NY-PA					
COUNTY:BROOME STATE:NY	150	173	205	247	285
COUNTY:TIOGA STATE:NY	150	173	205	247	285
SMSA: SYRACUSE, NY					
COUNTY:MADISON STATE:NY	158	191	225	259	293
COUNTY:ONONDAGA STATE:NY	158	191	225	259	293
COUNTY:OSWEGO STATE:NY	158	191	225	259	293
SMSA: UTICA-ROME, NY					
COUNTY:HERKIMER STATE:NY	151	172	204	243	280

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
ALBANY, NEW YORK SERVICE OFFICE					
SMSA: UTICA-ROME, NY					
COUNTY:ONEIDA STATE:NY	151	172	204	243	280
NON SMSA					
COUNTY:CAYUGA STATE:NY	152	185	217	250	283
COUNTY:CHENANGO STATE:NY	142	165	197	227	251
COUNTY:CLINTON STATE:NY	121	147	173	200	226
COUNTY:COLUMBIA STATE:NY	124	151	177	204	231
COUNTY:CORTLAND STATE:NY	152	185	217	250	283
COUNTY:DELAWARE STATE:NY	129	156	184	211	239
COUNTY:ESSEX STATE:NY	132	152	180	200	226
COUNTY:FRANKLIN STATE:NY	113	138	162	186	211
COUNTY:FULTON STATE:NY	121	147	173	200	226
COUNTY:GREENE STATE:NY	147	168	200	222	245

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
ALBANY, NEW YORK SERVICE OFFICE					
NON SMSA					
COUNTY: HAMILTON STATE: NY	121	147	173	200	226
COUNTY: JEFFERSON STATE: NY	113	138	162	186	211
COUNTY: LEWIS STATE: NY	113	138	162	186	211
COUNTY: OTSEGO STATE: NY	129	156	184	211	239
COUNTY: ST LAWRENCE STATE: NY	113	138	162	186	211
COUNTY: SCHOHARIE STATE: NY	121	147	173	200	226
COUNTY: TOMPKINS STATE: NY	152	185	217	250	283
COUNTY: WARREN STATE: NY	128	162	189	209	228
COUNTY: WASHINGTON STATE: NY	132	152	180	200	226

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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: BUFFALO, NY					
COUNTY: ERIE STATE: NY	158	188	221	254	287
COUNTY: NIAGARA STATE: NY	158	188	221	254	287
SMSA: ELMIRA, NY					
COUNTY: CHEMUNG STATE: NY	129	156	184	211	239
SMSA: ROCHESTER, NY					
COUNTY: LIVINGSTON STATE: NY	198	241	284	326	369
COUNTY: MONROE STATE: NY	198	241	284	326	369
COUNTY: ONTARIO STATE: NY	198	241	284	326	369
COUNTY: ORLEANS STATE: NY	198	241	284	326	369
COUNTY: WAYNE STATE: NY	198	241	284	326	369
NON SMSA					
COUNTY: ALLEGANY STATE: NY	113	138	162	186	211
COUNTY: CATTARAUGUS STATE: NY	113	140	168	186	211
COUNTY: CHAUTAUQUA STATE: NY	139	174	206	233	258

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: GENESEE STATE: NY	149	171	204	226	250
COUNTY: SCHUYLER STATE: NY	140	160	192	212	239
COUNTY: SENECA STATE: NY	152	185	217	250	283
COUNTY: STEUBEN STATE: NY	140	160	192	212	239
COUNTY: WYOMING STATE: NY	113	138	162	186	211
COUNTY: YATES STATE: NY	152	185	217	250	283

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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					
SMSA: NASSAU-SUFFOLK, NY					
COUNTY: NASSAU STATE: NY	239	302	353	414	477
COUNTY: SUFFOLK STATE: NY	239	302	353	414	477
SMSA: NEW YORK CITY, NY-NJ					
COUNTY: BRONX STATE: NY	214	260	306	352	398
COUNTY: KINGS STATE: NY	214	260	306	352	398
COUNTY: NEW YORK STATE: NY	214	260	306	352	398
COUNTY: PUTNAM STATE: NY	214	260	306	352	398
COUNTY: QUEENS STATE: NY	214	260	306	352	398
COUNTY: RICHMOND STATE: NY	214	260	306	352	398
COUNTY: ROCKLAND STATE: NY	214	260	306	352	398
COUNTY: WESTCHESTER STATE: NY	214	260	306	352	398
SMSA: POUGHKEEPSIE, NY					
COUNTY: DUTCHESS STATE: NY	174	211	248	286	323

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	166	201	237	272	308
COUNTY:SULLIVAN STATE:NY	166	201	237	272	308
COUNTY:ULSTER STATE:NY	166	201	237	272	308

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
CAMDEN, NEW JERSEY SERVICE OFFICE					
SMSA: ATLANTIC CITY, NJ					
COUNTY:ATLANTIC STATE:NJ	135	164	193	222	251
SMSA: PHILADELPHIA, PA-NJ					
COUNTY:BURLINGTON STATE:NJ	209	253	298	343	387
COUNTY:CAMDEN STATE:NJ	209	253	298	343	387
COUNTY:GLOUCESTER STATE:NJ	209	253	298	343	387
SMSA: TRENTON, NJ					
COUNTY:MERCER STATE:NJ	153	186	219	251	284
SMSA: VINELAND-MILLVILLE-BRIDGETON, NJ					
COUNTY:CUMBERLAND STATE:NJ	159	180	213	247	270
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY:SALEM STATE:NJ	207	251	295	340	384
NON SMSA					
COUNTY:CAPE MAY STATE:NJ	184	210	250	276	304
COUNTY:OCEAN STATE:NJ	211	225	267	297	326

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ					
COUNTY: WARREN	179	215	253	291	329
STATE: NJ					
SMSA: JERSEY CITY, NJ					
COUNTY: HUDSON	159	181	210	241	273
STATE: NJ					
SMSA: LONG BRANCH-ASBURY PARK, NJ					
COUNTY: MONMOUTH	178	214	252	290	328
STATE: NJ					
SMSA: NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NJ					
COUNTY: MIDDLESEX	189	228	269	309	350
STATE: NJ					
SMSA: NEW YORK CITY, NY-NJ					
COUNTY: BERGEN	214	260	306	352	398
STATE: NJ					
SMSA: NEWARK, NJ					
COUNTY: ESSEX	195	237	279	321	363
STATE: NJ					
COUNTY: MORRIS	195	237	279	321	363
STATE: NJ					
COUNTY: SOMERSET	195	237	279	321	363
STATE: NJ					
COUNTY: UNION	195	237	279	321	363
STATE: NJ					
SMSA: PATERSON-CLIFTON-PASSAIC, NJ					
COUNTY: PASSAIC	228	277	326	375	424
STATE: NJ					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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					
NON SMSA					
COUNTY: HUNTERDON	198	228	269	300	335
STATE: NJ					
COUNTY: SUSSEX	180	219	257	296	335
STATE: NJ					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	147	178	210	241	272
STATE:PR					
SMSA: MAYAGUEZ					
MUNICIPIO:ALL	182	221	260	299	337
STATE:PR					
SMSA: PONCE					
MUNICIPIO:ALL	224	272	320	368	415
STATE:PR					
SMSA: SAN JUAN					
MUNICIPIO:ALL	221	269	317	364	412
STATE:PR					
NON SMSA					
MUNICIPIO:ALL OTHER	140	170	200	230	259
STATE:PR					
:-CHAR.AMALIE	248	301	355	408	461
STATE:VI					
:ST. CROIX	203	246	290	333	376
STATE:VI					
:ST. THOMAS	231	280	330	379	428
STATE:VI					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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					
SMSA: BALTIMORE, MD					
COUNTY:ANNE ARUNDEL	201	244	287	330	373
STATE:MD					
COUNTY:BALTIMORE	201	244	287	330	373
STATE:MD					
COUNTY:CARROLL	201	244	287	330	373
STATE:MD					
COUNTY:HARFORD	201	244	287	330	373
STATE:MD					
COUNTY:HOWARD	201	244	287	330	373
STATE:MD					
:-COLUMBIA(U)	214	259	305	351	396
STATE:MD					
INDEP. CITY:BALTIMORE	201	244	287	330	373
STATE:MD					
SMSA: WASHINGTON, DC-MD-VA					
COUNTY:CHARLES	214	259	305	351	396
STATE:MD					
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY:CECIL	207	251	295	340	384
STATE:MD					
NON SMSA					
COUNTY:ALLEGANY	131	159	187	215	243
STATE:MD					
COUNTY:CALVERT	190	225	250	300	360
STATE:MD					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	177	215	253	291	329
COUNTY: DORCHESTER STATE: MD	177	215	253	291	329
COUNTY: FREDERICK STATE: MD	173	209	246	300	333
COUNTY: GARRETT STATE: MD	131	159	187	215	243
COUNTY: KENT STATE: MD	177	215	253	291	329
COUNTY: QUEEN ANNES STATE: MD	177	215	253	291	329
COUNTY: ST MARYS STATE: MD	172	209	246	283	320
COUNTY: SOMERSET STATE: MD	177	215	253	291	329
COUNTY: TALBOT STATE: MD	177	215	253	291	329
COUNTY: WASHINGTON STATE: MD	172	209	246	283	320
COUNTY: WICOMICO STATE: MD	177	215	253	291	329
COUNTY: WORCESTER STATE: MD	177	215	253	291	329

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE					
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ					
COUNTY: CARBON STATE: PA	179	215	253	291	329
COUNTY: LEHIGH STATE: PA	179	215	253	291	329
COUNTY: NORTHAMPTON STATE: PA	179	215	253	291	329
SMSA: BINGHAMTON, NY-PA					
COUNTY: SUSQUEHANNA STATE: PA	150	173	205	247	285
SMSA: HARRISBURG, PA					
COUNTY: CUMBERLAND STATE: PA	162	186	222	257	282
COUNTY: DAUPHIN STATE: PA	162	186	222	257	282
COUNTY: PERRY STATE: PA	162	186	222	257	282
SMSA: LANCASTER, PA					
COUNTY: LANCASTER STATE: PA	123	150	176	203	229
SMSA: NORTHEAST, PA					
COUNTY: LACKAWANNA STATE: PA	139	161	192	214	234
COUNTY: LUZERNE STATE: PA	139	161	192	214	234

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE					
SMSA: NORTHEAST, PA					
COUNTY:MONROE STATE:PA	139	161	192	214	234
SMSA: PHILADELPHIA, PA-NJ					
COUNTY:BUCKS STATE:PA	209	253	298	343	387
COUNTY:CHESTER STATE:PA	209	253	298	343	387
COUNTY:DELAWARE STATE:PA	209	253	298	343	387
COUNTY:MONTGOMERY STATE:PA	209	253	298	343	387
COUNTY:PHILADELPHIA STATE:PA	209	253	298	343	387
SMSA: READING, PA					
COUNTY:BERKS STATE:PA	151	173	205	239	262
SMSA: WILLIAMSPORT, PA					
COUNTY:LYCOMING STATE:PA	120	146	172	198	224
SMSA: YORK, PA					
COUNTY:ADAMS STATE:PA	138	167	197	226	256
COUNTY:YORK STATE:PA	138	167	197	226	256

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY:BRADFORD STATE:PA	129	156	184	211	239
COUNTY:CENTRE STATE:PA	120	146	172	198	224
COUNTY:CLINTON STATE:PA	120	146	172	198	224
COUNTY:COLUMBIA STATE:PA	113	138	162	186	211
COUNTY:FRANKLIN STATE:PA	107	130	153	176	199
COUNTY:JUNIATA STATE:PA	97	118	139	160	180
COUNTY:LEBANON STATE:PA	123	142	169	197	217
COUNTY:MIFFLIN STATE:PA	97	118	139	160	180
COUNTY:MONTOUR STATE:PA	97	118	139	160	180
COUNTY:NORTHUMBRLND STATE:PA	120	140	166	184	205
COUNTY:PIKE STATE:PA	113	138	162	186	211
COUNTY:SCHUYLKILL STATE:PA	126	144	174	193	214

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE					
NON SMSA					
COUNTY: SNYDER STATE: PA	97	118	139	160	180
COUNTY: SULLIVAN STATE: PA	120	146	172	198	224
COUNTY: TIOGA STATE: PA	129	156	184	211	239
COUNTY: UNION STATE: PA	97	118	139	160	180
COUNTY: WAYNE STATE: PA	168	194	232	255	284
COUNTY: WYOMING STATE: PA	134	156	186	239	265

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
WILMINGTON, DELAWARE VALUATION AND ENDORSEMENT S					
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY: NEW CASTLE STATE: DE	207	251	295	340	384
NON SMSA					
COUNTY: KENT STATE: DE	177	215	253	291	329
COUNTY: SUSSEX STATE: DE	177	215	253	291	329

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
CHARLESTON, WEST VIRGINIA SERVICE OFFICE					
SMSA: CHARLESTON, WV					
COUNTY: KANAWHA STATE: WV	156	190	224	257	291
COUNTY: PUTNAM STATE: WV	156	190	224	257	291
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH					
COUNTY: CABELL STATE: WV	146	178	209	240	272
COUNTY: WAYNE STATE: WV	146	178	209	240	272
SMSA: PARKERSBURG-MARIETTA, WV-OH					
COUNTY: WIRT STATE: WV	160	195	229	264	298
COUNTY: WOOD STATE: WV	160	195	229	264	298
SMSA: STEUBENVILLE-WEIRTON, OH-WV					
COUNTY: BROOKE STATE: WV	141	171	202	232	262
COUNTY: HANCOCK STATE: WV	141	171	202	232	262
SMSA: WHEELING, WV-OH					
COUNTY: MARSHALL STATE: WV	141	171	202	232	262
COUNTY: OHIO STATE: WV	141	171	202	232	262

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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
CHARLESTON, WEST VIRGINIA SERVICE OFFICE					
NON SMSA					
COUNTY: BARBOUR STATE: WV	150	182	214	247	279
COUNTY: BERKELEY STATE: WV	150	182	214	247	279
COUNTY: BOONE STATE: WV	119	145	170	196	222
COUNTY: BRAXTON STATE: WV	119	145	170	196	222
COUNTY: CALHOUN STATE: WV	119	145	170	196	222
COUNTY: CLAY STATE: WV	119	145	170	196	222
COUNTY: DODDRIDGE STATE: WV	150	182	214	247	279
COUNTY: FAYETTE STATE: WV	119	145	170	196	222
COUNTY: GILMER STATE: WV	119	145	170	196	222
COUNTY: GRANT STATE: WV	150	182	214	247	279
COUNTY: GREENBRIER STATE: WV	119	145	170	196	222
COUNTY: HAMPSHIRE STATE: WV	150	182	214	247	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
CHARLESTON, WEST VIRGINIA SERVICE OFFICE					
NON SMSA					
COUNTY: HARDY STATE: WV	150	182	214	247	279
COUNTY: HARRISON STATE: WV	150	182	214	247	279
COUNTY: JACKSON STATE: WV	119	145	170	196	222
COUNTY: JEFFERSON STATE: WV	150	182	214	247	279
COUNTY: LEWIS STATE: WV	150	182	214	247	279
COUNTY: LINCOLN STATE: WV	119	145	170	196	222
COUNTY: LOGAN STATE: WV	119	145	170	196	222
COUNTY: MCDOWELL STATE: WV	124	151	178	204	231
COUNTY: MARION STATE: WV	150	182	214	247	279
COUNTY: MASON STATE: WV	119	145	170	196	222
COUNTY: MERCER STATE: WV	124	151	178	204	231
COUNTY: MINERAL STATE: WV	131	159	187	215	243

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
CHARLESTON, WEST VIRGINIA SERVICE OFFICE					
NON SMSA					
COUNTY: MINGO STATE: WV	119	145	170	196	222
COUNTY: MONONGALIA STATE: WV	150	182	214	247	279
COUNTY: MONROE STATE: WV	119	145	170	196	222
COUNTY: MORGAN STATE: WV	150	182	214	247	279
COUNTY: NICHOLAS STATE: WV	119	145	170	196	222
COUNTY: PENDLETON STATE: WV	150	182	214	247	279
COUNTY: PLEASANTS STATE: WV	160	195	229	264	298
COUNTY: POCAHONTAS STATE: WV	119	145	170	196	222
COUNTY: PRESTON STATE: WV	150	182	214	247	279
COUNTY: RALEIGH STATE: WV	119	145	170	196	222
COUNTY: RANDOLPH STATE: WV	150	182	214	247	279
COUNTY: RITCHIE STATE: WV	160	195	229	264	298

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
CHARLESTON, WEST VIRGINIA SERVICE OFFICE					
NON SMSA					
COUNTY: ROANE STATE: WV	119	145	170	196	222
COUNTY: SUMMERS STATE: WV	119	145	170	196	222
COUNTY: TAYLOR STATE: WV	150	182	214	247	279
COUNTY: TUCKER STATE: WV	150	182	214	247	279
COUNTY: TYLER STATE: WV	131	159	187	215	243
COUNTY: UPSHUR STATE: WV	150	182	214	247	279
COUNTY: WEBSTER STATE: WV	119	145	170	196	222
COUNTY: WETZEL STATE: WV	131	159	187	215	243
COUNTY: WYOMING STATE: WV	119	145	170	196	222

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: ALTOONA, PA COUNTY: BLAIR STATE: PA	134	151	193	221	245
SMSA: ERIE, PA COUNTY: ERIE STATE: PA	130	150	178	207	227
SMSA: JOHNSTOWN, PA COUNTY: CAMBRIA STATE: PA	140	165	200	225	250
COUNTY: SOMERSET STATE: PA	140	165	200	225	250
SMSA: PITTSBURGH, PA COUNTY: ALLEGHANY STATE: PA	187	227	267	307	347
COUNTY: BEAVER STATE: PA	187	227	267	307	347
COUNTY: WASHINGTON STATE: PA	187	227	267	307	347
COUNTY: WESTMORELAND STATE: PA	187	227	267	307	347
NON SMSA					
COUNTY: ARMSTRONG STATE: PA	110	134	158	182	206
COUNTY: BEDFORD STATE: PA	107	130	153	176	199

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: BUTLER STATE: PA	132	154	182	203	223
COUNTY: CAMERON STATE: PA	120	146	172	198	224
COUNTY: CLARION STATE: PA	110	134	158	182	206
COUNTY: CLEARFIELD STATE: PA	120	146	172	198	224
COUNTY: CRAWFORD STATE: PA	115	140	164	189	214
COUNTY: ELK STATE: PA	120	146	172	198	224
COUNTY: FAYETTE STATE: PA	98	119	140	161	182
COUNTY: FOREST STATE: PA	115	140	164	189	214
COUNTY: FULTON STATE: PA	107	130	153	176	199
COUNTY: GREENE STATE: PA	98	119	140	161	182
COUNTY: HUNTINGOON STATE: PA	107	130	153	176	199
COUNTY: INDIANA STATE: PA	110	134	158	182	206

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: JEFFERSON STATE: PA	120	146	172	198	224
COUNTY: LAWRENCE STATE: PA	115	140	164	189	214
COUNTY: MCKEAN STATE: PA	113	138	162	186	211
COUNTY: MERCER STATE: PA	115	140	164	189	214
COUNTY: POTTER STATE: PA	113	138	162	186	211
COUNTY: VENANGO STATE: PA	115	140	164	189	214
COUNTY: WARREN STATE: PA	115	140	164	189	214

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA					
COUNTY: SCOTT STATE: VA	154	187	220	253	286
COUNTY: WASHINGTON STATE: VA	154	187	220	253	286
INDEP. CITY: BRISTOL STATE: VA	154	187	220	253	286
SMSA: LYNCHBURG, VA					
COUNTY: AMHERST STATE: VA	189	229	270	310	351
COUNTY: APPOMATTOX STATE: VA	189	229	270	310	351
COUNTY: CAMPBELL STATE: VA	189	229	270	310	351
INDEP. CITY: LYNCHBURG STATE: VA	189	229	270	310	351
SMSA: NEWPORT NEWS-HAMPTON, VA					
COUNTY: GLOUCESTER STATE: VA	182	221	260	299	338
COUNTY: JAMES CITY STATE: VA	182	221	260	299	338
COUNTY: YORK STATE: VA	182	221	260	299	338
INDEP. CITY: HAMPTON STATE: VA	182	221	260	299	338

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	182	221	260	299	338
INDEP. CITY: POQUOSON STATE: VA	182	221	260	299	338
INDEP. CITY: WILLIAMSBURG STATE: VA	182	221	260	299	338
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC					
INDEP. CITY: CHESAPEAKE STATE: VA	191	232	273	314	355
INDEP. CITY: NORFOLK STATE: VA	191	232	273	314	355
INDEP. CITY: PORTSMOUTH STATE: VA	191	232	273	314	355
INDEP. CITY: SUFFOLK STATE: VA	191	232	273	314	355
INDEP. CITY: VIRGINIA BEA STATE: VA	191	232	273	314	355
SMSA: PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA					
COUNTY: DINWIDDIE STATE: VA	201	245	288	331	375
COUNTY: PRINCEGEORGE STATE: VA	201	245	288	331	375
INDEP. CITY: COLONIAL HEI STATE: VA	201	245	288	331	375

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA					
INDEP. CITY:HOPEWELL STATE:VA	201	245	288	331	375
INDEP. CITY:PETERSBURG STATE:VA	201	245	288	331	375
SMSA: RICHMOND, VA					
COUNTY:CHARLES CITY STATE:VA	194	235	277	319	360
COUNTY:CHESTERFIELD STATE:VA	194	235	277	319	360
COUNTY:GOOCHLAND STATE:VA	194	235	277	319	360
COUNTY:HANOVER STATE:VA	194	235	277	319	360
COUNTY:HENRICO STATE:VA	194	235	277	319	360
COUNTY:NEW KENT STATE:VA	194	235	277	319	360
COUNTY:POWHATAN STATE:VA	194	235	277	319	360
INDEP. CITY:RICHMOND STATE:VA	134	235	277	319	360
SMSA: ROANOKE, VA					
COUNTY:BOTETOURT STATE:VA	172	209	246	283	320

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
SMSA: ROANOKE, VA					
COUNTY:CRAIG STATE:VA	172	209	246	283	320
COUNTY:ROANOKE STATE:VA	172	209	246	283	320
INDEP. CITY:ROANOKE STATE:VA	172	209	246	283	320
INDEP. CITY:SALEM STATE:VA	172	209	246	283	320
NON SMSA					
COUNTY:ACCOMACK STATE:VA	177	215	253	291	329
COUNTY:ALBEMARLE STATE:VA	201	245	288	331	375
COUNTY:ALLEGHANY STATE:VA	172	209	246	283	320
COUNTY:AMELIA STATE:VA	201	245	288	331	375
COUNTY:AUGUSTA STATE:VA	150	182	214	247	279
COUNTY:BATH STATE:VA	150	182	214	247	279
COUNTY:BEDFORD STATE:VA	189	229	270	310	351

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: BLAND STATE: VA	124	151	178	204	231
COUNTY: BRUNSWICK STATE: VA	201	245	288	331	375
COUNTY: BUCHANAN STATE: VA	124	151	178	204	231
COUNTY: BUCKINGHAM STATE: VA	201	245	288	331	375
COUNTY: CAROLINE STATE: VA	201	245	288	331	375
COUNTY: CARROLL STATE: VA	138	168	198	228	270
COUNTY: CHARLOTTE STATE: VA	189	229	270	310	351
COUNTY: CLARKE STATE: VA	150	182	214	247	279
COUNTY: CULPEPER STATE: VA	172	209	246	283	320
COUNTY: CUMBERLAND STATE: VA	201	245	288	331	375
COUNTY: DICKENSON STATE: VA	138	151	179	204	250
COUNTY: ESSEX STATE: VA	201	245	288	331	375

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
NON SMSA					
COUNTY: FAUQUIER STATE: VA	172	209	246	283	320
COUNTY: FLOYD STATE: VA	172	209	246	283	320
COUNTY: FLUVANNA STATE: VA	201	245	288	331	375
COUNTY: FRANKLIN STATE: VA	136	165	194	224	253
COUNTY: FREDERICK STATE: VA	150	182	214	247	279
COUNTY: GILES STATE: VA	172	209	246	283	320
COUNTY: GRAYSON STATE: VA	138	168	198	228	270
COUNTY: GREENE STATE: VA	201	245	288	331	375
COUNTY: GREENSVILLE STATE: VA	201	245	288	331	375
COUNTY: HALIFAX STATE: VA	189	229	270	310	351
COUNTY: HENRY STATE: VA	172	209	246	283	320
COUNTY: HIGHLAND STATE: VA	150	182	214	247	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: ISLE OFWIGHT STATE: VA	136	165	194	224	253
COUNTY: KING + QUEEN STATE: VA	201	245	288	331	375
COUNTY: KING GEORGE STATE: VA	172	209	246	283	320
COUNTY: KING WILLIAM STATE: VA	201	245	288	331	375
COUNTY: LANCASTER STATE: VA	201	245	288	331	375
COUNTY: LEE STATE: VA	149	166	210	228	271
COUNTY: LOUISA STATE: VA	201	245	288	331	375
COUNTY: LUNENBURG STATE: VA	201	245	288	331	375
COUNTY: MADISON STATE: VA	201	245	288	331	375
COUNTY: MATHEWS STATE: VA	136	165	194	224	253
COUNTY: MECKLENBURG STATE: VA	201	245	288	331	375
COUNTY: MIDDLESEX STATE: VA	136	165	194	224	253

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE. THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE					
NON SMSA					
COUNTY: MONTGOMERY STATE: VA	172	209	246	283	320
COUNTY: NELSON STATE: VA	189	229	270	310	351
COUNTY: NORTHAMPTON STATE: VA	177	215	253	291	329
COUNTY: NORTHUMBERLD STATE: VA	201	245	288	331	375
COUNTY: NOTTOWAY STATE: VA	201	245	288	331	375
COUNTY: ORANGE STATE: VA	201	245	288	331	375
COUNTY: PAGE STATE: VA	150	182	214	247	279
COUNTY: PATRICK STATE: VA	172	209	246	283	320
COUNTY: PITTSYLVANIA STATE: VA	189	229	270	310	351
COUNTY: PRINCEEDWARD STATE: VA	201	245	288	331	375
COUNTY: PULASKI STATE: VA	172	209	246	283	320
COUNTY: RAPPAHANNOCK STATE: VA	172	209	246	283	320

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE. THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO). MARCH 29, 1979

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: RICHMOND STATE: VA	201	245	288	331	375
COUNTY: ROCKBRIDGE STATE: VA	150	182	214	247	279
COUNTY: ROCKINGHAM STATE: VA	150	182	214	247	279
COUNTY: RUSSELL STATE: VA	149	166	210	228	271
COUNTY: SHENANDOAH STATE: VA	150	182	214	247	279
COUNTY: SMYTH STATE: VA	149	166	210	228	271
COUNTY: SOUTHAMPTON STATE: VA	138	165	194	224	253
COUNTY: SPOTSLYVANIA STATE: VA	172	209	246	283	320
COUNTY: STAFFORD STATE: VA	172	209	246	283	320
COUNTY: SURRY STATE: VA	136	165	194	224	253
COUNTY: SUSSEX STATE: VA	201	245	288	331	375
COUNTY: TAZEWELL STATE: VA	149	166	210	228	271

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: WARREN STATE: VA	150	182	214	247	279
COUNTY: WESTMORELAND STATE: VA	201	245	288	331	375
COUNTY: WISE STATE: VA	149	166	210	228	271
COUNTY: WYTHE STATE: VA	172	209	246	283	320
INDEP. CITY: BEDFORD STATE: VA	189	229	270	310	351
INDEP. CITY: BUENA VISTA STATE: VA	150	182	214	247	279
INDEP. CITY: CHARLOTTESVI STATE: VA	201	245	288	331	375
INDEP. CITY: CLIFTON FORG STATE: VA	172	209	246	283	320
INDEP. CITY: COVINGTON STATE: VA	172	209	246	283	320
INDEP. CITY: DANVILLE STATE: VA	189	229	270	310	351
INDEP. CITY: EMPORIA STATE: VA	201	245	288	331	375
INDEP. CITY: FRANKLIN STATE: VA	172	209	246	283	320

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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					
INDEP. CITY:FREDERICKBUR STATE:VA	172	209	246	283	320
INDEP. CITY:GALAX STATE:VA	138	168	198	228	270
INDEP. CITY:HARRISONBURG STATE:VA	150	182	214	247	279
INDEP. CITY:LEXINGTON STATE:VA	150	182	214	247	279
INDEP. CITY:MARTINSVILLE STATE:VA	172	209	246	283	320
INDEP. CITY:NORTON STATE:VA	149	166	210	228	271
INDEP. CITY:RADFORD STATE:VA	172	209	246	283	320
INDEP. CITY:SOUTH BOSTON STATE:VA	189	229	270	310	351
INDEP. CITY:STAUNTON STATE:VA	150	182	214	247	279
INDEP. CITY:WAYNESBORO STATE:VA	150	182	214	247	279
INDEP. CITY:WINCHESTER STATE:VA	150	182	214	247	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	214	259	305	351	396
COUNTY:PRINCE GEORG STATE:MD	214	259	305	351	396
COUNTY:WASHINGTON STATE:DC	214	259	305	351	396
COUNTY:ARLINGTON STATE:VA	214	259	305	351	396
COUNTY:FAIRFAX STATE:VA	214	259	305	351	396
COUNTY:LOUDOUN STATE:VA	214	259	305	351	396
COUNTY:PRINCEWILLIA STATE:VA	214	259	305	351	396
INDEP. CITY:ALEXANDRIA STATE:VA	214	259	305	351	396
INDEP. CITY:FAIRFAX STATE:VA	214	259	305	351	396
INDEP. CITY:FALLS CHURCH STATE:VA	214	259	305	351	396
INDEP. CITY:MANASSAS STATE:VA	214	259	305	351	396
INDEP. CITY:MANASSAS PRK STATE:VA	214	259	305	351	396

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: ALBANY, GA					
COUNTY: DOUGHERTY STATE: GA	136	165	194	224	253
COUNTY: LEE STATE: GA	136	165	194	224	253
SMSA: ATLANTA, GA					
COUNTY: BUTTS STATE: GA	169	206	242	278	315
COUNTY: CHEROKEE STATE: GA	169	206	242	278	315
COUNTY: CLAYTON STATE: GA	169	206	242	278	315
COUNTY: COBB STATE: GA	169	206	242	278	315
COUNTY: DE KALB STATE: GA	169	206	242	278	315
COUNTY: DOUGLAS STATE: GA	169	206	242	278	315
COUNTY: FAYETTE STATE: GA	169	206	242	278	315
COUNTY: FORSYTH STATE: GA	169	206	242	278	315
COUNTY: FULTON STATE: GA	169	206	242	278	315

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: GWINNETT STATE: GA	169	206	242	278	315
COUNTY: HENRY STATE: GA	169	206	242	278	315
COUNTY: NEWTON STATE: GA	169	206	242	278	315
COUNTY: PAULDING STATE: GA	169	206	242	278	315
COUNTY: ROCKDALE STATE: GA	169	206	242	278	315
COUNTY: WALTON STATE: GA	169	206	242	278	315
SMSA: AUGUSTA, GA-SC					
COUNTY: COLUMBIA STATE: GA	177	215	253	291	329
COUNTY: RICHMOND STATE: GA	177	215	253	291	329
SMSA: CHATTANOOGA, TN-GA					
COUNTY: CATOOSA STATE: GA	156	190	224	274	298
COUNTY: DADE STATE: GA	156	190	224	274	298
COUNTY: WALKER STATE: GA	156	190	224	274	298

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: COLUMBUS, GA-AL					
COUNTY:CHATTAHOOCHE STATE:GA	151	184	216	249	281
COUNTY:COLUMBUS STATE:GA	151	184	216	249	281
SMSA: MACON, GA					
COUNTY:BIBB STATE:GA	136	165	194	224	253
COUNTY:HOUSTON STATE:GA	136	165	194	224	253
COUNTY:JONES STATE:GA	136	165	194	224	253
COUNTY:TWIGGS STATE:GA	136	165	194	224	253
SMSA: SAVANNAH, GA					
COUNTY:BRYAN STATE:GA	163	174	198	228	257
COUNTY:CHATHAM STATE:GA	163	174	198	228	257
COUNTY:EFFINGHAM STATE:GA	163	174	198	228	257
NON SMSA					
COUNTY:APPLING STATE:GA	138	168	198	228	257
COUNTY:ATKINSON STATE:GA	138	168	198	228	257

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY:BACON STATE:GA	138	168	198	228	257
COUNTY:BAKER STATE:GA	136	165	194	224	253
COUNTY:BALDWIN STATE:GA	136	165	194	224	253
COUNTY:BANKS STATE:GA	155	188	222	255	289
COUNTY:BARROW STATE:GA	155	188	222	255	289
COUNTY:BARTON STATE:GA	128	156	183	211	238
COUNTY:BEN HILL STATE:GA	136	165	194	224	253
COUNTY:BERRIEN STATE:GA	136	165	194	224	253
COUNTY:BLECKLEY STATE:GA	136	165	194	224	253
COUNTY:BRANTLEY STATE:GA	149	181	213	245	277
COUNTY:BROOKS STATE:GA	136	165	194	224	253
COUNTY:BULLOCH STATE:GA	138	168	198	228	260

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: BURKE STATE: GA	156	190	224	257	291
COUNTY: CALHOUN STATE: GA	136	165	194	224	253
COUNTY: CAMDEN STATE: GA	149	181	213	245	277
COUNTY: CANDLER STATE: GA	138	168	198	228	257
COUNTY: CARROLL STATE: GA	146	178	209	240	272
COUNTY: CHARLTON STATE: GA	149	181	213	245	277
COUNTY: CHATTOOGA STATE: GA	133	162	191	219	248
COUNTY: CLARKE STATE: GA	155	188	222	255	289
COUNTY: CLAY STATE: GA	136	165	194	224	253
COUNTY: CLINCH STATE: GA	136	165	194	224	253
COUNTY: COFFEE STATE: GA	138	168	198	228	257
COUNTY: COLQUITT STATE: GA	136	165	194	224	253

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY: COOK STATE: GA	136	165	194	224	253
COUNTY: COWETA STATE: GA	146	178	209	240	272
COUNTY: CRAWFORD STATE: GA	136	165	200	229	276
COUNTY: CRISP STATE: GA	136	165	194	224	253
COUNTY: DAWSON STATE: GA	131	156	191	213	254
COUNTY: DECATUR STATE: GA	136	165	194	224	253
COUNTY: DODGE STATE: GA	136	165	194	224	253
COUNTY: DOOLY STATE: GA	136	165	194	224	253
COUNTY: EARLY STATE: GA	136	165	194	224	253
COUNTY: ECHOLS STATE: GA	136	165	194	224	253
COUNTY: ELBERT STATE: GA	155	188	222	255	289
COUNTY: EMANUEL STATE: GA	156	190	224	257	291

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY: EVANS STATE: GA	138	168	198	228	257
COUNTY: FANNIN STATE: GA	128	156	183	211	238
COUNTY: FLOYD STATE: GA	128	156	183	211	238
COUNTY: FRANKLIN STATE: GA	155	188	222	255	289
COUNTY: GILMER STATE: GA	128	156	183	211	238
COUNTY: GLASCOCK STATE: GA	156	190	224	257	291
COUNTY: GLYNN STATE: GA	149	181	213	245	277
COUNTY: GORDON STATE: GA	133	162	191	219	248
COUNTY: GRADY STATE: GA	136	165	194	224	253
COUNTY: GREENE STATE: GA	155	188	222	255	289
COUNTY: HABERSHAM STATE: GA	128	156	183	211	238
COUNTY: HALL STATE: GA	155	188	222	255	289

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY: HANCOCK STATE: GA	136	165	194	224	253
COUNTY: HARALSON STATE: GA	128	156	183	211	238
COUNTY: HARRIS STATE: GA	151	184	216	249	281
COUNTY: HART STATE: GA	155	188	222	255	289
COUNTY: HEARD STATE: GA	151	184	216	249	281
COUNTY: IRWIN STATE: GA	136	165	194	224	253
COUNTY: JACKSON STATE: GA	155	188	222	255	289
COUNTY: JASPER STATE: GA	136	165	194	224	253
COUNTY: JEFF DAVIS STATE: GA	138	168	198	228	257
COUNTY: JEFFERSON STATE: GA	156	190	224	257	291
COUNTY: JENKINS STATE: GA	156	190	224	257	291
COUNTY: JOHNSON STATE: GA	136	165	194	224	253

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: LAMAR STATE: GA	146	178	209	240	272
COUNTY: LANIER STATE: GA	136	165	194	224	253
COUNTY: LAURENS STATE: GA	136	165	194	224	253
COUNTY: LIBERTY STATE: GA	160	189	225	259	296
COUNTY: LINCOLN STATE: GA	156	190	224	257	291
COUNTY: LONG STATE: GA	138	168	198	228	257
COUNTY: LOWNDES STATE: GA	136	165	194	224	253
COUNTY: LUMPKIN STATE: GA	128	156	183	211	243
COUNTY: MCDUFFIE STATE: GA	156	190	224	257	291
COUNTY: MCINTOSH STATE: GA	149	181	213	245	277
COUNTY: MACON STATE: GA	136	165	194	224	253
COUNTY: MADISON STATE: GA	155	188	222	255	289

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE					
NON SMSA					
COUNTY: MARION STATE: GA	151	184	216	249	281
COUNTY: MERIWETHER STATE: GA	151	184	216	249	281
COUNTY: MILLER STATE: GA	136	165	194	224	253
COUNTY: MITCHELL STATE: GA	136	165	194	224	253
COUNTY: MONROE STATE: GA	136	165	194	224	253
COUNTY: MONTGOMERY STATE: GA	138	168	198	228	257
COUNTY: MORGAN STATE: GA	155	188	222	255	289
COUNTY: MURRAY STATE: GA	133	162	191	219	248
COUNTY: OCONEE STATE: GA	155	188	222	255	289
COUNTY: OGLETHORPE STATE: GA	155	188	222	255	289
COUNTY: PEACH STATE: GA	136	165	194	224	253
COUNTY: PICKENS STATE: GA	128	156	183	211	238

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: PIERCE STATE: GA	149	181	213	245	277
COUNTY: PIKE STATE: GA	146	178	209	240	272
COUNTY: POLK STATE: GA	128	156	183	211	238
COUNTY: PULASKI STATE: GA	136	165	194	224	253
COUNTY: PUTNAM STATE: GA	136	165	194	224	253
COUNTY: QUITMAN STATE: GA	151	184	216	249	281
COUNTY: RABUN STATE: GA	128	156	183	211	238
COUNTY: RANDOLPH STATE: GA	136	165	194	224	253
COUNTY: SCHLEY STATE: GA	151	184	216	249	281
COUNTY: SCREVEN STATE: GA	138	168	198	228	257
COUNTY: SEMINOLE STATE: GA	136	165	194	224	253
COUNTY: SPALDING STATE: GA	146	178	209	240	272

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: STEPHENS STATE: GA	155	188	222	255	289
COUNTY: STEWART STATE: GA	151	184	216	249	281
COUNTY: SUMTER STATE: GA	151	184	216	249	281
COUNTY: TALBOT STATE: GA	151	184	216	249	281
COUNTY: TALIAFERRO STATE: GA	156	190	224	257	291
COUNTY: TATTNALL STATE: GA	138	168	198	228	257
COUNTY: TAYLOR STATE: GA	136	165	194	224	253
COUNTY: TELFAIR STATE: GA	136	165	194	224	253
COUNTY: TERRELL STATE: GA	136	165	194	224	253
COUNTY: THOMAS STATE: GA	136	165	194	224	253
COUNTY: TIFT STATE: GA	136	165	194	224	253
COUNTY: TOOMBS STATE: GA	138	168	198	228	257

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: TOWNS STATE: GA	128	156	183	211	238
COUNTY: TREUTLEN STATE: GA	136	165	194	224	253
COUNTY: TROUP STATE: GA	151	184	216	249	281
COUNTY: TURNER STATE: GA	136	165	194	224	253
COUNTY: UNION STATE: GA	128	156	183	211	238
COUNTY: UPSON STATE: GA	146	178	209	240	272
COUNTY: WARE STATE: GA	149	181	213	245	277
COUNTY: WARREN STATE: GA	156	190	224	257	291
COUNTY: WASHINGTON STATE: GA	136	165	194	224	253
COUNTY: WAYNE STATE: GA	138	168	198	228	257
COUNTY: WEBSTER STATE: GA	151	184	216	249	281
COUNTY: WHEELER STATE: GA	136	165	194	224	253

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: WHITE STATE: GA	128	156	183	211	238
COUNTY: WHITFIELD STATE: GA	133	162	191	219	248
COUNTY: WILCOX STATE: GA	136	165	194	224	253
COUNTY: WILKES STATE: GA	156	190	224	257	291
COUNTY: WILKINSON STATE: GA	136	165	194	224	253
COUNTY: WORTH STATE: GA	136	165	194	224	253

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: ANNISTON, AL					
COUNTY:CALHOUN					
STATE:AL	119	145	170	196	222
SMSA: BIRMINGHAM, AL					
COUNTY:JEFFERSON					
STATE:AL	165	201	236	271	307
COUNTY:ST CLAIR					
STATE:AL	165	201	236	271	307
COUNTY:SHELBY					
STATE:AL	165	201	236	271	307
COUNTY:WALKER					
STATE:AL	165	201	236	27	307
SMSA: COLUMBUS, GA-AL					
COUNTY:RUSSELL					
STATE:AL	151	184	216	249	281
SMSA: FLORENCE, AL					
COUNTY:COLBERT					
STATE:AL	129	157	185	213	241
COUNTY:LAUDERDALE					
STATE:AL	129	157	185	213	241
SMSA: GADSDEN, AL					
COUNTY:ETOWAH					
STATE:AL	119	145	170	196	222
SMSA: HUNTSVILLE, AL					
COUNTY:LIMESTONE					
STATE:AL	164	199	235	270	305

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	164	199	235	270	305
COUNTY:MARSHALL					
STATE:AL	164	199	235	270	305
SMSA: MOBILE, AL					
COUNTY:BALDWIN					
STATE:AL	139	167	189	217	246
COUNTY:MOBILE					
STATE:AL	139	167	189	217	246
SMSA: MONTGOMERY, AL					
COUNTY:AUTAUGA					
STATE:AL	131	159	187	215	243
COUNTY:ELMORE					
STATE:AL	131	159	187	215	243
COUNTY:MONTGOMERY					
STATE:AL	131	159	187	215	243
SMSA: TUSCALOOSA, AL					
COUNTY:TUSCALOOSA					
STATE:AL	155	188	222	255	289
NON SMSA					
COUNTY:BARBOUR					
STATE:AL	149	181	213	245	277
COUNTY:BIBB					
STATE:AL	155	188	222	255	289

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: BLOUNT STATE: AL	119	145	170	196	222
COUNTY: BULLOCK STATE: AL	131	159	187	215	243
COUNTY: BUTLER STATE: AL	149	181	213	245	277
COUNTY: CHAMBERS STATE: AL	151	184	216	249	281
COUNTY: CHEROKEE STATE: AL	119	145	170	196	222
COUNTY: CHILTON STATE: AL	155	188	222	255	289
COUNTY: CHOCTAN STATE: AL	151	184	216	249	281
COUNTY: CLARKE STATE: AL	142	173	203	234	265
COUNTY: CLAY STATE: AL	119	145	170	196	222
COUNTY: CLEBURNE STATE: AL	128	156	183	211	238
COUNTY: COFFEE STATE: AL	149	181	213	245	277
COUNTY: CONECUH STATE: AL	142	173	203	234	265

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: COOSA STATE: AL	131	159	187	215	243
COUNTY: COVINGTON STATE: AL	149	181	213	245	277
COUNTY: CRENSHAW STATE: AL	149	181	213	245	277
COUNTY: CULLMAN STATE: AL	119	145	170	196	222
COUNTY: DALE STATE: AL	149	181	213	245	277
COUNTY: DALLAS STATE: AL	131	159	187	215	243
COUNTY: DE KALB STATE: AL	133	162	191	219	248
COUNTY: ESCAMBIA STATE: AL	173	210	248	285	322
COUNTY: FAYETTE STATE: AL	155	188	222	255	289
COUNTY: FRANKLIN STATE: AL	129	157	185	213	241
COUNTY: GENEVA STATE: AL	149	181	213	245	277
COUNTY: GREENE STATE: AL	155	188	222	255	289

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: HALE STATE: AL	155	188	222	255	289
COUNTY: HENRY STATE: AL	149	181	213	245	277
COUNTY: HOUSTON STATE: AL	149	181	213	245	277
COUNTY: JACKSON STATE: AL	133	162	191	219	248
COUNTY: LAMAR STATE: AL	155	188	222	255	289
COUNTY: LAWRENCE STATE: AL	129	157	185	213	241
COUNTY: LEE STATE: AL	151	184	216	249	281
COUNTY: LOWNDES STATE: AL	131	159	187	215	243
COUNTY: MACON STATE: AL	131	159	187	215	243
COUNTY: MARENGO STATE: AL	151	184	216	249	281
COUNTY: MARION STATE: AL	155	188	222	255	289
COUNTY: MONROE STATE: AL	142	173	203	234	265

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: MORGAN STATE: AL	164	199	235	270	305
COUNTY: PERRY STATE: AL	131	159	187	215	243
COUNTY: PICKENS STATE: AL	155	188	222	255	289
COUNTY: PIKE STATE: AL	149	181	213	245	277
COUNTY: RANDOLPH STATE: AL	151	184	216	249	281
COUNTY: SUMTER STATE: AL	151	184	216	249	281
COUNTY: TALLADEGA STATE: AL	119	145	170	196	222
COUNTY: TALLAPOOSA STATE: AL	131	159	187	215	243
COUNTY: WASHINGTON STATE: AL	142	173	203	234	265
COUNTY: WILCOX STATE: AL	142	173	203	234	265
COUNTY: WINSTON STATE: AL	155	188	222	255	289

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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					
SMSA: AUGUSTA, GA-SC					
COUNTY: AIKEN STATE: SC	177	215	253	291	329
SMSA: CHARLESTON, SC					
COUNTY: BERKELEY STATE: SC	183	223	262	302	341
COUNTY: CHARLESTON STATE: SC	183	223	262	302	341
COUNTY: DORCHESTER STATE: SC	183	223	262	302	341
SMSA: COLUMBIA, SC					
COUNTY: LEXINGTON STATE: SC	177	215	253	291	329
COUNTY: RICHLAND STATE: SC	177	215	253	291	329
SMSA: GREENVILLE-SPARTANBURG, SC					
COUNTY: GREENVILLE STATE: SC	150	182	214	247	279
COUNTY: PICKENS STATE: SC	150	182	214	247	279
COUNTY: SPARTANBURG STATE: SC	150	182	214	247	279
NON SMSA					
COUNTY: ABBEVILLE STATE: SC	131	159	187	215	243

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2 BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: ALLENDALE STATE: SC	156	190	224	257	291
COUNTY: ANDERSON STATE: SC	131	159	187	215	243
COUNTY: BAMBERG STATE: SC	156	190	224	257	291
COUNTY: BARNWELL STATE: SC	156	190	224	257	291
COUNTY: BEAUFORT STATE: SC	156	190	224	257	291
COUNTY: CALHOUN STATE: SC	141	171	202	232	262
COUNTY: CHEROKEE STATE: SC	131	159	187	220	250
COUNTY: CHESTER STATE: SC	142	173	203	234	265
COUNTY: CHESTERFIELD STATE: SC	140	170	200	230	260
COUNTY: CLARENDON STATE: SC	141	171	202	232	262
COUNTY: COLLETON STATE: SC	156	190	224	257	291
COUNTY: DARLINGTON STATE: SC	140	170	200	230	260

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: DILLON STATE: SC	140	170	200	230	260
COUNTY: EDGEFIELD STATE: SC	156	190	224	257	291
COUNTY: FAIRFIELD STATE: SC	141	171	202	232	262
COUNTY: FLORENCE STATE: SC	140	170	200	230	290
COUNTY: GEORGETOWN STATE: SC	140	170	200	230	260
COUNTY: GREENWOOD STATE: SC	131	159	187	215	243
COUNTY: HAMPTON STATE: SC	156	190	224	257	291
COUNTY: HORRY STATE: SC	140	170	200	230	260
COUNTY: JASPER STATE: SC	138	168	198	228	257
COUNTY: KERSHAW STATE: SC	141	171	202	232	262
COUNTY: LANCASTER STATE: SC	142	173	203	234	265
COUNTY: LAURENS STATE: SC	131	159	187	215	243

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: LEE STATE: SC	141	171	202	232	262
COUNTY: MCCORMICK STATE: SC	156	190	224	257	291
COUNTY: MARION STATE: SC	140	170	200	230	260
COUNTY: MARLBORO STATE: SC	140	170	200	230	260
COUNTY: NEWBERRY STATE: SC	141	171	202	232	262
COUNTY: OCONEE STATE: SC	131	159	187	220	250
COUNTY: ORANGEBURG STATE: SC	141	171	202	232	262
COUNTY: SALUDA STATE: SC	156	190	224	257	291
COUNTY: SUMTER STATE: SC	141	171	202	232	262
COUNTY: UNION STATE: SC	131	159	187	215	243
COUNTY: WILLIAMSBURG STATE: SC	140	170	200	230	260
COUNTY: YORK STATE: SC	142	173	203	234	265

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: ASHEVILLE, NC					
COUNTY: BUNCOMBE STATE: NC	141	171	202	232	262
COUNTY: MADISON STATE: NC	141	171	202	232	262
SMSA: BURLINGTON, NC					
COUNTY: ALAMANCE STATE: NC	163	198	233	268	303
SMSA: CHARLOTTE-GASTONIA, NC					
COUNTY: GASTON STATE: NC	198	240	282	325	367
COUNTY: MECKLENBURG STATE: NC	198	240	282	325	367
COUNTY: UNION STATE: NC	198	240	282	325	367
SMSA: FAYETTEVILLE, NC					
COUNTY: CUMBERLAND STATE: NC	181	220	259	297	336
SMSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC					
COUNTY: DAVIDSON STATE: NC	138	168	198	228	257
COUNTY: FORSYTH STATE: NC	138	168	198	228	257
COUNTY: GUILFORD STATE: NC	138	168	198	228	257

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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: RANDOLPH STATE: NC	138	168	198	228	257
COUNTY: STOKES STATE: NC	138	168	198	228	257
COUNTY: YADKIN STATE: NC	138	168	198	228	257
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC					
COUNTY: CURRITUCK STATE: NC	191	232	273	314	355
SMSA: RALEIGH-DURHAM, NC					
COUNTY: DURHAM STATE: NC	174	212	249	286	324
COUNTY: ORANGE STATE: NC	174	212	249	286	324
COUNTY: WAKE STATE: NC	174	212	249	286	324
SMSA: WILMINGTON, NC					
COUNTY: BRUNSWICK STATE: NC	151	184	216	249	281
COUNTY: NEW HANOVER STATE: NC	151	184	216	249	281
NON SMSA					
COUNTY: ALEXANDER STATE: NC	147	179	211	243	274

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: ALLEGHANY STATE: NC	138	168	198	228	257
COUNTY: ANSON STATE: NC	132	160	189	217	246
COUNTY: ASHE STATE: NC	138	168	198	228	257
COUNTY: AVERY STATE: NC	141	171	202	232	262
COUNTY: BEAUFORT STATE: NC	174	212	249	287	324
COUNTY: BERTIE STATE: NC	136	165	194	224	253
COUNTY: BLADEN STATE: NC	181	220	259	297	336
COUNTY: BURKE STATE: NC	147	179	211	243	274
COUNTY: CABARRUS STATE: NC	132	160	189	217	246
COUNTY: CALDWELL STATE: NC	147	179	211	243	274
COUNTY: CAMDEN STATE: NC	136	165	194	224	253
COUNTY: CARTERET STATE: NC	151	184	216	249	281

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: CASWELL STATE: NC	189	229	270	310	351
COUNTY: CATAWBA STATE: NC	147	179	211	243	274
COUNTY: CHATHAM STATE: NC	181	220	259	297	336
COUNTY: CHEROKEE STATE: NC	133	162	191	219	248
COUNTY: CHOWAN STATE: NC	136	165	194	224	253
COUNTY: CLAY STATE: NC	141	171	202	232	262
COUNTY: CLEVELAND STATE: NC	147	179	211	243	274
COUNTY: COLUMBUS STATE: NC	151	184	216	249	281
COUNTY: CRAVEN STATE: NC	151	184	216	249	281
COUNTY: DARE STATE: NC	174	212	249	287	324
COUNTY: DAVIE STATE: NC	163	198	233	268	303
COUNTY: DUPLIN STATE: NC	151	184	216	249	281

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: EDGECOMBE STATE: NC	136	165	194	224	253
COUNTY: FRANKLIN STATE: NC	136	165	194	224	253
COUNTY: GATES STATE: NC	136	165	194	224	253
COUNTY: GRAHAM STATE: NC	141	171	202	232	262
COUNTY: GRANVILLE STATE: NC	136	165	194	224	253
COUNTY: GREENE STATE: NC	174	212	249	287	324
COUNTY: HALIFAX STATE: NC	136	165	194	224	253
COUNTY: HARNETT STATE: NC	181	220	259	297	336
COUNTY: HAYWOOD STATE: NC	141	171	202	232	262
COUNTY: HENDERSON STATE: NC	141	171	202	232	262
COUNTY: HERTFORD STATE: NC	136	165	194	224	253
COUNTY: HOKE STATE: NC	181	220	259	297	336

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: HYDE STATE: NC	174	212	249	287	324
COUNTY: IREDELL STATE: NC	132	160	189	217	246
COUNTY: JACKSON STATE: NC	141	171	202	232	262
COUNTY: JOHNSTON STATE: NC	174	212	249	287	324
COUNTY: JONES STATE: NC	151	184	216	249	281
COUNTY: LEE STATE: NC	181	220	259	297	336
COUNTY: LENOIR STATE: NC	151	184	216	249	281
COUNTY: LINCOLN STATE: NC	142	173	203	234	265
COUNTY: MCDOWELL STATE: NC	141	171	202	232	262
COUNTY: MACON STATE: NC	141	171	202	232	262
COUNTY: MARTIN STATE: NC	174	212	249	287	324
COUNTY: MITCHELL STATE: NC	141	171	202	232	262

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:MONTGOMERY STATE:NC	163	198	233	268	303
COUNTY:MOORE STATE:NC	163	198	233	268	303
COUNTY:NASH STATE:NC	136	165	194	224	253
COUNTY:NORTHAMPTON STATE:NC	136	165	194	224	253
COUNTY:ONSLOW STATE:NC	151	184	216	249	281
COUNTY:PAMLICO STATE:NC	151	184	216	249	281
COUNTY:PASQUOTANK STATE:NC	136	165	194	224	253
COUNTY:PENDER STATE:NC	151	184	216	249	281
COUNTY:PERQUIMANS STATE:NC	136	165	194	224	253
COUNTY:PERSON STATE:NC	136	165	194	224	253
COUNTY:PITT STATE:NC	174	212	249	287	324
COUNTY:POLK STATE:NC	131	159	187	215	243

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:RICHMOND STATE:NC	132	160	189	217	246
COUNTY:ROBESON STATE:NC	181	220	259	297	336
COUNTY:ROCKINGHAM STATE:NC	138	168	198	228	257
COUNTY:ROWAN STATE:NC	132	160	189	217	246
COUNTY:RUTHERFORD STATE:NC	147	179	211	243	274
COUNTY:SAMPSON STATE:NC	181	220	259	297	336
COUNTY:SCOTLAND STATE:NC	132	160	189	217	246
COUNTY:STANLY STATE:NC	132	160	189	217	246
COUNTY:SURRY STATE:NC	138	168	198	228	257
COUNTY:SWAIN STATE:NC	141	171	202	232	262
COUNTY:TRANSYLVANIA STATE:NC	141	171	202	232	262
COUNTY:TYRRELL STATE:NC	174	212	249	287	324

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:VANCE STATE:NC	136	165	194	224	253
COUNTY:WARREN STATE:NC	136	165	194	224	253
COUNTY:WASHINGTON STATE:NC	174	212	249	287	324
COUNTY:WATAUGA STATE:NC	147	179	211	243	274
COUNTY:WAYNE STATE:NC	174	212	249	287	324
COUNTY:WILKES STATE:NC	138	168	198	228	257
COUNTY:WILSON STATE:NC	136	165	194	224	253
COUNTY:YANCEY STATE:NC	141	171	202	232	262

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	142	173	203	247	291
COUNTY:HARRISON STATE:MS	142	173	203	247	291
COUNTY:STONE STATE:MS	142	173	203	247	291
SMSA: JACKSON, MS					
COUNTY:HINDS STATE:MS	158	192	226	259	293
COUNTY:RANKIN STATE:MS	158	192	226	259	293
SMSA: MEMPHIS, TN-AR-MS					
COUNTY:DE SOTO STATE:MS	160	195	229	263	298
SMSA: PASCAGOULA-MOSS POINT, MS					
COUNTY:JACKSON STATE:MS	142	173	203	247	291
NON SMSA					
COUNTY:ADAMS STATE:MS	127	148	174	216	238
COUNTY:ALCORN STATE:MS	129	160	185	215	259
COUNTY:AMITE STATE:MS	127	148	174	216	238

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: ATTALA STATE: MS	120	146	172	198	224
COUNTY: BENTON STATE: MS	141	171	202	232	262
COUNTY: BOLIVAR STATE: MS	138	149	182	215	238
COUNTY: CALHOUN STATE: MS	131	159	187	215	243
COUNTY: CARROLL STATE: MS	120	146	172	198	224
COUNTY: CHICKASAW STATE: MS	137	159	187	215	243
COUNTY: CHOCTAW STATE: MS	131	159	187	215	243
COUNTY: CLAIBORNE STATE: MS	120	146	172	198	224
COUNTY: CLARKE STATE: MS	151	184	216	249	281
COUNTY: CLAY STATE: MS	131	159	187	215	243
COUNTY: COAHOMA STATE: MS	141	171	202	232	262
COUNTY: COPIAH STATE: MS	120	146	172	198	224

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: COVINGTON STATE: MS	151	184	216	249	281
COUNTY: FORREST STATE: MS	151	184	216	249	281
COUNTY: FRANKLIN STATE: MS	127	148	174	216	238
COUNTY: GEORGE STATE: MS	142	173	203	234	265
COUNTY: GREENE STATE: MS	142	173	203	234	265
COUNTY: GRENADA STATE: MS	120	146	172	198	224
COUNTY: HOLMES STATE: MS	120	146	172	198	224
COUNTY: HUMPHREYS STATE: MS	138	149	182	215	238
COUNTY: ISSAQUENA STATE: MS	138	149	182	215	238
COUNTY: ITAWAMBA STATE: MS	137	159	187	215	243
COUNTY: JASPER STATE: MS	151	184	216	249	281
COUNTY: JEFFERSON STATE: MS	127	148	174	216	238

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: JEFFERSON DA STATE: MS	127	142	172	216	238
COUNTY: JONES STATE: MS	151	184	216	249	281
COUNTY: KEMPER STATE: MS	151	184	216	249	281
COUNTY: LAFAYETTE STATE: MS	141	171	202	232	262
COUNTY: LAMAR STATE: MS	151	184	216	249	281
COUNTY: LAUDERDALE STATE: MS	151	184	216	249	281
COUNTY: LAWRENCE STATE: MS	127	142	172	216	238
COUNTY: LEAKE STATE: MS	120	146	172	198	224
COUNTY: LEE STATE: MS	131	160	187	215	259
COUNTY: LEFLORE STATE: MS	120	146	172	198	224
COUNTY: LINCOLN STATE: MS	127	142	172	216	238
COUNTY: LOWNDES STATE: MS	138	159	188	215	243

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: MADISON STATE: MS	120	146	172	198	224
COUNTY: MARION STATE: MS	113	137	161	185	210
COUNTY: MARSHALL STATE: MS	141	171	202	232	262
COUNTY: MONROE STATE: MS	131	160	187	215	259
COUNTY: MONTGOMERY STATE: MS	120	146	172	198	224
COUNTY: NESHOBA STATE: MS	151	184	216	249	281
COUNTY: NEWTON STATE: MS	151	184	216	249	281
COUNTY: NOXUBEE STATE: MS	131	159	187	215	243
COUNTY: OKTIBBEHA STATE: MS	131	159	187	215	243
COUNTY: PANOLA STATE: MS	141	171	202	232	262
COUNTY: PEARL RIVER STATE: MS	133	160	193	247	291
COUNTY: PERRY STATE: MS	151	184	216	249	281

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:PIKE STATE:MS	127	142	172	216	238
COUNTY:PONTOTOC STATE:MS	137	159	187	215	243
COUNTY:PRENTISS STATE:MS	137	159	187	215	243
COUNTY:QUITMAN STATE:MS	141	171	202	232	262
COUNTY:SCOTT STATE:MS	120	146	172	198	224
COUNTY:SHARKEY STATE:MS	138	149	182	215	238
COUNTY:SIMPSON STATE:MS	120	146	172	198	224
COUNTY:SMITH STATE:MS	120	146	172	198	224
COUNTY:SUNFLOWER STATE:MS	138	149	182	215	238
COUNTY:TALLAHATCHIE STATE:MS	120	146	172	198	224
COUNTY:TATE STATE:MS	141	171	202	232	262
COUNTY:TIPPAH STATE:MS	141	171	202	232	262

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE. THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:TISHOMIGO STATE:MS	137	157	185	213	241
COUNTY:TUNICA STATE:MS	141	171	202	232	262
COUNTY:UNION STATE:MS	131	160	187	215	259
COUNTY:WALTHALL STATE:MS	127	142	172	216	238
COUNTY:WARREN STATE:MS	120	146	172	198	224
COUNTY:WASHINGTON STATE:MS	138	149	182	215	238
COUNTY:WAYNE STATE:MS	151	184	216	249	281
COUNTY:WEBSTER STATE:MS	131	159	187	215	243
COUNTY:WILKINSON STATE:MS	122	148	174	200	226
COUNTY:WINSTON STATE:MS	151	184	216	249	281
COUNTY:YALOBUSHA STATE:MS	120	146	172	198	224
COUNTY:YAZOO STATE:MS	120	146	172	198	224

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE. THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO). MARCH 29, 1979

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
CORAL GABLES, FLORIDA SERVICE OFFICE					
SMSA: FORT LAUDERDALE-HOLLYWOOD, FL					
COUNTY: BROWARD					
STATE: FL	279	338	398	458	518
SMSA: FORT MYERS-CAPE CORAL, FL					
COUNTY: LEE					
STATE: FL	209	254	299	344	389
SMSA: MIAMI, FL					
COUNTY: DADE					
STATE: FL	255	309	364	419	473
SMSA: WEST PALM BEACH-BOCA RATON, FL					
COUNTY: PALM BEACH					
STATE: FL	234	284	334	384	434
NON SMSA					
COUNTY: CHARLOTTE					
STATE: FL	209	254	299	344	389
COUNTY: COLLIER					
STATE: FL	165	201	237	272	308
COUNTY: GLADES					
STATE: FL	165	201	237	272	308
COUNTY: HENDRY					
STATE: FL	165	201	237	272	308
COUNTY: MARTIN					
STATE: FL	165	201	237	272	308
COUNTY: MONROE					
STATE: FL	165	201	237	272	308

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: GAINESVILLE, FL					
COUNTY: ALACHUA					
STATE: FL	165	201	237	272	308
SMSA: JACKSONVILLE, FL					
COUNTY: BAKER					
STATE: FL	174	212	249	287	324
COUNTY: CLAY					
STATE: FL	174	212	249	287	324
COUNTY: DUVAL					
STATE: FL	174	212	249	287	324
COUNTY: NASSAU					
STATE: FL	174	212	249	287	324
COUNTY: ST JOHNS					
STATE: FL	174	212	249	287	324
SMSA: PANAMA CITY, FL					
COUNTY: BAY					
STATE: FL	165	201	237	272	308
SMSA: PENSACOLA, FL					
COUNTY: ESCAMBIA					
STATE: FL	173	210	248	285	322
COUNTY: SANTA ROSA					
STATE: FL	173	210	248	285	322
SMSA: TALLAHASSEE, FL					
COUNTY: LEON					
STATE: FL	165	201	237	272	308

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: TALLAHASSEE, FL					
COUNTY:WAKULLA STATE:FL	165	201	237	272	308
NON SMSA					
COUNTY:BRADFORD STATE:FL	149	181	213	245	277
COUNTY:CALHOUN STATE:FL	165	201	237	272	308
COUNTY:COLUMBIA STATE:FL	149	181	213	245	277
COUNTY:DIXIE STATE:FL	165	201	237	272	308
COUNTY:FLAGLER STATE:FL	158	192	226	259	293
COUNTY:FRANKLIN STATE:FL	165	201	237	272	308
COUNTY:GADSDEN STATE:FL	165	201	237	272	308
COUNTY:GILCHRIST STATE:FL	165	201	237	272	308
COUNTY:GULF STATE:FL	165	201	237	272	308
COUNTY:HAMILTON STATE:FL	149	181	213	245	277

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:HOLMES STATE:FL	165	201	237	272	308
COUNTY:JACKSON STATE:FL	165	201	237	272	308
COUNTY:JEFFERSON STATE:FL	165	201	237	272	308
COUNTY:LAFAYETTE STATE:FL	149	181	213	245	277
COUNTY:LEVY STATE:FL	165	201	237	272	308
COUNTY:LIBERTY STATE:FL	165	201	237	272	308
COUNTY:MADISON STATE:FL	165	201	237	272	308
COUNTY:MARION STATE:FL	165	201	237	272	308
COUNTY:OKALOOSA STATE:FL	173	210	248	285	322
COUNTY:PUTNAM STATE:FL	165	201	237	272	308
COUNTY:SUWANNEE STATE:FL	149	181	213	245	277
COUNTY:TAYLOR STATE:FL	165	201	237	272	308

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:UNION STATE:FL	149	181	213	245	277
COUNTY:WALTON STATE:FL	173	210	248	285	322
COUNTY:WASHINGTON STATE:FL	165	201	237	272	308

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
ORLANDO, FLORIDA SERVICE OFFICE					
SMSA: DAYTONA BEACH, FL					
COUNTY:VOLUSIA STATE:FL	158	192	226	259	293
SMSA: MELBOURN-TITUSVILLE-COCOA, FL					
COUNTY:BREVARD STATE:FL	207	251	295	340	384
SMSA: ORLANDO, FL					
COUNTY:ORANGE STATE:FL	202	245	288	331	374
COUNTY:OSCEOLA STATE:FL	202	245	288	331	374
COUNTY:SEMINOLE STATE:FL	202	245	288	331	374
NON SMSA					
COUNTY:INDIAN RIVER STATE:FL	165	201	237	272	308
COUNTY:LAKE STATE:FL	158	192	226	259	293
COUNTY:OKEECHOBEE STATE:FL	165	201	237	272	308
COUNTY:ST LUCIE STATE:FL	165	201	237	272	308

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
TAMPA, FLORIDA SERVICE OFFICE					
SMSA: BRADENTON, FL					
COUNTY: MANATEE					
STATE: FL	209	254	299	344	389
SMSA: LAKELAND-WINTER HAVEN, FL					
COUNTY: POLK					
STATE: FL	172	209	246	283	320
SMSA: SARASOTA, FL					
COUNTY: SARASOTA					
STATE: FL	209	254	299	344	389
SMSA: TAMPA-ST PETERSBURG, FL					
COUNTY: HILLSBOROUGH					
STATE: FL	172	209	246	283	320
COUNTY: PASCO					
STATE: FL	172	209	246	283	320
COUNTY: PINELLAS					
STATE: FL	172	209	246	283	320
NON SMSA					
COUNTY: CITRUS					
STATE: FL	172	209	246	283	320
COUNTY: DE SOTO					
STATE: FL	209	254	299	344	389
COUNTY: HARDEE					
STATE: FL	209	254	299	344	389
COUNTY: HERNANDO					
STATE: FL	172	209	246	283	320

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
TAMPA, FLORIDA SERVICE OFFICE					
NON SMSA					
COUNTY: HIGHLANDS					
STATE: FL	165	201	237	272	308
COUNTY: SUMTER					
STATE: FL	158	192	226	259	293

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: CINCINNATI, OH-KY-IN					
COUNTY:BOONE STATE:KY	168	204	240	276	312
COUNTY:CAMPBELL STATE:KY	168	204	240	276	312
COUNTY:KENTON STATE:KY	168	204	240	276	312
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY					
COUNTY:CHRISTIAN STATE:KY	156	190	224	257	291
SMSA: EVANSVILLE, IN-KY					
COUNTY:HENDERSON STATE:KY	138	170	201	218	238
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH					
COUNTY:BOYD STATE:KY	146	178	209	240	272
COUNTY:GREENUP STATE:KY	146	178	209	240	272
SMSA: LEXINGTON-FAYETTE , KY					
COUNTY:BOURBON STATE:KY	167	203	238	274	310
COUNTY:CLARK STATE:KY	167	203	238	274	310
COUNTY:FAYETTE STATE:KY	167	203	238	274	310

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:JESSAMINE STATE:KY	167	203	238	274	310
COUNTY:SCOTT STATE:KY	167	203	238	274	310
COUNTY:WOODFORD STATE:KY	167	203	238	274	310
SMSA: LOUISVILLE, KY-IN					
COUNTY:BULLITT STATE:KY	166	188	221	261	287
COUNTY:JEFFERSON STATE:KY	166	188	221	261	287
COUNTY:OLDHAM STATE:KY	166	188	221	261	287
SMSA: OWENSBORO, KY					
COUNTY: DAVIESS STATE:KY	176	213	251	289	327
NON SMSA					
COUNTY:ADAIR STATE:KY	133	160	187	217	238
COUNTY:ALLEN STATE:KY	133	160	187	217	238
COUNTY:ANDERSON STATE:KY	167	203	238	274	310
COUNTY:BALLARD STATE:KY	133	160	189	217	246

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: BARREN STATE: KY	133	160	187	217	238
COUNTY: BATH STATE: KY	167	203	238	274	310
COUNTY: BELL STATE: KY	133	160	187	217	238
COUNTY: BOYLE STATE: KY	133	160	187	217	238
COUNTY: BRACKEN STATE: KY	176	213	251	289	327
COUNTY: BREATHITT STATE: KY	133	160	187	217	238
COUNTY: BRECKINRIDGE STATE: KY	171	207	244	281	317
COUNTY: BUTLER STATE: KY	133	160	187	217	238
COUNTY: CALDWELL STATE: KY	137	167	196	226	255
COUNTY: CALLOWAY STATE: KY	133	160	189	217	246
COUNTY: CARLISLE STATE: KY	133	160	189	217	246
COUNTY: CARROLL STATE: KY	176	213	251	289	327

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: CARTER STATE: KY	133	160	187	217	238
COUNTY: CASEY STATE: KY	133	160	187	217	238
COUNTY: CLAY STATE: KY	133	160	187	217	238
COUNTY: CLINTON STATE: KY	133	160	187	217	238
COUNTY: CRITTENDON STATE: KY	137	167	196	226	255
COUNTY: CUMBERLAND STATE: KY	133	160	187	217	238
COUNTY: EDMONSON STATE: KY	133	160	187	217	238
COUNTY: ELLIOTT STATE: KY	133	160	187	217	238
COUNTY: ESTILL STATE: KY	167	203	238	274	310
COUNTY: FLEMING STATE: KY	176	213	251	289	327
COUNTY: FLOYD STATE: KY	133	160	187	217	238
COUNTY: FRANKLIN STATE: KY	167	203	238	274	310

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE					
NON SMSA					
COUNTY:FULTON STATE:KY	133	160	189	217	246
COUNTY:GALLATIN STATE:KY	176	213	251	289	327
COUNTY:GARRARD STATE:KY	133	160	187	217	238
COUNTY:GRANT STATE:KY	176	213	251	289	327
COUNTY:GRAVES STATE:KY	133	160	189	217	246
COUNTY:GRAYSON STATE:KY	171	207	244	281	317
COUNTY:GREEN STATE:KY	133	160	187	217	238
COUNTY:HANCOCK STATE:KY	137	167	196	226	255
COUNTY:HARDIN STATE:KY	171	207	244	281	317
COUNTY:HARLAN STATE:KY	133	160	187	217	238
COUNTY:HARRISON STATE:KY	167	203	238	274	310
COUNTY:HART STATE:KY	171	207	244	281	317

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:HENRY STATE:KY	171	207	244	281	317
COUNTY:HICKMAN STATE:KY	133	160	189	217	246
COUNTY:HOPKINS STATE:KY	137	167	196	226	255
COUNTY:JACKSON STATE:KY	133	160	187	217	238
COUNTY:JOHNSON STATE:KY	133	160	187	217	238
COUNTY:KNOTT STATE:KY	133	160	187	217	238
COUNTY:KNOX STATE:KY	133	160	187	217	238
COUNTY:LARUE STATE:KY	171	207	244	281	317
COUNTY:LAUREL STATE:KY	133	160	187	217	238
COUNTY:LAWRENCE STATE:KY	133	160	187	217	238
COUNTY:LEE STATE:KY	133	160	187	217	238
COUNTY:LESLIE STATE:KY	133	160	187	217	238

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:LETCHER STATE:KY	133	160	187	217	238
COUNTY:LEWIS STATE:KY	176	213	251	289	327
COUNTY:LINCOLN STATE:KY	133	160	187	217	238
COUNTY:LIVINGSTON STATE:KY	133	160	189	217	246
COUNTY:LOGAN STATE:KY	133	160	187	217	238
COUNTY:LYON STATE:KY	133	160	189	217	246
COUNTY:MCCRACKEN STATE:KY	133	160	189	217	246
COUNTY:MCCREARY STATE:KY	133	160	187	217	238
COUNTY:MCLEAN STATE:KY	137	167	198	226	255
COUNTY:MADISON STATE:KY	167	203	238	274	310
COUNTY:MAGOFFIN STATE:KY	133	160	187	217	238
COUNTY:MARION STATE:KY	171	207	244	281	317

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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:MARSHALL STATE:KY	133	160	189	217	246
COUNTY:MARTIN STATE:KY	133	160	187	217	238
COUNTY:MASON STATE:KY	176	213	251	289	327
COUNTY:MEADE STATE:KY	171	207	244	281	317
COUNTY:MENIFEE STATE:KY	133	160	187	217	238
COUNTY:MERCER STATE:KY	167	203	238	274	310
COUNTY:METCALFE STATE:KY	133	160	187	217	238
COUNTY:MONROE STATE:KY	133	160	187	217	238
COUNTY:MONTGOMERY STATE:KY	167	203	238	274	310
COUNTY:MORGAN STATE:KY	133	160	187	217	238
COUNTY:MUHLENBERG STATE:KY	137	167	198	226	255
COUNTY:NELSON STATE:KY	171	207	244	281	317

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:NICHOLAS STATE:KY	167	203	238	274	310
COUNTY:OHIO STATE:KY	137	167	196	226	255
COUNTY:OWEN STATE:KY	176	213	251	289	327
COUNTY:OWSLEY STATE:KY	133	160	187	217	238
COUNTY:PENDLETON STATE:KY	176	213	251	289	327
COUNTY:PERRY STATE:KY	133	160	187	217	238
COUNTY:PIKE STATE:KY	133	160	187	217	238
COUNTY:POWELL STATE:KY	167	203	238	274	310
COUNTY:PULASKI STATE:KY	133	160	187	217	238
COUNTY:ROBERTSON STATE:KY	176	213	251	289	327
COUNTY:ROCKCASTLE STATE:KY	133	160	187	217	238
COUNTY:ROWAN STATE:KY	133	160	187	217	238

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:RUSSELL STATE:KY	133	160	187	217	238
COUNTY:SHELBY STATE:KY	171	207	244	281	317
COUNTY:SIMPSON STATE:KY	133	160	187	217	238
COUNTY:SPENCER STATE:KY	171	207	244	281	317
COUNTY:TAYLOR STATE:KY	133	160	187	217	238
COUNTY:TODD STATE:KY	156	190	224	257	291
COUNTY:TRIGG STATE:KY	156	190	224	257	291
COUNTY:TRIMBLE STATE:KY	171	207	244	281	317
COUNTY:UNION STATE:KY	137	167	196	226	255
COUNTY:WARREN STATE:KY	133	160	187	217	238
COUNTY:WASHINGTON STATE:KY	171	207	244	281	317
COUNTY:WAYNE STATE:KY	133	160	187	217	238

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:WEBSTER STATE:KY	137	167	196	226	255
COUNTY:WHITLEY STATE:KY	133	160	187	217	238
COUNTY:WOLFE STATE:KY	133	160	187	217	238

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	156	190	224	274	298
COUNTY:MARION STATE:TN	156	190	224	274	298
COUNTY:SEQUATCHIE STATE:TN	156	190	224	274	298
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA					
COUNTY:CARTER STATE:TN	154	187	220	253	286
COUNTY:HAWKINS STATE:TN	154	187	220	253	286
COUNTY:SULLIVAN STATE:TN	154	187	220	253	286
COUNTY:UNICOI STATE:TN	154	187	220	253	286
COUNTY:WASHINGTON STATE:TN	154	187	220	253	286
SMSA: KNOXVILLE, TN					
COUNTY:ANDERSON STATE:TN	156	190	224	266	291
COUNTY:BLOUNT STATE:TN	156	190	224	266	291
COUNTY:KNOX STATE:TN	156	190	224	266	291

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: KNOXVILLE, TN					
COUNTY: UNION					
STATE: TN	156	190	224	266	291
NON SMSA					
COUNTY: BLEDSOE					
STATE: TN	133	162	191	219	248
COUNTY: BRADLEY					
STATE: TN	133	162	191	219	248
COUNTY: CAMPBELL					
STATE: TN	124	151	178	204	231
COUNTY: CLAIBORNE					
STATE: TN	124	151	178	204	231
COUNTY: COCKE					
STATE: TN	124	151	178	204	231
COUNTY: CUMBERLAND					
STATE: TN	124	151	178	204	231
COUNTY: FENTRESS					
STATE: TN	124	151	178	204	231
COUNTY: GRAINGER					
STATE: TN	124	151	178	204	231
COUNTY: GREENE					
STATE: TN	154	187	220	253	286
COUNTY: GRUNDY					
STATE: TN	133	162	191	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: HAMBLEN					
STATE: TN	124	151	178	204	231
COUNTY: HANCOCK					
STATE: TN	154	187	220	253	286
COUNTY: JEFFERSON					
STATE: TN	124	151	178	204	231
COUNTY: JOHNSON					
STATE: TN	154	187	220	253	286
COUNTY: LOUDON					
STATE: TN	124	151	178	204	231
COUNTY: MCMINN					
STATE: TN	133	162	191	219	248
COUNTY: MEIGS					
STATE: TN	133	162	191	219	248
COUNTY: MONROE					
STATE: TN	124	151	178	204	231
COUNTY: MORGAN					
STATE: TN	124	151	178	204	231
COUNTY: PICKETT					
STATE: TN	118	143	169	194	219
COUNTY: POLK					
STATE: TN	133	162	191	219	248
COUNTY: RHEA					
STATE: TN	133	162	191	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:ROANE STATE:TN	124	151	178	204	231
COUNTY:SCOTT STATE:TN	124	151	178	204	231
COUNTY:SEVIER STATE:TN	124	151	178	204	231

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
MEMPHIS, TENNESSEE SERVICE OFFICE					
SMSA: MEMPHIS, TN-AR-MS					
COUNTY:SHELBY STATE:TN	160	195	229	263	298
COUNTY:TIPTON STATE:TN	160	195	229	263	298
NON SMSA					
COUNTY:BENTON STATE:TN	156	190	224	257	291
COUNTY:CARROLL STATE:TN	128	156	183	211	238
COUNTY:CHESTER STATE:TN	128	156	183	211	238
COUNTY:CROCKETT STATE:TN	128	156	183	211	238
COUNTY:DECATUR STATE:TN	128	156	183	211	238
COUNTY:DYER STATE:TN	128	156	183	211	238
COUNTY:FAYETTE STATE:TN	141	171	202	232	262
COUNTY:GIBSON STATE:TN	128	156	183	211	238
COUNTY:HARDEMAN STATE:TN	141	171	202	232	262

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
MEMPHIS, TENNESSEE SERVICE OFFICE					
NON SMSA					
COUNTY: HARDIN STATE: TN	129	157	185	213	241
COUNTY: HAYWOOD STATE: TN	128	156	183	211	238
COUNTY: HENDERSON STATE: TN	128	156	183	211	238
COUNTY: HENRY STATE: TN	128	156	183	211	238
COUNTY: LAKE STATE: TN	132	160	189	217	246
COUNTY: LAUDERDALE STATE: TN	128	156	183	211	238
COUNTY: MCNAIRY STATE: TN	138	157	185	227	241
COUNTY: MADISON STATE: TN	128	156	183	211	238
COUNTY: OBION STATE: TN	132	160	189	217	246
COUNTY: WEAKLEY STATE: TN	128	156	183	211	238

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
NASHVILLE, TENNESSEE SERVICE OFFICE					
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY					
COUNTY: MONTGOMERY STATE: TN	156	190	224	257	291
SMSA: NASHVILLE-DAVIDSON, TN					
COUNTY: CHEATHAM STATE: TN	189	229	270	310	351
COUNTY: DAVIDSON STATE: TN	189	229	270	310	351
COUNTY: DICKSON STATE: TN	189	229	270	310	351
COUNTY: ROBERTSON STATE: TN	189	229	270	310	351
COUNTY: RUTHERFORD STATE: TN	189	229	270	310	351
COUNTY: SUMNER STATE: TN	189	229	270	310	351
COUNTY: WILLIAMSON STATE: TN	189	229	270	310	351
COUNTY: WILSON STATE: TN	189	229	270	310	351
NON SMSA					
COUNTY: BEDFORD STATE: TN	133	162	191	219	248
COUNTY: CANNON STATE: TN	118	143	169	194	219

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
NASHVILLE, TENNESSEE SERVICE OFFICE					
NON SMSA					
COUNTY: CLAY STATE: TN	118	143	169	194	219
COUNTY: COFFEE STATE: TN	133	162	191	219	248
COUNTY: DE KALB STATE: TN	118	143	169	194	219
COUNTY: FRANKLIN STATE: TN	164	199	235	270	305
COUNTY: GILES STATE: TN	133	162	191	219	248
COUNTY: HICKMAN STATE: TN	133	162	191	219	248
COUNTY: HOUSTON STATE: TN	156	190	224	257	291
COUNTY: HUMPHREYS STATE: TN	156	190	224	257	291
COUNTY: JACKSON STATE: TN	118	143	169	194	219
COUNTY: LAWRENCE STATE: TN	133	162	191	219	248
COUNTY: LEWIS STATE: TN	133	162	191	219	248
COUNTY: LINCOLN STATE: TN	164	199	235	270	305

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
NASHVILLE, TENNESSEE SERVICE OFFICE					
NON SMSA					
COUNTY: MACON STATE: TN	118	143	169	194	219
COUNTY: MARSHALL STATE: TN	133	162	191	219	248
COUNTY: MAURY STATE: TN	133	162	191	219	248
COUNTY: MOORE STATE: TN	133	162	191	219	248
COUNTY: OVERTON STATE: TN.	118	143	169	194	219
COUNTY: PERRY STATE: TN	118	143	169	194	219
COUNTY: PUTNAM STATE: TN	118	143	169	194	219
COUNTY: SMITH STATE: TN	118	143	169	194	219
COUNTY: STEWART STATE: TN	156	190	224	257	291
COUNTY: TROUSDALE STATE: TN	118	143	169	194	219
COUNTY: VAN BUREN STATE: TN	118	143	169	194	219
COUNTY: WARREN STATE: TN	118	143	169	194	219

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
NASHVILLE, TENNESSEE SERVICE OFFICE					
NON SMSA					
COUNTY: WAYNE STATE: TN	129	157	185	213	241
COUNTY: WHITE STATE: TN	118	143	169	194	219

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	219	248	293	339	383
COUNTY: DU PAGE STATE: IL	219	248	293	339	383
COUNTY: KANE STATE: IL	219	248	293	339	383
COUNTY: LAKE STATE: IL	219	248	293	339	383
COUNTY: MCHENRY STATE: IL	219	248	293	339	383
COUNTY: WILL STATE: IL	219	248	293	339	383
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL					
COUNTY: ROCK ISLAND STATE: IL	183	223	262	302	341
SMSA: KANKAKEE, ILLINOIS					
COUNTY: KANKAKEE STATE: IL	167	192	228	254	287
SMSA: ROCKFORD, IL					
COUNTY: BOONE STATE: IL	170	207	244	280	317
COUNTY: WINNEBAGO STATE: IL	170	207	244	280	317
NON SMSA					
COUNTY: CARROLL STATE: IL	154	187	221	254	287

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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 KALB STATE: IL	175	212	250	288	325
COUNTY: GRUNDY STATE: IL	175	212	250	288	325
COUNTY: JO DAVIESS STATE: IL	139	169	199	229	259
COUNTY: KENDALL STATE: IL	175	212	250	288	325
COUNTY: LEE STATE: IL	160	194	228	263	297
COUNTY: OGLE STATE: IL	160	194	228	263	297
COUNTY: STEPHENSON STATE: IL	160	194	228	263	297
COUNTY: WHITESIDE STATE: IL	154	187	221	254	287

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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
SPRINGFIELD, ILLINOIS VALUATION & ENDORSEMENT ST					
SMSA: BLOOMINGTON-NORMAL, IL					
COUNTY: MCLEAN STATE: IL	160	194	228	263	297
SMSA: CHAMPAIGN-URBANA-RANTOUL, IL					
COUNTY: CHAMPAIGN STATE: IL	183	215	253	293	339
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL					
COUNTY: HENRY STATE: IL	183	223	262	302	341
SMSA: DECATUR, IL					
COUNTY: MACON STATE: IL	167	203	239	275	311
SMSA: PEORIA, IL					
COUNTY: PEORIA STATE: IL	183	223	262	302	341
COUNTY: TAZEWELL STATE: IL	183	223	262	302	341
COUNTY: WOODFORD STATE: IL	183	223	262	302	341
SMSA: ST LOUIS, MO-IL					
COUNTY: CLINTON STATE: IL	175	213	250	288	325
COUNTY: MADISON STATE: IL	175	213	250	288	325
COUNTY: MONROE STATE: IL	175	213	250	288	325

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SPRINGFIELD, ILLINOIS VALUATION & ENDORSEMENT ST					
SMSA: ST LOUIS, MO-IL					
COUNTY: ST CLAIR STATE: IL	175	213	250	288	325
SMSA: SPRINGFIELD, IL					
COUNTY: MENARD STATE: IL	167	203	239	275	311
COUNTY: SANGAMON STATE: IL	167	203	239	275	311
NON SMSA					
COUNTY: ADAMS STATE: IL	140	170	200	231	261
COUNTY: ALEXANDER STATE: IL	114	139	163	188	213
COUNTY: BOND STATE: IL	127	155	182	209	237
COUNTY: BROWN STATE: IL	140	170	200	231	261
COUNTY: BUREAU STATE: IL	154	187	221	254	287
COUNTY: CALHOUN STATE: IL	127	155	182	209	237
COUNTY: CASS STATE: IL	167	203	239	275	311
COUNTY: CHRISTIAN STATE: IL	167	203	239	275	311

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SPRINGFIELD, ILLINOIS VALUATION & ENDORSEMENT ST					
NON SMSA					
COUNTY: CLARK STATE: IL	160	194	228	263	297
COUNTY: CLAY STATE: IL	127	155	182	209	237
COUNTY: COLES STATE: IL	177	215	253	291	329
COUNTY: CRANFORD STATE: IL	160	194	228	263	297
COUNTY: CUMBERLAND STATE: IL	177	215	253	291	329
COUNTY: DE WITT STATE: IL	167	203	239	275	311
COUNTY: DOUGLAS STATE: IL	177	215	253	291	329
COUNTY: EDGAR STATE: IL	177	215	253	291	329
COUNTY: EDWARDS STATE: IL	117	143	168	193	219
COUNTY: EFFINGHAM STATE: IL	127	155	182	209	237
COUNTY: FAYETTE STATE: IL	127	155	182	209	237
COUNTY: FORD STATE: IL	177	215	253	291	329

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SPRINGFIELD, ILLINOIS VALUATION & ENDORSEMENT ST					
NON SMSA					
COUNTY: FRANKLIN STATE: IL	133	161	190	218	247
COUNTY: FULTON STATE: IL	160	194	228	263	297
COUNTY: GALLATIN STATE: IL	117	143	168	193	219
COUNTY: GREENE STATE: IL	127	155	182	209	237
COUNTY: HAMILTON STATE: IL	117	143	168	193	219
COUNTY: HANCOCK STATE: IL	140	170	200	231	261
COUNTY: HARDIN STATE: IL	114	139	163	188	213
COUNTY: HENDERSON STATE: IL	140	170	200	231	261
COUNTY: IROQUOIS STATE: IL	154	187	221	254	287
COUNTY: JACKSON STATE: IL	133	161	190	218	247
COUNTY: JASPER STATE: IL	127	155	182	209	237
COUNTY: JEFFERSON STATE: IL	133	161	190	218	247

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SPRINGFIELD, ILLINOIS VALUATION & ENDORSEMENT ST					
NON SMSA					
COUNTY: JERSEY STATE: IL	127	155	182	209	237
COUNTY: JOHNSON STATE: IL	114	139	163	188	213
COUNTY: KNOX STATE: IL	160	194	228	263	297
COUNTY: LA SALLE STATE: IL	175	212	250	288	325
COUNTY: LAWRENCE STATE: IL	117	143	168	193	219
COUNTY: LIVINGSTON STATE: IL	175	212	250	288	325
COUNTY: LOGAN STATE: IL	167	203	239	275	311
COUNTY: MCDONOUGH STATE: IL	160	194	228	263	297
COUNTY: MACOUPIN STATE: IL	127	155	182	209	237
COUNTY: MARION STATE: IL	127	155	182	209	237
COUNTY: MARSHALL STATE: IL	160	194	228	263	297
COUNTY: MASON STATE: IL	167	203	239	275	311

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SPRINGFIELD, ILLINOIS VALUATION & ENDORSEMENT ST					
NON SMSA					
COUNTY:MASSAC STATE:IL	114	139	163	188	213
COUNTY:MERCER STATE:IL	154	187	221	254	287
COUNTY:MONTGOMERY STATE:IL	127	155	182	209	237
COUNTY:MORGAN STATE:IL	167	203	239	275	311
COUNTY:MOULTRIE STATE:IL	167	203	239	275	311
COUNTY:PERRY STATE:IL	133	161	190	218	247
COUNTY:PIATT STATE:IL	177	215	253	291	329
COUNTY:PIKE STATE:IL	140	170	200	231	261
COUNTY:POPE STATE:IL	114	139	163	188	213
COUNTY:PULASKI STATE:IL	114	139	163	188	213
COUNTY:PUTNAM STATE:IL	175	212	250	288	325
COUNTY:RANDOLPH STATE:IL	133	161	190	218	247

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SPRINGFIELD, ILLINOIS VALUATION & ENDORSEMENT ST					
NON SMSA					
COUNTY:RICHLAND STATE:IL	127	155	182	209	237
COUNTY:SALINE STATE:IL	117	143	168	193	219
COUNTY:SCHUYLER STATE:IL	140	170	200	231	261
COUNTY:SCOTT STATE:IL	167	203	239	275	311
COUNTY:SHELBY STATE:IL	167	203	239	275	311
COUNTY:STARK STATE:IL	160	194	228	263	297
COUNTY:UNION STATE:IL	114	139	163	188	213
COUNTY:VERMILION STATE:IL	177	215	253	291	329
COUNTY:WABASH STATE:IL	117	143	168	193	219
COUNTY:WARREN STATE:IL	160	194	228	263	297
COUNTY:WASHINGTON STATE:IL	133	161	190	218	247
COUNTY:WAYNE STATE:IL	127	155	182	209	237

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SPRINGFIELD, ILLINOIS VALUATION & ENDORSEMENT ST					
NON SMSA					
COUNTY:WHITE STATE:IL	117	143	168	193	219
COUNTY:WILLIAMSON STATE:IL	133	161	190	218	247

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
CINCINNATI, OHIO SERVICE OFFICE					
SMSA: CINCINNATI, OH-KY-IN					
COUNTY:CLERMONT STATE:OH	168	204	240	276	312
COUNTY:HAMILTON STATE:OH	168	204	240	276	312
COUNTY:WARREN STATE:OH	168	204	240	276	312
SMSA: DAYTON, OH					
COUNTY:GREENE STATE:OH	175	212	250	288	325
COUNTY:MONTGOMERY STATE:OH	175	212	250	288	325
COUNTY:PREBLE STATE:OH	175	212	250	288	325
SMSA: HAMILTON-MIDDLETOWN, OH					
COUNTY: BUTLER STATE:OH	152	185	217	250	283
NON SMSA					
COUNTY:ADAMS STATE:OH	152	185	217	250	283
COUNTY:BROWN STATE:OH	152	185	217	250	283
COUNTY:CLINTON STATE:OH	152	185	217	250	283
COUNTY:HIGHLAND STATE:OH	152	185	217	250	283

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
CLEVELAND, OHIO SERVICE OFFICE					
SMSA: AKRON, OH					
COUNTY: PORTAGE STATE: OH	181	220	259	298	337
COUNTY: SUMMIT STATE: OH	181	220	259	298	337
SMSA: CANTON, OH					
COUNTY: CARROLL STATE: OH	154	178	213	248	271
COUNTY: STARK STATE: OH	154	178	213	248	271
SMSA: CLEVELAND, OH					
COUNTY: CUYAHOGA STATE: OH	174	207	244	284	323
COUNTY: GEAUGA STATE: OH	174	207	244	284	323
COUNTY: LAKE STATE: OH	174	207	244	284	323
COUNTY: MEDINA STATE: OH	174	207	244	284	323
SMSA: LIMA, OH					
COUNTY: PUTNAM STATE: OH	139	169	199	229	259
SMSA: LORAIN-ELYRIA, OH					
COUNTY: LORAIN STATE: OH	176	214	252	289	327

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
CLEVELAND, OHIO SERVICE OFFICE					
SMSA: MANSFIELD, OH					
COUNTY: RICHLAND STATE: OH	148	180	211	243	275
SMSA: STEUBENVILLE-WEIRTON, OH-WV					
COUNTY: JEFFERSON STATE: OH	141	171	202	232	262
SMSA: TOLEDO, OH-MI					
COUNTY: FULTON STATE: OH	161	195	230	264	299
COUNTY: LUCAS STATE: OH	161	195	230	264	299
COUNTY: OTTAWA STATE: OH	161	195	230	264	299
COUNTY: WOOD STATE: OH	161	195	230	264	299
SMSA: YOUNGSTOWN-WARREN, OH					
COUNTY: MAHONING STATE: OH	154	187	221	254	287
COUNTY: TRUMBULL STATE: OH	154	187	221	254	287
NON SMSA					
COUNTY: ASHLAND STATE: OH	146	177	208	240	271
COUNTY: ASHTABULA STATE: OH	146	177	208	240	271

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
CLEVELAND, OHIO SERVICE OFFICE					
NON SMSA					
COUNTY: COLUMBIANA STATE: OH	128	156	183	211	239
COUNTY: CRAWFORD STATE: OH	148	180	211	243	275
COUNTY: DEFIANCE STATE: OH	139	169	199	229	259
COUNTY: ERIE STATE: OH	146	177	208	240	271
COUNTY: HANCOCK STATE: OH	146	177	208	240	271
COUNTY: HARRISON STATE: OH	113	137	162	186	211
COUNTY: HENRY STATE: OH	146	177	208	240	271
COUNTY: HOLMES STATE: OH	128	156	183	211	239
COUNTY: HURON STATE: OH	146	177	208	240	271
COUNTY: PAULDING STATE: OH	139	169	199	229	259
COUNTY: SANDUSKY STATE: OH	146	177	208	240	271
COUNTY: SENECA STATE: OH	146	177	208	240	271

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
CLEVELAND, OHIO SERVICE OFFICE					
NON SMSA					
COUNTY: TUSCARAWAS STATE: OH	128	156	183	211	239
COUNTY: WAYNE STATE: OH	146	177	208	240	271
COUNTY: WILLIAMS STATE: OH	139	169	199	229	259
COUNTY: WYANDOT STATE: OH	148	180	211	243	275

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: COLUMBUS, OH					
COUNTY:DELAWARE STATE:OH	172	208	245	282	318
COUNTY:FAIRFIELD STATE:OH	172	208	245	282	318
COUNTY:FRANKLIN STATE:OH	172	208	245	282	318
COUNTY:MADISON STATE:OH	172	208	245	282	318
COUNTY:PICKAWAY STATE:OH	172	208	245	282	318
SMSA: DAYTON, OH					
COUNTY:MIAMI STATE:OH	175	212	250	288	325
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH					
COUNTY:LAWRENCE STATE:OH	146	178	209	240	272
SMSA: LIMA, OH					
COUNTY:ALLEN STATE:OH	139	169	199	229	259
COUNTY:AUGLAIZE STATE:OH	139	169	199	229	259
COUNTY:VAN WERT STATE:OH	139	169	199	229	259
SMSA: PARKERSBURG-MARIETTA, WV-OH					
COUNTY:WASHINGTON STATE:OH	160	195	229	264	298

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: SPRINGFIELD, OH					
COUNTY:CHAMPAIGN STATE:OH	136	165	194	224	253
COUNTY:CLARK STATE:OH	136	165	194	224	253
SMSA: WHEELING, WV-OH					
COUNTY:BELMONT STATE:OH	141	171	202	232	262
NON SMSA					
COUNTY:ATHENS STATE:OH	147	169	202	229	259
COUNTY:COSHOCTON STATE:OH	134	156	183	211	239
COUNTY:DARKE STATE:OH	136	165	194	224	253
COUNTY:FAYETTE STATE:OH	123	149	176	202	229
COUNTY:GALLIA STATE:OH	117	135	166	184	203
COUNTY:GUERNSEY STATE:OH	135	164	193	222	251
COUNTY:HARDIN STATE:OH	139	169	199	229	259
COUNTY:HOCKING STATE:OH	139	169	199	229	259

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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: JACKSON STATE: OH	123	149	176	202	229
COUNTY: KNOX STATE: OH	148	180	211	243	275
COUNTY: LICKING STATE: OH	136	164	193	222	251
COUNTY: LOGAN STATE: OH	136	165	194	224	253
COUNTY: MARION STATE: OH	123	149	176	202	229
COUNTY: MEIGS STATE: OH	102	124	146	168	190
COUNTY: MERCER STATE: OH	139	169	199	229	259
COUNTY: MONROE STATE: OH	113	137	162	186	211
COUNTY: MORGAN STATE: OH	139	169	199	229	259
COUNTY: MORRON STATE: OH	148	180	211	243	275
COUNTY: MUSKINGUM STATE: OH	135	164	193	222	251
COUNTY: NOBLE STATE: OH	139	169	199	229	259

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: PERRY STATE: OH	135	164	193	222	251
COUNTY: PIKE STATE: OH	133	155	187	208	230
COUNTY: ROSS STATE: OH	123	149	176	202	229
COUNTY: SCIOTO STATE: OH	127	145	174	194	212
COUNTY: SHELBY STATE: OH	136	165	194	224	253
COUNTY: UNION STATE: OH	123	149	176	202	229
COUNTY: VINTON STATE: OH	123	149	176	202	229

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: ANN ARBOR, MI					
COUNTY:WASHTENAW STATE:MI	226	274	323	371	420
SMSA: DETROIT, MI					
COUNTY:LIVINGSTON STATE:MI	206	250	294	338	382
COUNTY:MACOMB STATE:MI	206	250	294	338	382
COUNTY:OAKLAND STATE:MI	206	250	294	338	382
COUNTY:ST CLAIR STATE:MI	206	250	294	338	382
COUNTY:WAYNE STATE:MI	206	250	294	338	382
SMSA: TOLEDO, OH-MI					
COUNTY: MONROE STATE:MI	161	195	230	264	299
NON SMSA					
COUNTY:LENAWEE STATE:MI	146	177	208	240	271

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
FLINT, MICHIGAN SERVICE OFFICE					
SMSA: BAY CITY, MI					
COUNTY:BAY STATE:MI	177	215	253	291	329
SMSA: DETROIT, MI					
COUNTY:LAPEER STATE:MI	206	250	294	338	382
SMSA: FLINT, MI					
COUNTY:GENESEE STATE:MI	186	226	265	305	345
COUNTY:SHIAWASSEE STATE:MI	186	226	265	305	345
SMSA: SAGINAW, MI					
COUNTY:SAGINAW STATE:MI	177	215	253	291	329
NON SMSA					
COUNTY:ALCONA STATE:MI	160	194	228	263	297
COUNTY:ALPENA STATE:MI	160	194	228	263	297
COUNTY:ARENAC STATE:MI	160	194	228	263	297
COUNTY:GLADWIN STATE:MI	160	194	228	263	297
COUNTY:HURON STATE:MI	160	194	228	263	297

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
FLINT, MICHIGAN SERVICE OFFICE					
NON SMSA					
COUNTY:IOSCO STATE:MI	160	194	228	263	297
COUNTY:MIDLAND STATE:MI	160	194	228	263	297
COUNTY:MONTMORENCY STATE:MI	160	194	228	263	297
COUNTY:OGEMAW STATE:MI	160	194	228	263	297
COUNTY:OSCODA STATE:MI	160	194	228	263	297
COUNTY:PRESQUE ISLE STATE:MI	160	194	228	263	297
COUNTY:SANILAC STATE:MI	226	274	323	371	420
COUNTY:TUSCOLA STATE:MI	160	194	228	263	297

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
GRAND RAPIDS, MICHIGAN SERVICE OFFICE					
SMSA: BATTLE CREEK, MI					
COUNTY:BARRY STATE:MI	159	193	227	261	295
COUNTY:CALHOUN STATE:MI	159	193	227	261	295
SMSA: GRAND RAPIDS, MI					
COUNTY:KENT STATE:MI	156	190	223	256	290
COUNTY:OTTAWA STATE:MI	156	190	223	256	290
SMSA: JACKSON, MI					
COUNTY:JACKSON STATE:MI	159	193	227	261	295
SMSA: KALAMAZOO-PORTAGE , MI					
COUNTY:KALAMAZOO STATE:MI	190	231	272	312	353
COUNTY:VAN BUREN STATE:MI	190	231	272	312	353
SMSA: LANSING-EAST LANSING , MI					
COUNTY:CLINTON STATE:MI	202	245	289	332	375
COUNTY:EATON STATE:MI	202	245	289	332	375
COUNTY:INGHAM STATE:MI	202	245	289	332	375

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
GRAND RAPIDS, MICHIGAN SERVICE OFFICE					
SMSA: LANSING-EAST LANSING , MI					
COUNTY:IONIA STATE:MI	202	245	289	332	375
SMSA: MUSKEGON-NORTON SHORES-MUSKEGON HEIGHTS, MI					
COUNTY:MUSKEGON STATE:MI	141	172	202	232	263
COUNTY:OCEANA STATE:MI	141	172	202	232	263
NON SMSA					
COUNTY:ALGER STATE:MI	141	172	202	232	263
COUNTY:ALLEGAN STATE:MI	141	172	202	232	263
COUNTY:ANTRIM STATE:MI	141	172	202	232	263
COUNTY:BARAGA STATE:MI	141	172	202	232	263
COUNTY:BENZIE STATE:MI	141	172	202	232	263
COUNTY:BERRIEN STATE:MI	162	203	231	266	301
COUNTY:BRANCH STATE:MI	159	193	227	261	295
COUNTY:CASS STATE:MI	162	197	231	266	301

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
GRAND RAPIDS, MICHIGAN SERVICE OFFICE					
NON SMSA					
COUNTY:CHARLEVOIX STATE:MI	141	172	202	232	263
COUNTY:CHEBOYGAN STATE:MI	160	194	228	263	297
COUNTY:CHIPPEWA STATE:MI	160	194	228	263	297
COUNTY:CLARE STATE:MI	160	194	228	263	297
COUNTY:CRAWFORD STATE:MI	160	194	228	263	297
COUNTY:DELTA STATE:MI	141	172	202	232	263
COUNTY:DICKINSON STATE:MI	141	172	202	232	263
COUNTY:EMMET STATE:MI	141	172	202	232	263
COUNTY:GOGEBIC STATE:MI	128	156	183	211	239
COUNTY:GRD TRAVERSE STATE:MI	176	203	229	265	328
COUNTY:GRATIOT STATE:MI	117	147	176	188	213
COUNTY:HILLSDALE STATE:MI	159	193	227	261	295

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
GRAND RAPIDS, MICHIGAN SERVICE OFFICE					
NON SMSA					
COUNTY:HOUGHTON STATE:MI	141	172	202	232	263
COUNTY:IRON STATE:MI	141	172	202	232	263
COUNTY:ISABELLA STATE:MI	160	194	228	263	297
COUNTY:KALKASKA STATE:MI	141	172	202	232	263
COUNTY:KEWEENAW STATE:MI	141	172	202	232	263
COUNTY:LAKE STATE:MI	141	172	202	232	263
COUNTY:LEELANAU STATE:MI	141	172	202	232	263
COUNTY:LUCE STATE:MI	160	194	228	263	297
COUNTY:MACKINAC STATE:MI	160	194	228	263	297
COUNTY:MANISTEE STATE:MI	141	172	202	232	263
COUNTY:MARQUETTE STATE:MI	141	178	202	232	263
COUNTY:MASON STATE:MI	141	172	202	232	263

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
GRAND RAPIDS, MICHIGAN SERVICE OFFICE					
NON SMSA					
COUNTY:MECOSTA STATE:MI	141	172	202	232	263
COUNTY:MENOMINEE STATE:MI	141	172	202	232	263
COUNTY:MISSAUKEE STATE:MI	141	172	202	232	263
COUNTY:MONTCALM STATE:MI	141	172	202	232	263
COUNTY:NEWAYGO STATE:MI	141	172	202	232	263
COUNTY:ONTONAGON STATE:MI	128	156	183	211	239
COUNTY:OSCEOLA STATE:MI	141	172	202	232	263
COUNTY:OTSEGO STATE:MI	160	194	228	263	297
COUNTY:ROSCOMMON STATE:MI	160	194	228	263	297
COUNTY:ST JOSEPH STATE:MI	162	197	231	266	301
COUNTY:SCHOOLCRAFT STATE:MI	141	172	202	232	263
COUNTY:WEXFORD STATE:MI	141	172	202	232	263

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: ANDERSON, IN					
COUNTY:MADISON STATE:IN	153	186	219	252	285
SMSA: BLOOMINGTON, IN					
COUNTY:MONROE STATE:IN	166	202	238	273	309
SMSA: CINCINNATI, OH-KY-IN					
COUNTY:DEARBORN STATE:IN	168	204	240	276	312
SMSA: EVANSVILLE, IN-KY					
COUNTY:GIBSON STATE:IN	138	170	201	218	238
COUNTY:POSEY STATE:IN	138	170	201	218	238
COUNTY:VANDERBURGH STATE:IN	138	170	201	218	238
COUNTY:WARRICK STATE:IN	138	170	201	218	238
SMSA: FORT WAYNE, IN					
COUNTY:ADAMS STATE:IN	179	218	256	295	333
COUNTY:ALLEN STATE:IN	179	218	256	295	333
COUNTY:DE KALB STATE:IN	179	218	256	295	333

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:WELLS STATE:IN	179	218	256	295	333
SMSA: GARY-HAMMOND-EAST CHICAGO, IN					
COUNTY:LAKE STATE:IN	167	203	239	275	311
COUNTY:PORTER STATE:IN	167	203	239	275	311
SMSA: INDIANAPOLIS, IN					
COUNTY:BOONE STATE:IN	171	207	244	282	321
COUNTY:HAMILTON STATE:IN	171	207	244	282	321
COUNTY:HANCOCK STATE:IN	171	207	244	282	321
COUNTY:HENDRICKS STATE:IN	171	207	244	282	321
COUNTY:JOHNSON STATE:IN	171	207	244	282	321
COUNTY:MARION STATE:IN	171	207	244	282	321
COUNTY:MORGAN STATE:IN	171	207	244	282	321
COUNTY:SHELBY STATE:IN	171	207	244	282	321

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: KOKOMO, IN					
COUNTY:HOWARD STATE:IN	166	202	238	273	309
COUNTY:TIPTON STATE:IN	166	202	238	273	309
SMSA: LAFAYETTE-WEST LAFAYETTE, IN					
COUNTY:TIPPECANOE STATE:IN	175	212	250	288	325
SMSA: LOUISVILLE, KY-IN					
COUNTY:CLARK STATE:IN	166	188	221	261	287
COUNTY:FLOYD STATE:IN	166	188	221	261	287
SMSA: MUNCIE, IN					
COUNTY:DELAWARE STATE:IN	153	186	219	252	285
SMSA: SOUTH BEND, IN					
COUNTY:MARSHALL STATE:IN	175	212	250	288	325
COUNTY:ST JOSEPH STATE:IN	175	212	250	288	325
SMSA: TERRE HAUTE, IN					
COUNTY:CLAY STATE:IN	160	194	228	263	297
COUNTY:SULLIVAN STATE:IN	160	194	228	263	297

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:VERMILLION STATE:IN	160	194	228	263	297
COUNTY:VIGO STATE:IN	160	194	228	263	297
NON SMSA					
COUNTY:BARTHOLOMEW STATE:IN	166	202	238	273	309
COUNTY:BENTON STATE:IN	175	212	250	288	325
COUNTY:BLACKFORD STATE:IN	153	186	219	252	285
COUNTY:BROWN STATE:IN	166	202	238	273	309
COUNTY:CARROLL STATE:IN	175	212	250	288	325
COUNTY:CASS STATE:IN	166	202	238	273	309
COUNTY:CLINTON STATE:IN	175	212	250	288	325
COUNTY:CRAWFORD STATE:IN	147	178	210	241	273
COUNTY:DAVIESS STATE:IN	117	143	168	193	219

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: DECATUR STATE: IN	168	202	238	273	309
COUNTY: DUBOIS STATE: IN	117	143	168	193	219
COUNTY: ELKHART STATE: IN	162	197	231	266	301
COUNTY: FAYETTE STATE: IN	152	185	217	250	283
COUNTY: FOUNTAIN STATE: IN	175	212	250	288	325
COUNTY: FRANKLIN STATE: IN	152	185	217	250	283
COUNTY: FULTON STATE: IN	162	197	231	266	301
COUNTY: GRANT STATE: IN	153	186	219	252	285
COUNTY: GREENE STATE: IN	160	194	228	263	297
COUNTY: HARRISON STATE: IN	147	178	210	241	273
COUNTY: HENRY STATE: IN	153	186	219	252	285
COUNTY: HUNTINGTON STATE: IN	139	169	199	229	259

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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: JACKSON STATE: IN	166	202	238	273	309
COUNTY: JASPER STATE: IN	154	187	221	254	287
COUNTY: JAY STATE: IN	153	186	219	252	285
COUNTY: JEFFERSON STATE: IN	147	178	210	241	273
COUNTY: JENNINGS STATE: IN	166	202	238	273	309
COUNTY: KNOX STATE: IN	143	160	192	203	236
COUNTY: KOSCIUSKO STATE: IN	162	197	231	266	301
COUNTY: LAGRANGE STATE: IN	162	197	231	266	301
COUNTY: LA PORTE STATE: IN	154	187	221	254	287
COUNTY: LAWRENCE STATE: IN	166	202	238	273	309
COUNTY: MARTIN STATE: IN	117	143	168	193	219
COUNTY: MIAMI STATE: IN	166	202	238	273	309

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:MONTGOMERY STATE:IN	175	212	250	288	325
COUNTY:NEWTON STATE:IN	154	187	221	264	287
COUNTY:NOBLE STATE:IN	139	169	199	229	259
COUNTY:OHIO STATE:IN	152	185	217	250	283
COUNTY:ORANGE STATE:IN	147	178	210	241	273
COUNTY:OWEN STATE:IN	166	202	238	273	309
COUNTY:PARKE STATE:IN	160	194	228	263	297
COUNTY:PERRY STATE:IN	117	143	168	193	219
COUNTY:PIKE STATE:IN	117	143	168	193	219
COUNTY:PULASKI STATE:IN	154	187	221	254	287
COUNTY:PUTNAM STATE:IN	166	202	238	273	309
COUNTY:RANDOLPH STATE:IN	153	186	219	252	285

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:RIPLEY STATE:IN	152	185	217	250	283
COUNTY:RUSH STATE:IN	166	202	238	273	309
COUNTY:SCOTT STATE:IN	147	178	210	241	273
COUNTY:SPENCER STATE:IN	117	143	168	193	219
COUNTY:STARKE STATE:IN	154	187	221	254	287
COUNTY:STEUBEN STATE:IN	139	169	199	229	259
COUNTY:SWITZERLAND STATE:IN	152	185	217	250	283
COUNTY:UNION STATE:IN	152	185	217	250	283
COUNTY:WABASH STATE:IN	139	169	199	229	259
COUNTY:WARREN STATE:IN	175	212	250	288	325
COUNTY:WASHINGTON STATE:IN	147	178	210	241	273
COUNTY:WAYNE STATE:IN	153	186	219	252	285

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:WHITE STATE:IN	175	212	250	288	325
COUNTY:WHITLEY STATE:IN	139	169	199	229	259

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	168	205	241	277	313
COUNTY:OUTAGAMIE STATE:WI	168	205	241	277	313
COUNTY:WINNEBAGO STATE:WI	168	205	241	277	313
SMSA: DULUTH-SUPERIOR, MN-WI					
COUNTY:DOUGLAS STATE:WI	169	194	235	260	287
SMSA: EAU CLAIRE, WI					
COUNTY:CHIPPEWA STATE:WI	129	156	183	211	239
COUNTY:EAU CLAIRE STATE:WI	129	156	183	211	239
SMSA: GREEN BAY, WI					
COUNTY:BROWN STATE:WI	153	186	219	252	285
SMSA: JANESVILLE-BELOIT,WI					
COUNTY:ROCK STATE:WI	148	180	211	243	275
SMSA: KENOSHA, WI					
COUNTY:KENOSHA STATE:WI	176	214	252	289	327
SMSA: LA CROSSE, WI					
COUNTY:LA CROSSE STATE:WI	140	170	200	231	261

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: MADISON, WI					
COUNTY: DANE					
STATE: WI	183	222	261	300	339
SMSA: MILWAUKEE, WI					
COUNTY: MILWAUKEE					
STATE: WI	177	214	252	290	328
COUNTY: OZAUKEE					
STATE: WI	177	214	252	290	328
COUNTY: WASHINGTON					
STATE: WI	177	214	252	290	328
COUNTY: WAUKESHA					
STATE: WI	177	214	252	290	328
SMSA: MINNEAPOLIS-ST PAUL, MN-WI					
COUNTY: ST CROIX					
STATE: WI	209	253	298	343	387
SMSA: RACINE, WI					
COUNTY: RACINE					
STATE: WI	176	214	252	289	327
NON SMSA					
COUNTY: ADAMS					
STATE: WI	148	180	211	243	275
COUNTY: ASHLAND					
STATE: WI	128	156	183	211	239
COUNTY: BARRON					
STATE: WI	128	156	183	211	239

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: BAYFIELD					
STATE: WI	128	156	183	211	239
COUNTY: BUFFALO					
STATE: WI	140	170	200	231	261
COUNTY: BURNETT					
STATE: WI	149	181	213	245	277
COUNTY: CLARK					
STATE: WI	156	190	224	257	291
COUNTY: COLUMBIA					
STATE: WI	148	180	211	243	275
COUNTY: CRAWFORD					
STATE: WI	139	169	199	229	259
COUNTY: DODGE					
STATE: WI	148	180	211	243	275
COUNTY: DOOR					
STATE: WI	153	186	219	252	285
COUNTY: DUNN					
STATE: WI	128	156	183	211	239
COUNTY: FLORENCE					
STATE: WI	141	172	202	232	263
COUNTY: FOND DU LAC					
STATE: WI	148	180	211	243	275
COUNTY: FOREST					
STATE: WI	141	172	202	232	263

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:GRANT STATE:WI	139	169	199	229	259
COUNTY:GREEN STATE:WI	160	194	228	263	297
COUNTY:GREEN LAKE STATE:WI	148	180	211	243	275
COUNTY:IOWA STATE:WI	148	180	211	243	275
COUNTY:IRON STATE:WI	128	156	183	211	239
COUNTY:JACKSON STATE:WI	140	170	200	231	261
COUNTY:JEFFERSON STATE:WI	148	180	211	243	275
COUNTY:JUNEAU STATE:WI	140	170	200	231	261
COUNTY:KEWAUNEE STATE:WI	153	186	219	252	285
COUNTY:LAFAYETTE STATE:WI	139	169	199	229	259
COUNTY:LANGLADE STATE:WI	156	190	224	257	291
COUNTY:LINCOLN STATE:WI	156	190	224	257	291

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:MANITOWOC STATE:WI	153	186	219	252	285
COUNTY:MARATHON STATE:WI	156	190	224	257	291
COUNTY:MARINETTE STATE:WI	141	172	202	232	263
COUNTY:MARQUETTE STATE:WI	148	180	211	243	275
COUNTY:MENOMINEE STATE:WI	141	172	202	232	263
COUNTY:MONROE STATE:WI	140	170	200	231	261
COUNTY:OCONTO STATE:WI	141	172	202	232	263
COUNTY:ONEIDA STATE:WI	156	190	224	257	291
COUNTY:PEPIN STATE:WI	128	156	183	211	239
COUNTY:PIERCE STATE:WI	149	181	213	245	277
COUNTY:POLK STATE:WI	149	181	213	245	277
COUNTY:PORTAGE STATE:WI	156	190	224	257	291

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:PRICE STATE:WI	156	190	224	257	291
COUNTY:RICHLAND STATE:WI	148	180	211	243	275
COUNTY:ROCK STATE:WI	160	194	228	263	297
COUNTY:RUSK STATE:WI	128	156	183	211	239
COUNTY:SAUK STATE:WI	148	180	211	243	275
COUNTY:SAWYER STATE:WI	128	156	183	211	239
COUNTY:SHAWANO STATE:WI	141	172	202	232	263
COUNTY:SHEBOYGAN STATE:WI	148	180	211	243	275
COUNTY:TAYLOR STATE:WI	156	190	224	257	291
COUNTY:TREMPEALEAU STATE:WI	140	170	200	231	261
COUNTY:VERNON STATE:WI	140	170	200	231	261
COUNTY:VILAS STATE:WI	156	190	224	257	291

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:WALWORTH STATE:WI	148	180	211	243	275
COUNTY:WASHBURN STATE:WI	128	156	183	211	239
COUNTY:WAUPACA STATE:WI	141	172	202	232	263
COUNTY:WAUSHARA STATE:WI	148	180	211	243	275
COUNTY:WOOD STATE:WI	156	190	224	257	291

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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					
SMSA: DULUTH-SUPERIOR, MN-WI					
COUNTY:ST LOUIS STATE:MN	169	194	235	260	287
SMSA: FARGO-MOORHEAD, ND-MN					
COUNTY:CLAY STATE:MN	155	181	215	251	278
SMSA: GRAND FORKS, N.D.-MN					
COUNTY:POLK STATE:MN	149	181	213	245	277
SMSA: MINNEAPOLIS-ST PAUL, MN-WI					
COUNTY:ANOKA STATE:MN	209	253	298	343	387
COUNTY:CARVER STATE:MN	209	253	298	343	387
COUNTY:CHISAGO STATE:MN	209	253	298	343	387
COUNTY:DAKOTA STATE:MN	209	253	298	343	387
COUNTY:HENNEPIN STATE:MN	209	253	298	343	387
COUNTY:RAMSEY STATE:MN	209	253	298	343	387
COUNTY:SCOTT STATE:MN	209	253	298	343	387
COUNTY:WASHINGTON STATE:MN	209	253	298	343	387

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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					
SMSA: MINNEAPOLIS-ST PAUL, MN-WI					
COUNTY:WRIGHT STATE:MN	209	253	298	343	387
SMSA: ROCHESTER, MN					
COUNTY:OLMSTED STATE:MN	172	209	246	283	320
SMSA: ST. CLOUD, MN					
COUNTY:BENTON STATE:MN	187	227	267	307	347
COUNTY:SHERBURNE STATE:MN	187	227	267	307	347
COUNTY:STEARNS STATE:MN	187	227	267	307	347
NON SMSA					
COUNTY:AITKIN STATE:MN	120	145	171	197	223
COUNTY:BECKER STATE:MN	149	181	213	245	277
COUNTY:BELTRAMI STATE:MN	125	145	174	197	223
COUNTY:BIG STONE STATE:MN	120	145	171	197	223
COUNTY:BLUE EARTH STATE:MN	187	227	267	307	347
COUNTY:BROWN STATE:MN	187	227	267	307	347

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:CARLTON STATE:MN	128	156	183	211	239
COUNTY:CASS STATE:MN	120	145	171	197	223
COUNTY:CHIPPEWA STATE:MN	125	145	174	197	223
COUNTY:CLEARWATER STATE:MN	149	181	213	245	277
COUNTY:COOK STATE:MN	128	156	183	211	239
COUNTY:COTTONWOOD STATE:MN	125	145	174	197	223
COUNTY:CROW WING STATE:MN	187	227	267	307	347
COUNTY:DODGE STATE:MN	177	215	253	291	329
COUNTY:DOUGLAS STATE:MN	125	145	174	197	223
COUNTY:FARIBAULT STATE:MN	187	227	267	307	347
COUNTY:FILLMORE STATE:MN	177	215	253	291	329
COUNTY:FREEBORN STATE:MN	177	215	253	291	329

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	149	181	213	245	277
COUNTY:GRANT STATE:MN	120	145	171	197	223
COUNTY:HOUSTON STATE:MN	140	170	200	231	261
COUNTY:HUBBARD STATE:MN	120	145	171	197	223
COUNTY:ISANTI STATE:MN	149	181	213	245	277
COUNTY:ITASCA STATE:MN	135	156	188	211	239
COUNTY:JACKSON STATE:MN	152	185	217	250	283
COUNTY:KANABEC STATE:MN	149	181	213	245	277
COUNTY:KANDIYOHI STATE:MN	187	227	267	307	347
COUNTY:KITTSON STATE:MN	149	181	213	245	277
COUNTY:KOOCHICHING STATE:MN	128	156	183	211	239
COUNTY:LAC QUI PARL STATE:MN	120	145	171	197	223

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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: LAKE STATE: MN	128	156	183	211	239
COUNTY: LAKE OF WOOD STATE: MN	120	145	171	197	223
COUNTY: LE SUEUR STATE: MN	187	227	267	307	347
COUNTY: LINCOLN STATE: MN	152	185	217	250	283
COUNTY: LYON STATE: MN	152	185	217	250	283
COUNTY: MCLEOD STATE: MN	187	227	267	307	347
COUNTY: MAHNOMEN STATE: MN	149	181	213	245	277
COUNTY: MARSHALL STATE: MN	149	181	213	245	277
COUNTY: MARTIN STATE: MN	187	227	267	307	347
COUNTY: MEEKER STATE: MN	187	227	267	307	347
COUNTY: MILLE LACS STATE: MN	149	181	213	245	277
COUNTY: MORRISON STATE: MN	187	227	267	307	347

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	177	215	253	291	329
COUNTY: MURRAY STATE: MN	152	185	217	250	283
COUNTY: NICOLLET STATE: MN	187	227	267	307	347
COUNTY: NOBLES STATE: MN	152	185	217	250	283
COUNTY: NORMAN STATE: MN	149	181	213	245	277
COUNTY: OTTER TAIL STATE: MN	149	181	213	245	277
COUNTY: PENNINGTON STATE: MN	149	181	213	245	277
COUNTY: PINE STATE: MN	149	181	213	245	277
COUNTY: PIPESTONE STATE: MN	152	185	217	250	283
COUNTY: POPE STATE: MN	120	145	171	197	223
COUNTY: RED LAKE STATE: MN	149	181	213	245	277
COUNTY: REDWOOD STATE: MN	125	145	174	197	223

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: RENVILLE STATE: MN	120	145	171	197	223
COUNTY: RICE STATE: MN	149	181	213	245	277
COUNTY: ROCK STATE: MN	152	185	217	250	283
COUNTY: ROSEAU STATE: MN	149	181	213	245	277
COUNTY: SIBLEY STATE: MN	187	227	267	307	347
COUNTY: STEELE STATE: MN	177	215	253	291	329
COUNTY: STEVENS STATE: MN	125	145	174	197	223
COUNTY: SWIFT STATE: MN	125	145	174	197	223
COUNTY: TODD STATE: MN	120	145	171	197	223
COUNTY: TRAVERSE STATE: MN	120	145	171	197	223
COUNTY: WABASHA STATE: MN	177	215	253	291	329
COUNTY: WADENA STATE: MN	120	145	171	197	223

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	177	215	253	291	329
COUNTY: WATONWAN STATE: MN	187	227	267	307	347
COUNTY: WILKIN STATE: MN	149	181	213	245	277
COUNTY: WINONA STATE: MN	140	170	200	231	261
COUNTY: YELLOW MEDIC STATE: MN	125	145	174	197	223

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
ALBUQUERQUE, NEW MEXICO SERVICE OFFICE					
SMSA: ALBUQUERQUE, NM					
COUNTY: BERNALILLO STATE: NM	151	184	216	249	281
COUNTY: SANDOVAL STATE: NM	151	184	216	249	281
NON SMSA					
COUNTY: CATRON STATE: NM	127	154	181	208	236
COUNTY: CHAVES STATE: NM	130	154	181	208	236
COUNTY: COLFAX STATE: NM	151	184	216	249	281
COUNTY: CURRY STATE: NM	123	147	173	199	225
COUNTY: DE BACA STATE: NM	121	147	173	199	225
COUNTY: DONA ANA STATE: NM	130	154	181	208	236
COUNTY: EDDY STATE: NM	130	154	181	208	236
COUNTY: GRANT STATE: NM	127	154	181	208	236
COUNTY: GUADALUPE STATE: NM	121	147	173	199	225

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
ALBUQUERQUE, NEW MEXICO SERVICE OFFICE					
NON SMSA					
COUNTY: HARDING STATE: NM	121	147	173	199	225
COUNTY: HIDALGO STATE: NM	127	154	181	208	236
COUNTY: LEA STATE: NM	130	154	181	208	236
COUNTY: LINCOLN STATE: NM	127	154	181	208	236
COUNTY: LOS ALAMOS STATE: NM	151	184	216	249	281
COUNTY: LUNA STATE: NM	151	184	216	249	281
COUNTY: MCKINLEY STATE: NM	151	184	216	249	281
COUNTY: MORA STATE: NM	151	184	216	249	281
COUNTY: OTERO STATE: NM	130	154	181	208	236
COUNTY: QUAY STATE: NM	121	147	173	199	225
COUNTY: RIO ARRIBA STATE: NM	151	184	216	249	281
COUNTY: ROOSEVELT STATE: NM	121	147	173	199	225

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS; 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
ALBUQUERQUE, NEW MEXICO SERVICE OFFICE					
NON SMSA					
COUNTY:SAN JUAN STATE:NM	139	162	191	219	248
COUNTY:SAN MIGUEL STATE:NM	151	184	216	249	281
COUNTY:SANTE FE STATE:NM	151	184	216	249	281
COUNTY:SIERRA STATE:NM	127	154	181	208	236
COUNTY:SOCORRO STATE:NM	127	154	181	208	236
COUNTY:TAOS STATE:NM	151	184	216	249	281
COUNTY:TORRANCE STATE:NM	151	184	216	249	281
COUNTY:UNION STATE:NM	121	147	173	199	225
COUNTY:VALENCIA STATE:NM	151	184	216	249	281

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:COLLIN STATE:TX	186	225	265	305	344
COUNTY:DALLAS STATE:TX	186	225	265	305	344
COUNTY:DENTON STATE:TX	186	225	265	305	344
COUNTY:ELLIS STATE:TX	186	225	265	305	344
COUNTY:KAUFMAN STATE:TX	186	225	265	305	344
COUNTY:ROCKWALL STATE:TX	186	225	265	305	344
SMSA: KILLEEN-TEMPLE, TX					
COUNTY:BELL STATE:TX	159	193	227	262	296
COUNTY:CORYELL STATE:TX	159	193	227	262	296
SMSA: LONGVIEW-MARSHALL, TX					
COUNTY:GREGG STATE:TX	129	157	185	213	241
SMSA: SHERMAN-DENISON, TX					
COUNTY:GRAYSON STATE:TX	137	167	196	226	255
SMSA: TEXARKANA, TX-AR					
COUNTY:BOWIE STATE:TX	115	137	161	185	210

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: TYLER, TX					
COUNTY:SMITH STATE:TX	129	157	185	213	241
SMSA: WACO, TX					
COUNTY:MCLENNAN STATE:TX	159	193	227	262	296
NON SMSA					
COUNTY:ANDERSON STATE:TX	129	157	185	213	241
COUNTY:CAMP STATE:TX	113	137	161	185	210
COUNTY:CHEROKEE STATE:TX	129	157	185	213	241
COUNTY:COOKE STATE:TX	137	167	196	226	255
COUNTY:DELTA STATE:TX	212	257	303	348	394
COUNTY:FALLS STATE:TX	159	193	227	262	296
COUNTY:FANNIN STATE:TX	137	167	196	226	255
COUNTY:FRANKLIN STATE:TX	129	157	185	213	241
COUNTY:FREESTONE STATE:TX	159	193	227	262	296

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:HENDERSON STATE:TX	129	157	185	213	241
COUNTY:HILL STATE:TX	159	193	227	262	296
COUNTY:HOPKINS STATE:TX	137	167	196	226	255
COUNTY:HUNT STATE:TX	137	167	196	226	255
COUNTY:LAMAR STATE:TX	113	137	161	185	210
COUNTY:LIMESTONE STATE:TX	159	193	227	262	296
COUNTY:MILAM STATE:TX	147	179	211	243	274
COUNTY:NAVARRO STATE:TX	137	167	196	226	255
COUNTY:RAINS STATE:TX	137	167	196	226	255
COUNTY:RED RIVER STATE:TX	113	137	161	185	210
COUNTY:RUSK STATE:TX	129	157	185	213	241
COUNTY:TITUS STATE:TX	113	137	161	185	210

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:UPSHUR STATE:TX	129	157	185	213	241
COUNTY:VAN ZANDT STATE:TX	137	167	196	226	255
COUNTY:WOOD STATE:TX	129	157	185	213	241

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
FORT WORTH, TEXAS SERVICE OFFICE					
SMSA: ABILENE, TX					
COUNTY:CALLAHAN STATE:TX	142	173	203	234	265
COUNTY:JONES STATE:TX	142	173	203	234	265
COUNTY:TAYLOR STATE:TX	142	173	203	234	265
SMSA: DALLAS-FORT WORTH , TX					
COUNTY:HOOD STATE:TX	186	225	265	305	344
COUNTY:JOHNSON STATE:TX	186	225	265	305	344
COUNTY:PARKER STATE:TX	186	225	265	305	344
COUNTY:TARRANT STATE:TX	186	225	265	305	344
COUNTY:WISE STATE:TX	186	225	265	305	344
SMSA: SAN ANGELO, TX					
COUNTY:TOM GREEN STATE:TX	142	173	203	234	265
SMSA: WICHITA FALLS, TX					
COUNTY:CLAY STATE:TX	156	190	224	257	291
COUNTY:WICHITA STATE:TX	156	190	224	257	291

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
FORT WORTH, TEXAS SERVICE OFFICE					
NON SMSA					
COUNTY: ARCHER STATE: TX	156	190	224	257	291
COUNTY: BAYLOR STATE: TX	156	190	224	257	291
COUNTY: BOSQUE STATE: TX	159	193	227	262	296
COUNTY: BROWN STATE: TX	142	173	203	234	265
COUNTY: COKE STATE: TX	142	173	203	234	265
COUNTY: COLEMAN STATE: TX	142	173	203	234	265
COUNTY: COMANCHE STATE: TX	142	173	203	234	265
COUNTY: CONCHO STATE: TX	142	173	203	234	265
COUNTY: CROCKETT STATE: TX	150	182	214	247	279
COUNTY: EASTLAND STATE: TX	142	173	203	234	265
COUNTY: ERATH STATE: TX	137	167	196	226	255
COUNTY: FOARD STATE: TX	156	190	224	257	291

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
FORT WORTH, TEXAS SERVICE OFFICE					
NON SMSA					
COUNTY: HAMILTON STATE: TX	159	193	227	262	296
COUNTY: HARDEMAN STATE: TX	156	190	224	257	291
COUNTY: HASKELL STATE: TX	142	173	203	234	265
COUNTY: IRION STATE: TX	142	173	203	234	265
COUNTY: JACK STATE: TX	156	190	224	257	291
COUNTY: KIMBLE STATE: TX	142	173	203	234	265
COUNTY: KNOX STATE: TX	142	173	203	234	265
COUNTY: LAMPASAS STATE: TX	159	193	227	262	296
COUNTY: MCCULLOCH STATE: TX	142	173	203	234	265
COUNTY: MASON STATE: TX	142	173	203	234	265
COUNTY: MENARD STATE: TX	142	173	203	234	265
COUNTY: MILLS STATE: TX	142	173	203	234	265

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
FORT WORTH, TEXAS SERVICE OFFICE					
NON SMSA					
COUNTY:MONTAGUE STATE:TX	137	167	196	226	255
COUNTY:PALO PINTO STATE:TX	137	167	196	226	255
COUNTY:REAGAN STATE:TX	150	182	214	247	279
COUNTY:RUNNELS STATE:TX	142	173	203	234	265
COUNTY:SAN SABA STATE:TX	142	173	203	234	265
COUNTY:SCHLEICHER STATE:TX	142	173	203	234	265
COUNTY:SHACKLEFORD STATE:TX	142	173	203	234	265
COUNTY:SOMERVELL STATE:TX	137	167	196	226	255
COUNTY:STEPHENS STATE:TX	142	173	203	234	265
COUNTY:STERLING STATE:TX	142	173	203	234	265
COUNTY:SUTTON STATE:TX	142	173	203	234	265
COUNTY:THROCKMORTON STATE:TX	156	190	224	257	291

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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
FORT WORTH, TEXAS SERVICE OFFICE					
NON SMSA					
COUNTY:WILBARGER STATE:TX	156	190	224	257	291
COUNTY:YOUNG STATE:TX	156	190	224	257	291

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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
HOUSTON, TEXAS SERVICE OFFICE					
SMSA: BEAUMONT-PORT ARTHUR-ORANGE, TX					
COUNTY:HARDIN STATE:TX	169	181	213	245	277
COUNTY:JEFFERSON STATE:TX	169	181	213	245	277
COUNTY:ORANGE STATE:TX	169	181	213	245	277
SMSA: BRYAN-COLLEGE STATION, TX					
COUNTY:BRAZOS STATE:TX	169	179	211	243	274
SMSA: GALVESTON-TEXAS CITY, TX					
COUNTY:GALVESTON STATE:TX	154	176	209	240	272
SMSA: HOUSTON, TX					
COUNTY:BRAZORIA STATE:TX	188	229	269	309	350
COUNTY:FORT BEND STATE:TX	188	229	269	309	350
COUNTY:HARRIS STATE:TX	188	229	269	309	350
COUNTY:LIBERTY STATE:TX	188	229	269	309	350
COUNTY:MONTGOMERY STATE:TX	188	229	269	309	350
COUNTY:WALLER STATE:TX	188	229	269	309	350

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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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
HOUSTON, TEXAS SERVICE OFFICE					
NON SMSA					
COUNTY:ANGELINA STATE:TX	144	157	185	213	241
COUNTY:AUSTIN STATE:TX	146	178	209	240	272
COUNTY:BURLESON STATE:TX	147	179	211	243	274
COUNTY:CHAMBERS STATE:TX	146	178	209	240	272
COUNTY:COLORADO STATE:TX	146	178	209	240	272
COUNTY:GRIMES STATE:TX	147	179	211	243	274
COUNTY:HOUSTON STATE:TX	144	157	185	213	241
COUNTY:JASPER STATE:TX	146	178	209	240	272
COUNTY:LEON STATE:TX	147	179	211	243	274
COUNTY:MADISON STATE:TX	147	179	211	243	274
COUNTY:MATAGORDA STATE:TX	146	178	209	240	272
COUNTY:NACOGDOCHES STATE:TX	144	157	185	213	241

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
HOUSTON, TEXAS SERVICE OFFICE					
NON SMSA					
COUNTY:NEWTON STATE:TX	146	178	209	240	272
COUNTY:POLK STATE:TX	146	178	209	240	272
COUNTY:ROBERTSON STATE:TX	147	179	211	243	274
COUNTY:SABINE STATE:TX	144	149	172	199	232
COUNTY:SAN AUGUSTIN STATE:TX	144	149	172	199	232
COUNTY:SAN JACINTO STATE:TX	146	178	209	240	272
COUNTY:SHELBY STATE:TX	144	149	172	199	232
COUNTY:TRINITY STATE:TX	144	157	185	213	241
COUNTY:TYLER STATE:TX	146	178	209	240	272
COUNTY:WALKER STATE:TX	146	178	209	240	272
COUNTY:WASHINGTON STATE:TX	146	178	209	240	272
COUNTY:WHARTON STATE:TX	146	178	209	240	272

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
LUBBOCK, TEXAS SERVICE OFFICE					
SMSA: AMARILLO, TX					
COUNTY:POTTER STATE:TX	136	165	194	224	253
COUNTY:RANDALL STATE:TX	136	165	194	224	253
SMSA: EL PASO, TX					
COUNTY:EL PASO STATE:TX	183	223	262	302	341
SMSA: LUBBOCK, TX					
COUNTY:LUBBOCK STATE:TX	142	173	203	234	265
SMSA: MIDLAND, TX					
COUNTY:MIDLAND STATE:TX	150	182	214	247	279
SMSA: ODESSA, TX					
COUNTY:ECTOR STATE:TX	150	182	214	247	279
NON SMSA					
COUNTY:ANDREWS STATE:TX	150	182	214	247	279
COUNTY:ARMSTRONG STATE:TX	136	165	194	224	253
COUNTY:BAILEY STATE:TX	142	173	203	234	265
COUNTY:BORDEN STATE:TX	150	182	214	247	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
LUBBOCK, TEXAS SERVICE OFFICE					
NON SMSA					
COUNTY: BREWSTER STATE: TX	150	182	214	247	279
COUNTY: BRISCOE STATE: TX	136	165	194	224	253
COUNTY: CARSON STATE: TX	136	165	194	224	253
COUNTY: CASTRO STATE: TX	136	165	194	224	253
COUNTY: CHILDRESS STATE: TX	156	190	224	257	291
COUNTY: COCHRAN STATE: TX	142	173	203	234	265
COUNTY: COLLINGSWORT STATE: TX	136	165	194	224	253
COUNTY: COTTLE STATE: TX	156	190	224	257	291
COUNTY: CRANE STATE: TX	150	182	214	247	279
COUNTY: CROSBY STATE: TX	142	173	203	234	265
COUNTY: CULBERSON STATE: TX	141	171	202	232	262
COUNTY: DALLAM STATE: TX	136	165	194	224	253

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
LUBBOCK, TEXAS SERVICE OFFICE					
NON SMSA					
COUNTY: DAWSON STATE: TX	150	182	214	247	279
COUNTY: DEAF SMITH STATE: TX	136	165	194	224	253
COUNTY: DICKENS STATE: TX	142	173	203	234	265
COUNTY: DONLEY STATE: TX	136	165	194	224	253
COUNTY: FISHER STATE: TX	142	173	203	234	265
COUNTY: FLOYD STATE: TX	142	173	203	234	265
COUNTY: GAINES STATE: TX	150	182	214	247	279
COUNTY: GARZA STATE: TX	142	173	203	234	265
COUNTY: GLASSCOCK STATE: TX	150	182	214	247	279
COUNTY: GRAY STATE: TX	136	165	194	224	253
COUNTY: HALE STATE: TX	142	173	203	234	265
COUNTY: HALL STATE: TX	136	165	194	224	253

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
LUBBOCK, TEXAS SERVICE OFFICE					
NON SMSA					
COUNTY: HANSFORD STATE: TX	136	165	194	224	253
COUNTY: HARTLEY STATE: TX	136	165	194	224	253
COUNTY: HEMPHILL STATE: TX	136	165	194	224	253
COUNTY: HOCKLEY STATE: TX	142	173	203	234	265
COUNTY: HOWARD STATE: TX	150	182	214	247	279
COUNTY: HUDSPETH STATE: TX	141	171	202	232	262
COUNTY: HUTCHINSON STATE: TX	136	165	194	224	253
COUNTY: JEFF DAVIS STATE: TX	141	171	202	232	262
COUNTY: KENT STATE: TX	142	173	203	234	265
COUNTY: KING STATE: TX	142	173	203	234	265
COUNTY: LAMB STATE: TX	142	173	203	234	265
COUNTY: LIPSCOMB STATE: TX	136	165	194	224	253

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
LUBBOCK, TEXAS SERVICE OFFICE					
NON SMSA					
COUNTY: LOVING STATE: TX	150	182	214	247	279
COUNTY: LYNN STATE: TX	142	173	203	234	265
COUNTY: MARTIN STATE: TX	150	182	214	247	279
COUNTY: MITCHELL STATE: TX	132	160	189	217	246
COUNTY: MOORE STATE: TX	136	165	194	224	253
COUNTY: MOTLEY STATE: TX	142	173	203	234	265
COUNTY: NOLAN STATE: TX	142	173	203	234	265
COUNTY: OCHILTREE STATE: TX	136	165	194	224	253
COUNTY: OLDHAM STATE: TX	136	165	194	224	253
COUNTY: PARMER STATE: TX	136	165	194	224	253
COUNTY: PECOS STATE: TX	150	182	214	247	279
COUNTY: PRESIDIO STATE: TX	141	171	202	232	262

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
LUBBOCK, TEXAS SERVICE OFFICE					
NON SMSA					
COUNTY:REEVES STATE:TX	150	182	214	247	279
COUNTY:ROBERTS STATE:TX	136	165	194	224	253
COUNTY:SCURRY STATE:TX	142	173	203	234	265
COUNTY:SHERMAN STATE:TX	136	165	194	224	253
COUNTY:STONEWALL STATE:TX	142	173	203	234	265
COUNTY:SWISHER STATE:TX	136	165	194	224	253
COUNTY:TERRELL STATE:TX	150	182	214	247	279
COUNTY:TERRY STATE:TX	142	173	203	234	265
COUNTY:UPTON STATE:TX	150	182	214	247	279
COUNTY:WARD STATE:TX	150	182	214	247	279
COUNTY:WHEELER STATE:TX	136	165	194	224	253
COUNTY:WINKLER STATE:TX	150	182	214	247	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
LUBBOCK, TEXAS SERVICE OFFICE					
NON SMSA					
COUNTY:YOAKUM STATE:TX	142	173	203	234	265

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SHREVEPORT, LOUISIANA SERVICE OFFICE					
SMSA: LONGVIEW-MARSHALL, TX					
COUNTY:HARRISON STATE:TX	129	157	185	213	241
NON SMSA					
COUNTY:CASS STATE:TX	113	137	161	185	210
COUNTY:MARION STATE:TX	120	146	172	198	224
COUNTY:MORRIS STATE:TX	113	137	161	185	210
COUNTY:PANOLA STATE:TX	120	146	172	198	224

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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					
SMSA: FAYETTEVILLE-SPRINGDALE, AR					
COUNTY:BENTON STATE:AR	137	167	196	226	255
COUNTY:WASHINGTON STATE:AR	137	167	196	226	255
SMSA: FORT SMITH, AR-OK					
COUNTY:CRAWFORD STATE:AR	119	145	170	196	222
COUNTY:SEBASTIAN STATE:AR	119	145	170	196	222
SMSA: LITTLE ROCK-NORTH LITTLE ROCK, AR					
COUNTY:PULASKI STATE:AR	164	199	235	270	305
COUNTY:SALINE STATE:AR	164	199	235	270	305
SMSA: MEMPHIS, TN-AR-MS					
COUNTY:CRITTENDEN STATE:AR	160	195	229	263	298
SMSA: PINE BLUFF, AR					
COUNTY:JEFFERSON STATE:AR	133	162	191	219	248
SMSA: TEXARKANA, TX-AR					
COUNTY:LITTLE RIVER STATE:AR	115	137	161	185	210
COUNTY:MILLER STATE:AR	115	137	161	185	210

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	133	162	191	219	248
COUNTY: ASHLEY STATE: AR	120	146	172	198	224
COUNTY: BAXTER STATE: AR	141	171	202	232	262
COUNTY: BOONE STATE: AR	141	171	202	232	262
COUNTY: BRADLEY STATE: AR	120	146	172	198	224
COUNTY: CALHOUN STATE: AR	120	146	172	198	224
COUNTY: CARROLL STATE: AR	141	171	202	232	262
COUNTY: CHICOT STATE: AR	120	146	172	198	224
COUNTY: CLARK STATE: AR	118	143	169	194	219
COUNTY: CLAY STATE: AR	132	160	189	217	246
COUNTY: CLEBURNE STATE: AR	118	143	169	194	219
COUNTY: CLEVELAND STATE: AR	133	162	191	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: COLUMBIA STATE: AR	120	146	172	198	224
COUNTY: CONWAY STATE: AR	118	143	169	194	219
COUNTY: CRAIGHEAD STATE: AR	132	160	189	217	246
COUNTY: CROSS STATE: AR	132	160	189	217	246
COUNTY: DALLAS STATE: AR	120	146	172	198	224
COUNTY: DESHA STATE: AR	120	146	172	198	224
COUNTY: DREW STATE: AR	120	146	172	198	224
COUNTY: FAULKNER STATE: AR	118	143	169	194	219
COUNTY: FRANKLIN STATE: AR	119	145	170	196	222
COUNTY: FULTON STATE: AR	118	143	169	194	219
COUNTY: GARLAND STATE: AR	118	143	169	194	219
COUNTY: GRANT STATE: AR	133	162	191	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	132	160	189	217	246
COUNTY: HEMPSTEAD STATE: AR	113	137	161	185	210
COUNTY: HOTSPRING STATE: AR	118	143	169	194	219
COUNTY: HOWARD STATE: AR	113	137	161	185	210
COUNTY: INDEPENDENCE STATE: AR	118	143	169	194	219
COUNTY: IZARD STATE: AR	118	143	169	194	219
COUNTY: JACKSON STATE: AR	133	162	191	219	248
COUNTY: JOHNSON STATE: AR	118	143	169	194	219
COUNTY: LAFAYETTE STATE: AR	113	137	161	185	210
COUNTY: LAWRENCE STATE: AR	132	160	189	217	246
COUNTY: LEE STATE: AR	132	160	189	217	246
COUNTY: LINCOLN STATE: AR	133	162	191	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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: LOGAN STATE: AR	119	145	170	196	222
COUNTY: LONOKE STATE: AR	133	162	191	219	248
COUNTY: MADISON STATE: AR	137	167	196	226	255
COUNTY: MARION STATE: AR	141	171	202	232	262
COUNTY: MISSISSIPPI STATE: AR	132	160	189	217	246
COUNTY: MONROE STATE: AR	133	162	191	219	248
COUNTY: MONTGOMERY STATE: AR	118	143	169	194	219
COUNTY: NEVADA STATE: AR	113	137	161	185	210
COUNTY: NEWTON STATE: AR	141	171	202	232	262
COUNTY: OUACHITA STATE: AR	120	146	172	198	224
COUNTY: PERRY STATE: AR	118	143	169	194	219
COUNTY: PHILLIPS STATE: AR	132	160	189	217	246

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	118	143	169	194	219
COUNTY: POINSETT STATE: AR	132	160	189	217	246
COUNTY: POLK STATE: AR	119	145	170	196	222
COUNTY: POPE STATE: AR	118	143	169	194	219
COUNTY: PRAIRIE STATE: AR	133	162	191	219	248
COUNTY: RANDOLPH STATE: AR	132	160	189	217	246
COUNTY: ST FRANCIS STATE: AR	132	160	189	217	246
COUNTY: SCOTT STATE: AR	119	145	170	196	222
COUNTY: SEARCY STATE: AR	141	171	202	232	262
COUNTY: SEVIER STATE: AR	113	137	161	185	210
COUNTY: SHARP STATE: AR	118	143	169	194	219
COUNTY: STONE STATE: AR	118	143	169	194	219

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: UNION STATE: AR	120	146	172	198	224
COUNTY: VAN BUREN STATE: AR	118	143	169	194	219
COUNTY: WHITE STATE: AR	133	162	191	219	248
COUNTY: WOODRUFF STATE: AR	133	162	191	219	246
COUNTY: YELL STATE: AR	119	145	170	196	222

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	203	246	290	333	377
PARISH:E BATON ROUG STATE:LA	203	246	290	333	377
PARISH:LIVINGSTON STATE:LA	203	246	290	333	377
PARISH:W BATON ROUG STATE:LA	203	246	290	333	377
SMSA: LAFAYETTE, LA					
PARISH:LAFAYETTE STATE:LA	132	151	181	211	241
SMSA: LAKE CHARLES, LA					
PARISH:CALCASIEU STATE:LA	154	187	220	253	286
SMSA: NEW ORLEANS, LA					
PARISH:JEFFERSON STATE:LA	173	210	247	284	321
PARISH:ORLEANS STATE:LA	173	210	247	284	321
PARISH:ST BERNARD STATE:LA	173	210	247	284	321
PARISH:ST TAMMANY STATE:LA	173	210	247	284	321
NON SMSA					
PARISH:ACADIA STATE:LA	122	148	174	200	226

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:ALLEN STATE:LA	154	187	220	253	286
PARISH:ASSUMPTION STATE:LA	136	165	194	224	253
PARISH:BEAUREGARD STATE:LA	154	187	220	253	286
PARISH:CAMERON STATE:LA	154	187	220	253	286
PARISH:E FELICIANA STATE:LA	122	148	174	200	226
PARISH:EVANGELINE STATE:LA	122	148	174	200	226
PARISH:IBERIA STATE:LA	122	148	174	200	226
PARISH:IBERVILLE STATE:LA	122	148	174	200	226
PARISH:JEFFERSON DA STATE:LA	154	187	220	253	286
PARISH:LAFOURCHE STATE:LA	136	165	194	224	253
PARISH:PLAQUEMINES STATE:LA	136	165	194	224	253
PARISH:POINTE COUPE STATE:LA	122	148	174	200	226

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	136	165	194	224	253
PARISH:ST HELENA STATE:LA	122	148	174	200	226
PARISH:ST JAMES STATE:LA	136	165	194	224	253
PARISH:ST JOHN THE STATE:LA	136	165	194	224	253
PARISH:ST LANDRY STATE:LA	122	148	174	200	226
PARISH:ST MARTIN STATE:LA	122	148	174	200	226
PARISH:ST MARY STATE:LA	122	148	174	200	226
PARISH:TANGIPAHOA STATE:LA	114	137	161	185	210
PARISH:TERREBONNE STATE:LA	136	165	194	224	253
PARISH:VERMILION STATE:LA	122	148	174	200	226
PARISH:WASHINGTON STATE:LA	114	137	161	185	210
PARISH:W FELICIANA STATE:LA	122	148	174	200	226

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SHREVEPORT, LOUISIANA SERVICE OFFICE					
SMSA: ALEXANDRIA, LA					
PARISH:GRANT STATE:LA	129	157	185	213	241
PARISH:RAPIDES STATE:LA	129	157	185	213	241
SMSA: MONROE, LA					
PARISH:OUACHITA STATE:LA	129	157	185	213	241
SMSA: SHREVEPORT, LA					
PARISH:BOSSIER STATE:LA	159	193	227	262	296
PARISH:CADDO STATE:LA	159	193	227	262	296
PARISH:WEBSTER STATE:LA	159	193	227	262	296
NON SMSA					
PARISH:AVOYELLES STATE:LA	129	157	185	213	241
PARISH:BIENVILLE STATE:LA	120	146	172	198	224
PARISH:CALDWELL STATE:LA	129	157	185	213	241
PARISH:CATAHOULA STATE:LA	129	157	185	213	241
PARISH:CLAIBORNE STATE:LA	120	146	172	198	224

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SHREVEPORT, LOUISIANA SERVICE OFFICE					
NON SMSA					
PARISH:CONCORDIA STATE:LA	122	148	174	200	226
PARISH:DE SOTO STATE:LA	120	146	172	198	224
PARISH:EAST CARROLL STATE:LA	129	157	185	213	241
PARISH:FRANKLIN STATE:LA	129	157	185	213	241
PARISH:JACKSON STATE:LA	129	157	185	213	241
PARISH:LA SALLE STATE:LA	129	157	185	213	241
PARISH:LINCOLN STATE:LA	129	157	185	213	241
PARISH:MADISON STATE:LA	129	157	185	213	241
PARISH:MOREHOUSE STATE:LA	129	157	185	213	241
PARISH:NATCHITOCHES STATE:LA	120	146	172	198	224
PARISH:RED RIVER STATE:LA	120	146	172	198	224
PARISH:RICHLAND STATE:LA	129	157	185	213	241

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SHREVEPORT, LOUISIANA SERVICE OFFICE					
NON SMSA					
PARISH:SABINE STATE:LA	120	146	172	198	224
PARISH:TENSAS STATE:LA	129	157	185	213	241
PARISH:UNION STATE:LA	129	157	185	213	241
PARISH:VERNON STATE:LA	154	187	220	253	286
PARISH:WEST CARROLL STATE:LA	129	157	185	213	241
PARISH:WINN STATE:LA	129	157	185	213	241

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: LAWTON, OK					
COUNTY:COMANCHE STATE:OK	156	190	224	257	291
SMSA: OKLAHOMA CITY, OK					
COUNTY:CANADIAN STATE:OK	160	194	228	262	296
COUNTY:CLEVELAND STATE:OK	160	194	228	262	296
COUNTY:MCCLAIN STATE:OK	160	194	228	262	296
COUNTY:OKLAHOMA STATE:OK	160	194	228	262	296
COUNTY:POTTAWATOMIE STATE:OK	160	194	228	262	296
NON SMSA					
COUNTY:ALFALFA STATE:OK	131	159	187	215	243
COUNTY:BEAVER STATE:OK	136	165	194	224	253
COUNTY:BECKHAM STATE:OK	131	159	187	215	243
COUNTY:BLAINE STATE:OK	131	159	187	215	243
COUNTY:CADDO STATE:OK	156	190	224	257	291

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:CARTER STATE:OK	115	134	159	186	205
COUNTY:CIMARRON STATE:OK	136	165	194	224	253
COUNTY:COTTON STATE:OK	156	190	224	257	291
COUNTY:CUSTER STATE:OK	131	159	187	215	243
COUNTY:DEWEY STATE:OK	131	159	187	215	243
COUNTY:ELLIS STATE:OK	131	159	187	215	243
COUNTY:GARFIELD STATE:OK	131	159	187	215	243
COUNTY:GARVIN STATE:OK	110	134	158	181	205
COUNTY:GRADY STATE:OK	115	134	159	186	205
COUNTY:GRANT STATE:OK	131	159	187	215	243
COUNTY:GREER STATE:OK	156	190	224	257	291
COUNTY:HARMON STATE:OK	156	190	224	257	291

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE					
NON SMSA					
COUNTY:HARPER STATE:OK	131	159	187	215	243
COUNTY:JACKSON STATE:OK	156	190	224	257	291
COUNTY:JEFFERSON STATE:OK	156	190	224	257	291
COUNTY:JOHNSTON STATE:OK	110	134	158	181	205
COUNTY:KAY STATE:OK	128	156	183	211	238
COUNTY:KINGFISHER STATE:OK	131	159	187	215	243
COUNTY:KIOWA STATE:OK	156	190	224	257	291
COUNTY:LINCOLN STATE:OK	131	159	187	215	243
COUNTY:LOGAN STATE:OK	131	159	187	215	243
COUNTY:LOVE STATE:OK	110	134	158	181	205
COUNTY:MAJOR STATE:OK	131	159	187	215	243
COUNTY:MARSHALL STATE:OK	137	167	196	226	255

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:MURRAY STATE:OK	115	134	159	186	205
COUNTY:NOBLE STATE:OK	131	159	187	215	243
COUNTY:PAYNE STATE:OK	135	156	187	218	240
COUNTY:PONTOTOC STATE:OK	115	134	159	186	205
COUNTY:ROGER MILLS STATE:OK	131	159	187	215	243
COUNTY:SEMINOLE STATE:OK	110	134	158	181	205
COUNTY:STEPHENS STATE:OK	156	190	224	257	291
COUNTY:TEXAS STATE:OK	136	165	194	224	253
COUNTY:TILLMAN STATE:OK	156	190	224	257	291
COUNTY:WASHITA STATE:OK	131	159	187	215	243
COUNTY:WOODS STATE:OK	131	159	187	215	243
COUNTY:WOODWARD STATE:OK	131	159	187	215	243

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
TULSA, OKLAHOMA SERVICE OFFICE					
SMSA: FORT SMITH, AR-OK					
COUNTY: LE FLORE STATE: OK	119	145	170	196	222
COUNTY: SEQUOYAH STATE: OK	119	145	170	196	222
SMSA: TULSA, OK					
COUNTY: CREEK STATE: OK	168	204	240	276	312
COUNTY: MAYES STATE: OK	168	204	240	276	312
COUNTY: OSAGE STATE: OK	168	204	240	276	312
COUNTY: ROGERS STATE: OK	168	204	240	276	312
COUNTY: TULSA STATE: OK	168	204	240	276	312
COUNTY: WAGONER STATE: OK	168	204	240	276	312
NON SMSA					
COUNTY: ADAIR STATE: OK	137	167	196	226	255
COUNTY: ATOKA STATE: OK	110	134	158	181	205
COUNTY: BRYAN STATE: OK	137	167	196	226	255

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 6	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
TULSA, OKLAHOMA SERVICE OFFICE					
NON SMSA					
COUNTY: CHEROKEE STATE: OK	137	167	196	226	255
COUNTY: CHOCTAW STATE: OK	113	137	161	185	210
COUNTY: COAL STATE: OK	110	134	158	181	205
COUNTY: CRAIG STATE: OK	123	149	176	202	229
COUNTY: DELAWARE STATE: OK	137	167	196	226	255
COUNTY: HASKELL STATE: OK	119	145	170	196	222
COUNTY: HUGHES STATE: OK	110	134	158	181	205
COUNTY: LATIMER STATE: OK	119	145	170	196	222
COUNTY: MCCURTAIN STATE: OK	113	137	161	185	210
COUNTY: MCINTOSH STATE: OK	128	156	183	211	238
COUNTY: MUSKOGEE STATE: OK	137	167	196	226	255
COUNTY: NOWATA STATE: OK	128	156	183	211	238

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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
TULSA, OKLAHOMA SERVICE OFFICE					
NON SMSA					
COUNTY: OKFUSKEE STATE: OK	131	159	187	215	243
COUNTY: OKMULGEE STATE: OK	128	156	183	211	238
COUNTY: OTTAWA STATE: OK	123	149	176	202	229
COUNTY: PAWNEE STATE: OK	128	156	183	211	238
COUNTY: PITTSBURG STATE: OK	119	145	170	196	222
COUNTY: PUSHMATAHA STATE: OK	119	145	170	196	222
COUNTY: WASHINGTON STATE: OK	128	156	183	211	238

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: AUSTIN, TX					
COUNTY: HAYS STATE: TX	225	273	321	369	418
COUNTY: TRAVIS STATE: TX	225	273	321	369	418
COUNTY: WILLIAMSON STATE: TX	225	273	321	369	418
SMSA: BROWNSVILLE-HARLINGEN-SAN BENITO, TX					
COUNTY: CAMERON STATE: TX	137	159	189	221	244
SMSA: CORPUS CHRISTI, TX					
COUNTY: NUECES STATE: TX	164	199	235	270	305
COUNTY: SAN PATRICIO STATE: TX	164	199	235	270	305
SMSA: LAREDO, TX					
COUNTY: WEBB STATE: TX	173	210	248	285	322
SMSA: MC ALLEN-PHARR-EDINBURG, TX					
COUNTY: HIDALGO STATE: TX	137	159	189	221	244
SMSA: SAN ANTONIO, TX					
COUNTY: BEXAR STATE: TX	186	226	266	306	346
COUNTY: COMAL STATE: TX	186	226	266	306	346

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	186	226	266	306	346
NON SMSA					
COUNTY: ARANSAS STATE: TX	173	210	248	285	322
COUNTY: ATASCOSA STATE: TX	138	168	198	228	257
COUNTY: BANDERA STATE: TX	158	192	226	259	293
COUNTY: BASTROP STATE: TX	147	179	211	243	274
COUNTY: BEE STATE: TX	173	210	248	285	322
COUNTY: BLANCO STATE: TX	147	179	211	243	274
COUNTY: BROOKS STATE: TX	173	210	248	285	322
COUNTY: BURNET STATE: TX	147	179	211	243	274
COUNTY: CALDWELL STATE: TX	147	179	211	243	274
COUNTY: CALHOUN STATE: TX	138	168	198	228	257

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: DE WITT STATE: TX	138	168	198	228	257
COUNTY: DIMMIT STATE: TX	173	210	248	285	322
COUNTY: DUVAL STATE: TX	173	210	248	285	322
COUNTY: EDWARDS STATE: TX	138	168	198	228	257
COUNTY: FAYETTE STATE: TX	146	178	209	240	272
COUNTY: FRIO STATE: TX	138	168	198	228	257
COUNTY: GILLESPIE STATE: TX	138	168	198	228	257
COUNTY: GOLIAD STATE: TX	138	168	198	228	257
COUNTY: GONZALES STATE: TX	138	168	198	228	257
COUNTY: JACKSON STATE: TX	138	168	198	228	257
COUNTY: JIM HOGG STATE: TX	173	210	248	285	322
COUNTY: JIM WELLS STATE: TX	173	210	248	285	322

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:KARNES STATE:TX	138	168	198	228	257
COUNTY:KENDALL STATE:TX	138	168	198	228	257
COUNTY:KENEDY STATE:TX	173	210	248	285	322
COUNTY:KERR STATE:TX	138	168	198	228	257
COUNTY:KINNEY STATE:TX	138	168	198	228	257
COUNTY:KLEBERG STATE:TX	173	210	248	285	322
COUNTY:LA SALLE STATE:TX	173	210	248	285	322
COUNTY:LAUACA STATE:TX	138	168	198	228	257
COUNTY:LEE STATE:TX	147	179	211	243	274
COUNTY:LIVE OAK STATE:TX	173	210	248	285	322
COUNTY:LLANO STATE:TX	147	179	211	243	274
COUNTY:MCMULLEN STATE:TX	173	210	248	285	322

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:MAVERICK STATE:TX	138	168	198	228	257
COUNTY:MEDINA STATE:TX	138	168	198	228	257
COUNTY:REAL STATE:TX	138	168	198	228	257
COUNTY:REFUGIO STATE:TX	173	210	248	285	322
COUNTY:STARR STATE:TX	173	210	248	285	322
COUNTY:UVALDE STATE:TX	138	168	198	228	257
COUNTY:VAL VERDE STATE:TX	138	168	198	228	257
COUNTY:VICTORIA STATE:TX	138	173	210	230	257
COUNTY:WILLACY STATE:TX	173	210	248	285	322
COUNTY:WILSON STATE:TX	138	168	198	228	257
COUNTY:ZAPATA STATE:TX	173	210	248	285	322
COUNTY:ZAVALA STATE:TX	138	168	198	228	257

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	171	207	244	281	317
COUNTY:CLAY STATE:MO	171	207	244	281	317
COUNTY:JACKSON STATE:MO	171	207	244	281	317
COUNTY:PLATTE STATE:MO	171	207	244	281	317
COUNTY:RAY STATE:MO	171	207	244	281	317
COUNTY:JOHNSON STATE:KS	171	207	244	281	317
COUNTY:WYANDOTTE STATE:KS	171	207	244	281	317
SMSA: ST JOSEPH, MO					
COUNTY:ANDREW STATE:MO	124	151	177	204	231
COUNTY:BUCHANEN STATE:MO	124	151	177	204	231
SMSA: SPRINGFIELD, MO					
COUNTY:CHRISTIAN STATE:MO	122	148	174	200	227
COUNTY:GREENE STATE:MO	122	148	174	200	227

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:ATCHISON STATE:MO	124	151	177	204	231
COUNTY:BARRY STATE:MO	122	148	174	200	227
COUNTY:BARTON STATE:MO	107	130	153	176	198
COUNTY:BATES STATE:MO	124	151	177	204	231
COUNTY:BENTON STATE:MO	124	151	177	204	231
COUNTY:CALDWELL STATE:MO	124	151	177	204	231
COUNTY:CAMDEN STATE:MO	150	182	214	247	279
COUNTY:CARROLL STATE:MO	124	151	177	204	231
COUNTY:CEDAR STATE:MO	107	130	153	176	198
COUNTY:CHARITON STATE:MO	150	182	214	247	279
COUNTY:CLINTON STATE:MO	124	151	177	204	231
COUNTY:DADE STATE:MO	122	148	174	200	227

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	122	148	174	200	227
COUNTY: DAVIESS STATE: MO	124	151	177	204	231
COUNTY: DE KALB STATE: MO	124	151	177	204	231
COUNTY: GENTRY STATE: MO	124	151	177	204	231
COUNTY: GRUNDY STATE: MO	124	151	177	204	231
COUNTY: HARRISON STATE: MO	124	151	177	204	231
COUNTY: HENRY STATE: MO	124	151	177	204	231
COUNTY: HICKORY STATE: MO	122	148	174	200	227
COUNTY: HOLT STATE: MO	124	151	177	204	231
COUNTY: JASPER STATE: MO	107	130	153	176	198
COUNTY: JOHNSON STATE: MO	124	151	177	204	231
COUNTY: LACLEDE STATE: MO	133	161	190	218	247

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: LAFAYETTE STATE: MO	124	151	177	204	231
COUNTY: LAWRENCE STATE: MO	122	148	174	200	227
COUNTY: LINN STATE: MO	150	182	214	247	279
COUNTY: LIVINGSTON STATE: MO	124	151	177	204	231
COUNTY: MCDONALD STATE: MO	107	130	153	176	198
COUNTY: MERCER STATE: MO	124	151	177	204	231
COUNTY: MILLER STATE: MO	150	182	214	247	279
COUNTY: MORGAN STATE: MO	150	182	214	247	279
COUNTY: NEWTON STATE: MO	107	130	153	176	198
COUNTY: NODAWAY STATE: MO	124	151	177	204	231
COUNTY: PETTIS STATE: MO	124	151	177	204	231
COUNTY: POLK STATE: MO	122	148	174	200	227

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: PULASKI STATE: MO	133	161	190	218	247
COUNTY: PUTNAM STATE: MO	150	182	214	247	279
COUNTY: ST CLAIR STATE: MO	107	130	153	176	198
COUNTY: SALINE STATE: MO	124	151	177	204	231
COUNTY: STONE STATE: MO	122	148	174	200	227
COUNTY: SULLIVAN STATE: MO	150	182	214	247	279
COUNTY: TANEY STATE: MO	122	148	174	200	227
COUNTY: VERNON STATE: MO	107	130	153	176	198
COUNTY: WEBSTER STATE: MO	122	148	174	200	227
COUNTY: WORTH STATE: MO	124	151	177	204	231

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
TOPEKA, KANSAS VALUATION AND ENDORSEMENT STATION					
SMSA: LAWRENCE, KS					
COUNTY: DOUGLAS STATE: KS	161	195	230	264	299
SMSA: TOPEKA, KS					
COUNTY: JEFFERSON STATE: KS	161	195	230	264	299
COUNTY: OSAGE STATE: KS	161	195	230	264	299
COUNTY: SHAWNEE STATE: KS	161	195	230	264	299
SMSA: WICHITA, KS					
COUNTY: BUTLER STATE: KS	144	174	205	236	266
COUNTY: SEDGWICK STATE: KS	144	174	205	236	266
NON SMSA					
COUNTY: ALLEN STATE: KS	107	130	153	176	198
COUNTY: ANDERSON STATE: KS	129	157	185	213	241
COUNTY: ATCHISON STATE: KS	129	157	185	213	241
COUNTY: BARBER STATE: KS	114	139	163	188	213
COUNTY: BARTON STATE: KS	123	149	176	202	229

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
TOPEKA, KANSAS VALUATION AND ENDORSEMENT STATION					
NON SMSA					
COUNTY: BOURBON STATE: KS	107	130	153	176	198
COUNTY: BROWN STATE: KS	129	157	185	213	241
COUNTY: CHASE STATE: KS	114	139	163	188	213
COUNTY: CHAUTAUQUA STATE: KS	114	139	163	188	213
COUNTY: CHEROKEE STATE: KS	107	130	153	176	198
COUNTY: CHEYENNE STATE: KS	123	149	176	202	229
COUNTY: CLARK STATE: KS	114	139	163	188	213
COUNTY: CLAY STATE: KS	123	149	176	202	229
COUNTY: CLOUD STATE: KS	123	149	176	202	229
COUNTY: COFFEY STATE: KS	129	157	185	213	241
COUNTY: COMANCHE STATE: KS	114	139	163	188	213
COUNTY: COWLEY STATE: KS	114	139	163	188	213

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
TOPEKA, KANSAS VALUATION AND ENDORSEMENT STATION					
NON SMSA					
COUNTY: CRAWFORD STATE: KS	107	130	153	176	198
COUNTY: DECATUR STATE: KS	123	149	176	202	229
COUNTY: DICKINSON STATE: KS	123	149	176	202	229
COUNTY: DONIPHAN STATE: KS	129	157	185	213	241
COUNTY: EDWARDS STATE: KS	114	139	163	188	213
COUNTY: ELK STATE: KS	114	139	163	188	213
COUNTY: ELLIS STATE: KS	123	149	176	202	229
COUNTY: ELLSWORTH STATE: KS	123	149	176	202	229
COUNTY: FINNEY STATE: KS	114	139	163	188	213
COUNTY: FORD STATE: KS	114	139	163	188	213
COUNTY: FRANKLIN STATE: KS	129	157	185	213	241
COUNTY: GEARY STATE: KS	129	157	185	213	241

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
TOPEKA, KANSAS VALUATION AND ENDORSEMENT STATION					
NON SMSA					
COUNTY:GOVE STATE:KS	123	149	176	202	229
COUNTY:GRAHAM STATE:KS	123	149	176	202	229
COUNTY:GRANT STATE:KS	114	139	163	188	213
COUNTY:GRAY STATE:KS	114	139	163	188	213
COUNTY:GREELEY STATE:KS	123	149	176	202	229
COUNTY:GREENWOOD STATE:KS	114	139	163	188	213
COUNTY:HAMILTON STATE:KS	114	139	163	188	213
COUNTY:HARPER STATE:KS	114	139	163	188	213
COUNTY:HARVEY STATE:KS	114	139	163	188	213
COUNTY:HASKELL STATE:KS	114	139	163	188	213
COUNTY:HODGEMAN STATE:KS	114	139	163	188	213
COUNTY:JACKSON STATE:KS	129	157	185	213	241

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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
TOPEKA, KANSAS VALUATION AND ENDORSEMENT STATION					
NON SMSA					
COUNTY:JEWELL STATE:KS	123	149	176	202	229
COUNTY:KEARNY STATE:KS	114	139	163	188	213
COUNTY:KINGMAN STATE:KS	114	139	163	188	213
COUNTY:KIOWA STATE:KS	114	139	163	188	213
COUNTY:LABETTE STATE:KS	107	130	153	176	198
COUNTY:LANE STATE:KS	123	149	176	202	229
COUNTY:LEAVENWORTH STATE:KS	161	195	230	264	299
COUNTY:LINCOLN STATE:KS	123	149	176	202	229
COUNTY:LINN STATE:KS	129	157	185	213	241
COUNTY:LOGAN STATE:KS	123	149	176	202	229
COUNTY:LYON STATE:KS	129	157	185	213	241
COUNTY:MCPHERSON STATE:KS	123	149	176	202	229

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
TOPEKA, KANSAS VALUATION AND ENDORSEMENT STATION					
NON SMSA					
COUNTY:MARION STATE:KS	114	139	163	188	213
COUNTY:MARSHALL STATE:KS	129	157	185	213	241
COUNTY:MEADE STATE:KS	114	139	163	188	213
COUNTY:MIAMI STATE:KS	129	157	185	213	241
COUNTY:MITCHELL STATE:KS	123	149	176	202	229
COUNTY:MONTGOMERY STATE:KS	107	130	153	176	198
COUNTY:MORRIS STATE:KS	123	149	176	202	229
COUNTY:MORTON STATE:KS	114	139	163	188	213
COUNTY:NEMAHA STATE:KS	129	157	185	213	241
COUNTY:NEOSHO STATE:KS	107	130	153	176	198
COUNTY:NESS STATE:KS	123	149	176	202	229
COUNTY:NORTON STATE:KS	123	149	176	202	229

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
TOPEKA, KANSAS VALUATION AND ENDORSEMENT STATION					
NON SMSA					
COUNTY:OSBORNE STATE:KS	123	149	176	202	229
COUNTY:OTTAWA STATE:KS	123	149	176	202	229
COUNTY:PAWNEE STATE:KS	114	139	163	188	213
COUNTY:PHILLIPS STATE:KS	123	149	176	202	229
COUNTY:POTTAWATOMIE STATE:KS	129	157	185	213	241
COUNTY:PRATT STATE:KS	114	139	163	188	213
COUNTY:RAWLINS STATE:KS	123	149	176	202	229
COUNTY:RENO STATE:KS	114	139	163	188	213
COUNTY:REPUBLIC STATE:KS	123	149	176	202	229
COUNTY:RICE STATE:KS	123	149	176	202	229
COUNTY:RILEY STATE:KS	141	162	195	217	241
COUNTY:ROOKS STATE:KS	123	149	176	202	229

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
TOPEKA, KANSAS VALUATION AND ENDORSEMENT STATION					
NON SMSA					
COUNTY: RUSH STATE: KS	123	149	176	202	229
COUNTY: RUSSELL STATE: KS	123	149	176	202	229
COUNTY: SALINE STATE: KS	123	149	176	202	229
COUNTY: SCOTT STATE: KS	123	149	176	202	229
COUNTY: SEWARD STATE: KS	114	139	163	188	213
COUNTY: SHERIDAN STATE: KS	123	149	176	202	229
COUNTY: SHERMAN STATE: KS	123	149	176	202	229
COUNTY: SMITH STATE: KS	123	149	176	202	229
COUNTY: STAFFORD STATE: KS	114	139	163	188	213
COUNTY: STANTON STATE: KS	114	139	163	188	213
COUNTY: STEVENS STATE: KS	114	139	163	188	213
COUNTY: SUMNER STATE: KS	114	139	163	188	213

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
TOPEKA, KANSAS VALUATION AND ENDORSEMENT STATION					
NON SMSA					
COUNTY: THOMAS STATE: KS	123	149	176	202	229
COUNTY: TREGO STATE: KS	123	149	176	202	229
COUNTY: WABAUNSEE STATE: KS	129	157	185	213	241
COUNTY: WALLACE STATE: KS	123	149	176	202	229
COUNTY: WASHINGTON STATE: KS	129	157	185	213	241
COUNTY: WICHITA STATE: KS	123	149	176	202	229
COUNTY: WILSON STATE: KS	107	130	153	176	198
COUNTY: WOODSON STATE: KS	107	130	153	176	198

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
DES MOINES, IOWA SERVICE OFFICE					
SMSA: CEDAR RAPIDS, IA COUNTY: LINN STATE: IA	182	222	261	300	339
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL COUNTY: SCOTT STATE: IA	183	223	262	302	341
SMSA: DES MOINES, IA COUNTY: POLK STATE: IA	193	235	276	318	359
COUNTY: WARREN STATE: IA	193	235	276	318	359
SMSA: DUBUQUE, IA COUNTY: DUBUQUE STATE: IA	139	169	212	240	274
SMSA: OMAHA, NE-IA COUNTY: POTTAWATTAMI STATE: IA	176	219	251	289	326
SMSA: SIOUX CITY, IA-NE COUNTY: WOODBURY STATE: IA	137	170	203	246	279
SMSA: WATERLOO-CEDAR FALLS, IA COUNTY: BLACK HAWK STATE: IA	152	185	231	272	328
NON SMSA COUNTY: ADAIR STATE: IA	142	173	204	234	265

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
DES MOINES, IOWA SERVICE OFFICE					
NON SMSA					
COUNTY: ADAMS STATE: IA	136	165	194	224	253
COUNTY: ALLAMAKEE STATE: IA	139	169	199	229	259
COUNTY: APPANOOSE STATE: IA	142	173	204	234	265
COUNTY: AUDUBON STATE: IA	136	165	194	224	253
COUNTY: BENTON STATE: IA	182	222	261	300	339
COUNTY: BOONE STATE: IA	142	173	204	234	265
COUNTY: BREMER STATE: IA	152	185	217	250	283
COUNTY: BUCHANAN STATE: IA	152	185	217	250	283
COUNTY: BUENA VISTA STATE: IA	136	165	194	224	253
COUNTY: BUTLER STATE: IA	152	185	217	250	283
COUNTY: CALHOUN STATE: IA	136	165	194	224	253
COUNTY: CARROLL STATE: IA	136	165	194	224	253

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
DES MOINES, IOWA SERVICE OFFICE					
NON SMSA					
COUNTY:CASS STATE:IA	136	165	194	224	253
COUNTY:CEDAR STATE:IA	182	222	261	300	339
COUNTY:CERRO GORDO STATE:IA	152	185	217	250	283
COUNTY:CHEROKEE STATE:IA	137	166	196	225	255
COUNTY:CHICKASAW STATE:IA	152	185	217	250	283
COUNTY:CLARKE STATE:IA	142	173	204	234	265
COUNTY:CLAY STATE:IA	136	165	194	224	253
COUNTY:CLAYTON STATE:IA	139	169	199	229	259
COUNTY:CLINTON STATE:IA	154	187	221	254	287
COUNTY:CRAWFORD STATE:IA	137	166	196	225	255
COUNTY:DALLAS STATE:IA	142	173	204	234	265
COUNTY:DAVIS STATE:IA	142	173	204	234	265

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
DES MOINES, IOWA SERVICE OFFICE					
NON SMSA					
COUNTY:DECATUR STATE:IA	142	173	204	234	265
COUNTY:DELAWARE STATE:IA	139	169	199	229	259
COUNTY:DES MOINES STATE:IA	140	170	203	231	261
COUNTY:DICKINSON STATE:IA	149	165	194	224	253
COUNTY:EMMET STATE:IA	136	165	194	224	253
COUNTY:FAYETTE STATE:IA	152	185	217	250	283
COUNTY:FLOYD STATE:IA	152	185	217	250	283
COUNTY:FRANKLIN STATE:IA	152	185	217	250	283
COUNTY:FREMONT STATE:IA	136	165	194	224	253
COUNTY:GREENE STATE:IA	136	165	194	224	253
COUNTY:GRUNDY STATE:IA	152	185	217	250	283
COUNTY:GUTHRIE STATE:IA	136	165	194	224	253

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
DES MOINES, IOWA SERVICE OFFICE					
NON SMSA					
COUNTY: HAMILTON STATE: IA	136	165	194	224	253
COUNTY: HANCOCK STATE: IA	152	185	217	250	283
COUNTY: HARDIN STATE: IA	152	185	217	250	283
COUNTY: HARRISON STATE: IA	136	165	194	224	253
COUNTY: HENRY STATE: IA	140	170	200	231	261
COUNTY: HOWARD STATE: IA	139	169	199	229	259
COUNTY: HUMBOLDT STATE: IA	136	165	194	224	253
COUNTY: IDA STATE: IA	137	166	196	225	255
COUNTY: IOWA STATE: IA	182	222	261	300	339
COUNTY: JACKSON STATE: IA	139	169	199	229	259
COUNTY: JASPER STATE: IA	142	173	204	234	265
COUNTY: JEFFERSON STATE: IA	142	173	204	234	265

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
DES MOINES, IOWA SERVICE OFFICE					
NON SMSA					
COUNTY: JOHNSON STATE: IA	182	222	261	300	339
COUNTY: JONES STATE: IA	182	222	261	300	339
COUNTY: KEOKUK STATE: IA	142	173	204	234	265
COUNTY: KOSSUTH STATE: IA	152	185	217	250	283
COUNTY: LEE STATE: IA	140	170	200	231	261
COUNTY: LOUISA STATE: IA	154	187	221	254	287
COUNTY: LUCAS STATE: IA	142	173	204	234	265
COUNTY: LYON STATE: IA	152	185	217	250	283
COUNTY: MADISON STATE: IA	142	173	204	234	265
COUNTY: MAHASKA STATE: IA	142	173	204	234	265
COUNTY: MARION STATE: IA	142	173	204	234	265
COUNTY: MARSHALL STATE: IA	142	173	204	234	265

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DES MOINES, IOWA SERVICE OFFICE					
NON SMSA					
COUNTY:MILLS STATE:IA	136	165	194	224	253
COUNTY:MITCHELL STATE:IA	152	185	217	250	283
COUNTY:MONONA STATE:IA	137	166	196	225	255
COUNTY:MONROE STATE:IA	142	173	204	234	265
COUNTY:MONTGOMERY STATE:IA	136	165	194	224	253
COUNTY:MUSCATINE STATE:IA	154	187	221	254	287
COUNTY:O BRIEN STATE:IA	137	166	196	225	255
COUNTY:OSCEOLA STATE:IA	152	185	217	250	283
COUNTY:PAGE STATE:IA	136	165	194	224	253
COUNTY:PALO ALTO STATE:IA	136	165	199	229	253
COUNTY:PLYMOUTH STATE:IA	137	166	196	225	255
COUNTY:POCAHONTAS STATE:IA	136	165	194	224	253

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
DES MOINES, IOWA SERVICE OFFICE					
NON SMSA					
COUNTY:POWESHIEK STATE:IA	142	173	204	234	265
COUNTY:RINGGOLD STATE:IA	142	173	204	234	265
COUNTY:SAC STATE:IA	136	165	194	224	253
COUNTY:SHELBY STATE:IA	136	165	194	224	253
COUNTY:SIOUX STATE:IA	137	166	196	225	255
COUNTY:STORY STATE:IA	142	173	204	234	265
COUNTY:TAMA STATE:IA	142	173	204	234	265
COUNTY:TAYLOR STATE:IA	136	165	194	224	253
COUNTY:UNION STATE:IA	142	173	204	234	265
COUNTY:VAN BUREN STATE:IA	142	173	204	234	265
COUNTY:WAPELLO STATE:IA	142	173	204	234	265
COUNTY:WASHINGTON STATE:IA	154	187	221	254	287

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
DES MOINES, IOWA SERVICE OFFICE					
NON SMSA					
COUNTY: WAYNE STATE: IA	142	173	204	234	265
COUNTY: WEBSTER STATE: IA	150	173	223	236	260
COUNTY: WINNEBAGO STATE: IA	152	185	217	250	283
COUNTY: WINNESHIEK STATE: IA	139	169	199	229	259
COUNTY: WORTH STATE: IA	152	185	217	250	283
COUNTY: WRIGHT STATE: IA	136	165	194	224	253

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE					
SMSA: LINCOLN, NE					
COUNTY: LANCASTER STATE: NE	159	192	215	244	276
SMSA: OMAHA, NE-IA					
COUNTY: DOUGLAS STATE: NE	176	213	251	289	326
COUNTY: SARPY STATE: NE	176	213	251	289	326
SMSA: SIOUX CITY, IA-NE					
COUNTY: DAKOTA STATE: NE	137	170	203	246	279
NON SMSA					
COUNTY: ADAMS STATE: NE	130	159	187	215	243
COUNTY: ANTELOPE STATE: NE	130	159	187	215	243
COUNTY: ARTHUR STATE: NE	130	159	187	215	243
COUNTY: BANNER STATE: NE	128	156	183	211	239
COUNTY: BLAINE STATE: NE	130	159	187	215	243
COUNTY: BOONE STATE: NE	130	159	187	215	243
COUNTY: BOX BUTTE STATE: NE	128	156	183	211	239

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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: BOYD STATE: NE	130	159	187	215	243
COUNTY: BROWN STATE: NE	130	159	187	215	243
COUNTY: BUFFALO STATE: NE	132	159	191	234	258
COUNTY: BURT STATE: NE	136	165	194	224	253
COUNTY: BUTLER STATE: NE	136	165	194	224	253
COUNTY: CASS STATE: NE	136	165	194	224	253
COUNTY: CEDAR STATE: NE	137	166	196	225	255
COUNTY: CHASE STATE: NE	149	181	213	245	277
COUNTY: CHERRY STATE: NE	130	159	187	215	243
COUNTY: CHEYENNE STATE: NE	128	156	183	211	239
COUNTY: CLAY STATE: NE	130	159	187	215	243
COUNTY: COLFAX STATE: NE	136	165	194	224	253

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: CUMING STATE: NE	137	166	196	225	255
COUNTY: CUSTER STATE: NE	130	159	187	215	243
COUNTY: DAWES STATE: NE	128	156	183	211	239
COUNTY: DAWSON STATE: NE	130	159	187	215	243
COUNTY: DEUEL STATE: NE	128	156	183	211	239
COUNTY: DIXON STATE: NE	137	166	196	225	255
COUNTY: DODGE STATE: NE	136	165	194	224	253
COUNTY: DUNDY STATE: NE	149	181	213	245	277
COUNTY: FILLMORE STATE: NE	136	165	194	224	253
COUNTY: FRANKLIN STATE: NE	130	159	187	215	243
COUNTY: FRONTIER STATE: NE	130	159	187	215	243
COUNTY: FURNAS STATE: NE	130	159	187	215	243

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: GAGE STATE: NE	136	165	200	224	253
COUNTY: GARDEN STATE: NE	128	156	183	211	239
COUNTY: GARFIELD STATE: NE	130	159	187	215	243
COUNTY: GOSPER STATE: NE	130	159	187	215	243
COUNTY: GRANT STATE: NE	130	159	187	215	243
COUNTY: GREELEY STATE: NE	130	159	187	215	243
COUNTY: HALL STATE: NE	130	159	191	269	297
COUNTY: HAMILTON STATE: NE	130	159	187	215	243
COUNTY: HARLAN STATE: NE	130	159	187	215	243
COUNTY: HAYES STATE: NE	130	159	187	215	243
COUNTY: HITCHCOCK STATE: NE	130	159	187	215	243
COUNTY: HOLT STATE: NE	137	166	196	225	255

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: HOOKER STATE: NE	130	159	187	215	243
COUNTY: HOWARD STATE: NE	130	159	187	215	243
COUNTY: JEFFERSON STATE: NE	136	165	194	224	253
COUNTY: JOHNSON STATE: NE	136	165	194	224	253
COUNTY: KEARNEY STATE: NE	130	159	187	215	243
COUNTY: KEITH STATE: NE	130	159	187	215	243
COUNTY: KEYA PAHA STATE: NE	137	166	196	225	255
COUNTY: KIMBALL STATE: NE	128	156	183	211	239
COUNTY: KNOX STATE: NE	137	166	196	225	255
COUNTY: LINCOLN STATE: NE	130	159	187	215	243
COUNTY: LOGAN STATE: NE	130	159	187	215	243
COUNTY: LOUP STATE: NE	130	159	187	215	243

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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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: MCPHERSON STATE: NE	130	159	187	215	243
COUNTY: MADISON STATE: NE	137	166	196	225	255
COUNTY: MERRICK STATE: NE	130	159	187	215	243
COUNTY: MORRILL STATE: NE	128	156	183	211	239
COUNTY: NANCE STATE: NE	130	159	187	215	243
COUNTY: NEMAHA STATE: NE	136	165	194	224	253
COUNTY: NUCKOLLS STATE: NE	130	159	187	215	243
COUNTY: OTOE STATE: NE	136	165	194	224	253
COUNTY: PAWNEE STATE: NE	136	165	194	224	253
COUNTY: PERKINS STATE: NE	149	181	213	245	277
COUNTY: PHELPS STATE: NE	130	159	187	215	243
COUNTY: PIERCE STATE: NE	137	166	196	225	255

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: PLATTE STATE: NE	136	165	194	224	253
COUNTY: POLK STATE: NE	136	165	194	224	253
COUNTY: RED WILLOW STATE: NE	130	159	187	215	243
COUNTY: RICHARDSON STATE: NE	136	165	194	224	253
COUNTY: ROCK STATE: NE	137	166	196	225	255
COUNTY: SALINE STATE: NE	136	165	194	224	253
COUNTY: SAUNDERS STATE: NE	136	165	194	224	253
COUNTY: SCOTTS BLUFF STATE: NE	128	156	192	216	239
COUNTY: SEWARD STATE: NE	136	165	194	224	253
COUNTY: SHERIDAN STATE: NE	128	156	183	211	239
COUNTY: SHERMAN STATE: NE	130	159	187	215	243
COUNTY: SIOUX STATE: NE	128	156	183	211	239

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: STANTON STATE: NE	137	166	196	225	255
COUNTY: THAYER STATE: NE	136	165	194	224	253
COUNTY: THOMAS STATE: NE	130	159	187	215	243
COUNTY: THURSTON STATE: NE	137	166	196	225	255
COUNTY: VALLEY STATE: NE	130	159	187	215	243
COUNTY: WASHINGTON STATE: NE	136	165	194	224	253
COUNTY: WAYNE STATE: NE	137	166	196	225	255
COUNTY: WEBSTER STATE: NE	130	159	187	215	243
COUNTY: WHEELER STATE: NE	130	159	187	215	243
COUNTY: YORK STATE: NE	136	165	194	224	253

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FA R MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PIIOGRAM)

REGION 7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MISSOURI AREA OFFICE					
SMSA: COLUMBIA, MO					
COUNTY: BOONE STATE: MO	150	182	214	247	279
SMSA: ST LOUIS, MO-IL					
COUNTY: FRANKLIN STATE: MO	175	213	250	288	325
COUNTY: JEFFERSON STATE: MO	175	213	250	288	325
COUNTY: ST CHARLES STATE: MO	175	213	250	288	325
COUNTY: ST LOUIS STATE: MO	175	213	250	288	325
INDEP. CITY: ST. LOUIS STATE: MO	175	213	250	288	325
NON SMSA					
COUNTY: ADAIR STATE: MO	150	182	214	247	279
COUNTY: AUDRAIN STATE: MO	150	182	214	247	279
COUNTY: BOLLINGER STATE: MO	117	143	168	193	219
COUNTY: BUTLER STATE: MO	117	143	168	193	219
COUNTY: CALLAWAY STATE: MO	150	182	214	247	279

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	118	143	168	193	219
COUNTY: CARTER STATE: MO	117	143	168	193	219
COUNTY: CLARK STATE: MO	140	170	200	231	261
COUNTY: COLE STATE: MO	150	182	214	247	279
COUNTY: COOPER STATE: MO	150	182	214	247	279
COUNTY: CRAWFORD STATE: MO	133	161	190	218	247
COUNTY: DENT STATE: MO	133	161	190	218	247
COUNTY: DOUGLAS STATE: MO	122	148	174	200	227
COUNTY: DUNKLIN STATE: MO	117	143	168	193	219
COUNTY: GASCONADE STATE: MO	133	161	190	218	247
COUNTY: HOWARD STATE: MO	150	182	214	247	279
COUNTY: HOWELL STATE: MO	122	148	174	200	227

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: IRON STATE: MO	133	161	190	218	247
COUNTY: KNOX STATE: MO	150	182	214	247	279
COUNTY: LEWIS STATE: MO	140	170	200	231	261
COUNTY: LINCOLN STATE: MO	133	161	190	218	247
COUNTY: MACON STATE: MO	150	182	214	247	279
COUNTY: MADISON STATE: MO	133	161	190	218	247
COUNTY: MARIES STATE: MO	133	161	190	218	247
COUNTY: MARION STATE: MO	140	170	200	231	261
COUNTY: MISSISSIPPI STATE: MO	117	143	168	193	219
COUNTY: MONITEAU STATE: MO	150	182	214	247	279
COUNTY: MONROE STATE: MO	150	182	214	247	279
COUNTY: MONTGOMERY STATE: MO	133	161	190	218	247

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	117	143	168	193	219
COUNTY: OREGON STATE: MO	122	148	174	200	227
COUNTY: OSAGE STATE: MO	150	182	214	247	279
COUNTY: OZARK STATE: MO	122	148	174	200	227
COUNTY: PEMISCOT STATE: MO	117	143	168	193	219
COUNTY: PERRY STATE: MO	133	161	190	218	247
COUNTY: PHELPS STATE: MO	133	161	190	218	247
COUNTY: PIKE STATE: MO	133	161	190	218	247
COUNTY: RALLS STATE: MO	140	170	200	231	261
COUNTY: RANDOLPH STATE: MO	150	182	214	247	279
COUNTY: REYNOLDS STATE: MO	133	161	190	218	247
COUNTY: RIPLEY STATE: MO	117	143	168	193	219

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: ST FRANCOIS STATE: MO	133	161	190	218	247
COUNTY: STE GENEVIEV STATE: MO	133	161	190	218	247
COUNTY: SCHUYLER STATE: MO	150	182	214	247	279
COUNTY: SCOTLAND STATE: MO	150	182	214	247	279
COUNTY: SCOTT STATE: MO	118	143	168	193	219
COUNTY: SHANNON STATE: MO	122	148	174	200	227
COUNTY: SHELBY STATE: MO	150	182	214	247	279
COUNTY: STODDARD STATE: MO	117	143	168	193	219
COUNTY: TEXAS STATE: MO	133	161	190	218	247
COUNTY: WARREN STATE: MO	133	161	190	218	247
COUNTY: WASHINGTON STATE: MO	133	161	190	218	247
COUNTY: WAYNE STATE: MO	117	143	168	193	219

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	122	148	174	200	227

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
CASPER, WYOMING VALUATION AND ENDORSEMENT STATIO					
NON SMSA					
COUNTY:ALBANY STATE:WY	133	162	191	219	248
COUNTY:BIG HORN STATE:WY	139	169	199	229	258
COUNTY:CAMPBELL STATE:WY	133	162	191	219	248
COUNTY:CARBON STATE:WY	133	162	191	219	248
COUNTY:CONVERSE STATE:WY	133	162	191	219	248
COUNTY:CROOK STATE:WY	139	169	199	229	258
COUNTY:FREMONT STATE:WY	133	162	191	219	248
COUNTY:GOSHEN STATE:WY	133	162	191	219	248
COUNTY:HOT SPRINGS STATE:WY	139	169	199	229	258
COUNTY:JOHNSON STATE:WY	133	162	191	219	248
COUNTY:LARAMIE STATE:WY	165	210	235	259	284
COUNTY:LINCOLN STATE:WY	133	162	191	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
CASPER, WYOMING VALUATION AND ENDORSEMENT STATIO					
NON SMSA					
COUNTY:NATRONA STATE:WY	133	182	244	269	295
COUNTY:NIOBRARA STATE:WY	133	162	191	219	248
COUNTY:PARK STATE:WY	139	169	199	229	258
COUNTY:PLATTE STATE:WY	133	162	191	219	248
COUNTY:SHERIDAN STATE:WY	133	162	191	219	248
COUNTY:SUBLETTE STATE:WY	133	162	191	219	248
COUNTY:SWEETWATER STATE:WY	133	162	191	219	248
COUNTY:TETON STATE:WY	182	221	260	299	338
COUNTY:UINTA STATE:WY	133	162	191	219	248
COUNTY:WASHAKIE STATE:WY	139	169	199	229	258
COUNTY:WESTON STATE:WY	139	169	199	229	258

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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: COLORADO SPRINGS, CO					
COUNTY:EL PASO STATE:CO	159	193	227	261	295
COUNTY:TELLER STATE:CO	159	193	227	261	295
SMSA: DENVER-BOULDER , CO					
COUNTY:ADAMS STATE:CO	183	223	262	301	341
COUNTY:ARAPAHOE STATE:CO	183	223	262	301	341
COUNTY:BOULDER STATE:CO	183	223	262	301	341
COUNTY:DENVER STATE:CO	183	223	262	301	341
COUNTY:DOUGLAS STATE:CO	183	223	262	301	341
COUNTY:GILPIN STATE:CO	183	223	262	301	341
COUNTY:JEFFERSON STATE:CO	183	223	262	301	341
SMSA: FORT COLLINS, CO					
COUNTY:LARIMER STATE:CO	156	189	223	269	312
SMSA: GREELEY, CO					
COUNTY:WELD STATE:CO	156	189	223	256	290

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: PUEBLO, CO					
COUNTY:PUEBLO STATE:CO	164	199	234	269	304
NON SMSA					
COUNTY:ALAMOSA STATE:CO	164	199	234	269	304
COUNTY:ARCHULETA STATE:CO	133	162	191	219	248
COUNTY:BACA STATE:CO	164	199	234	269	304
COUNTY:BENT STATE:CO	164	199	234	269	304
COUNTY:CHAFFEE STATE:CO	164	199	234	269	304
COUNTY:CHEYENNE STATE:CO	156	189	223	256	290
COUNTY:CLEAR CREEK STATE:CO	156	189	223	256	290
COUNTY:CONEJOS STATE:CO	164	199	234	269	304
COUNTY:COSTILLA STATE:CO	164	199	234	269	304
COUNTY:CROWLEY STATE:CO	164	199	234	269	304

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:CUSTER STATE:CO	164	199	234	269	304
COUNTY:DELTA STATE:CO	133	162	191	219	248
COUNTY:DELORES STATE:CO	133	162	191	219	248
COUNTY:EAGLE STATE:CO	133	162	191	219	248
COUNTY:ELBERT STATE:CO	156	189	223	256	290
COUNTY:FREMONT STATE:CO	164	199	234	269	304
COUNTY:GARFIELD STATE:CO	133	162	191	219	248
COUNTY:GRAND STATE:CO	156	189	223	256	290
COUNTY:GUNNISON STATE:CO	133	162	191	219	248
COUNTY:HINSDALE STATE:CO	133	162	191	219	248
COUNTY:HUERFANO STATE:CO	164	199	234	269	304
COUNTY:JACKSON STATE:CO	133	162	191	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:KIOWA STATE:CO	164	199	234	269	304
COUNTY:KIT CARSON STATE:CO	156	189	223	256	290
COUNTY:LAKE STATE:CO	156	189	223	256	290
COUNTY:LA PLATA STATE:CO	133	162	191	219	248
COUNTY:LAS ANIMAS STATE:CO	164	199	234	269	304
COUNTY:LINCOLN STATE:CO	164	199	234	269	304
COUNTY:LOGAN STATE:CO	156	189	223	256	290
COUNTY:MESA STATE:CO	157	181	244	268	295
COUNTY:MINERAL STATE:CO	164	199	234	269	304
COUNTY:MOFFAT STATE:CO	133	162	191	219	248
COUNTY:MONTEZUMA STATE:CO	133	162	191	219	248
COUNTY:MONTROSE STATE:CO	133	162	191	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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:MORGAN STATE:CO	156	189	223	256	290
COUNTY:OTERO STATE:CO	164	199	234	269	304
COUNTY:OURAY STATE:CO	133	162	191	219	248
COUNTY:PARK STATE:CO	156	189	223	256	290
COUNTY:PHILLIPS STATE:CO	156	189	223	256	290
COUNTY:PITKIN STATE:CO	133	162	191	219	248
COUNTY:PROWERS STATE:CO	164	199	234	269	304
COUNTY:RIO BLANCO STATE:CO	133	162	191	219	248
COUNTY:RIO GRANDE STATE:CO	164	199	234	269	304
COUNTY:ROUTT STATE:CO	133	162	191	219	248
COUNTY:SAGUACHE STATE:CO	164	199	234	269	304
COUNTY:SAN JUAN STATE:CO	133	162	191	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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 MIGUEL STATE: CO	133	162	191	219	248
COUNTY: SEDGWICK STATE: CO	156	189	223	256	290
COUNTY: SUMMIT STATE: CO	156	189	223	256	290
COUNTY: WASHINGTON STATE: CO	156	189	223	256	290
COUNTY: YUMA STATE: CO	156	189	223	256	290

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
FARGO, NORTH DAKOTA VALUATION AND ENDORSEMENT ST					
SMSA: FARGO-MOORHEAD, ND-MN					
COUNTY: CASS STATE: ND	155	181	215	251	278
SMSA: GRAND FORKS, N.D.-MN					
COUNTY: GRAND FORKS STATE: ND	149	181	213	245	277
NON SMSA					
COUNTY: ADAMS STATE: ND	142	173	204	234	265
COUNTY: BARNES STATE: ND	149	181	213	245	277
COUNTY: BENSON STATE: ND	149	181	213	245	277
COUNTY: BILLINGS STATE: ND	142	173	204	234	265
COUNTY: BOTTINEAU STATE: ND	142	173	204	234	265
COUNTY: BOWMAN STATE: ND	142	173	204	234	265
COUNTY: BURKE STATE: ND	142	173	204	234	265
COUNTY: BURLEIGH STATE: ND	146	173	204	237	265
COUNTY: CAVALIER STATE: ND	149	181	213	245	277

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
FARGO, NORTH DAKOTA VALUATION AND ENDORSEMENT ST					
NON SMSA					
COUNTY: DICKEY STATE: ND	149	181	213	245	277
COUNTY: DIVIDE STATE: ND	142	173	204	234	265
COUNTY: DUNN STATE: ND	142	173	204	234	265
COUNTY: EDDY STATE: ND	149	181	213	245	277
COUNTY: EMMONS STATE: ND	142	173	204	234	265
COUNTY: FOSTER STATE: ND	149	181	213	245	277
COUNTY: GOLDEN VALLY STATE: ND	142	173	204	234	265
COUNTY: GRANT STATE: ND	142	173	204	234	265
COUNTY: GRIGGS STATE: ND	149	181	213	245	277
COUNTY: HETTINGER STATE: ND	142	173	204	234	265
COUNTY: KIDDER STATE: ND	142	173	204	234	265
COUNTY: LA MOORE STATE: ND	149	181	213	245	277

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
FARGO, NORTH DAKOTA VALUATION AND ENDORSEMENT ST					
NON SMSA					
COUNTY: LOGAN STATE: ND	149	181	213	245	277
COUNTY: MCHENRY STATE: ND	142	173	204	234	265
COUNTY: MCINTOSH STATE: ND	149	181	213	245	277
COUNTY: MCKENZIE STATE: ND	142	173	204	234	265
COUNTY: MCLEAN STATE: ND	142	173	204	234	265
COUNTY: MERCER STATE: ND	142	173	204	234	265
COUNTY: MORTON STATE: ND	142	173	204	234	265
COUNTY: MOUNTRAIL STATE: ND	142	173	204	234	265
COUNTY: NELSON STATE: ND	149	181	213	245	277
COUNTY: OLIVER STATE: ND	142	173	204	234	265
COUNTY: PEMBINA STATE: ND	149	181	213	245	277
COUNTY: PIERCE STATE: ND	142	173	204	234	265

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
FARGO, NORTH DAKOTA VALUATION AND ENDORSEMENT ST NON SMSA					
COUNTY: RAMSEY STATE: ND	149	181	213	245	277
COUNTY: RANSOM STATE: ND	149	181	213	245	277
COUNTY: RENVILLE STATE: ND	142	173	204	234	265
COUNTY: RICHLAND STATE: ND	149	181	213	245	277
COUNTY: ROLETTE STATE: ND	142	173	204	234	265
COUNTY: SARGENT STATE: ND	149	181	213	245	277
COUNTY: SHERIDAN STATE: ND	142	173	204	234	265
COUNTY: SIOUX STATE: ND	142	173	204	234	265
COUNTY: SLOPE STATE: ND	142	173	204	234	265
COUNTY: STARK STATE: ND	142	173	204	234	265
COUNTY: STEELE STATE: ND	149	181	213	245	277
COUNTY: STUTSMAN STATE: ND	149	181	213	245	277

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
FARGO, NORTH DAKOTA VALUATION AND ENDORSEMENT ST NON SMSA					
COUNTY: TOWNER STATE: ND	149	181	213	245	277
COUNTY: TRAILL STATE: ND	149	181	213	245	277
COUNTY: WALSH STATE: ND	149	181	213	245	277
COUNTY: WARD STATE: ND	146	173	204	237	265
COUNTY: WELLS STATE: ND	142	173	204	234	265
COUNTY: WILLIAMS STATE: ND	142	173	204	234	265

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
HELENA, MONTANA SERVICE OFFICE					
SMSA: BILLINGS, MT					
COUNTY: YELLOWSTONE STATE: MT	161	183	219	252	279
SMSA: GREAT FALLS, MT					
COUNTY: CASCADE STATE: MT	139	169	242	314	341
NON SMSA					
COUNTY: BEAVERHEAD STATE: MT	147	178	210	242	273
COUNTY: BIG HORN STATE: MT	139	169	199	229	258
COUNTY: BLAINE STATE: MT	139	169	199	229	258
COUNTY: BROADWATER STATE: MT	139	169	199	229	258
COUNTY: CARBON STATE: MT	139	169	199	229	258
COUNTY: CARTER STATE: MT	139	169	199	229	258
COUNTY: CHOUTEAU STATE: MT	139	169	199	229	258
COUNTY: CUSTER STATE: MT	139	169	199	229	258
COUNTY: DANIELS STATE: MT	148	180	212	243	275

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
HELENA, MONTANA SERVICE OFFICE					
NON SMSA					
COUNTY: DAWSON STATE: MT	139	169	199	229	258
COUNTY: DEER LODGE STATE: MT	147	178	210	242	273
COUNTY: FALLON STATE: MT	139	169	199	229	258
COUNTY: FERGUS STATE: MT	139	169	199	229	258
COUNTY: FLATHEAD STATE: MT	147	178	210	242	273
COUNTY: GALLATIN STATE: MT	141	169	236	271	297
COUNTY: GARFIELD STATE: MT	139	169	199	229	258
COUNTY: GLACIER STATE: MT	139	169	199	229	258
COUNTY: GOLDEN VALLE STATE: MT	139	169	199	229	258
COUNTY: GRANITE STATE: MT	147	178	210	242	273
COUNTY: HILL STATE: MT	139	169	199	229	258
COUNTY: JEFFERSON STATE: MT	139	169	199	229	258

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
HELENA, MONTANA SERVICE OFFICE					
NON SMSA					
COUNTY: JUDITH BASIN STATE: MT	139	169	199	229	258
COUNTY: LAKE STATE: MT	147	178	210	242	273
COUNTY: LEWIS+ CLARK STATE: MT	139	179	253	297	327
COUNTY: LIBERTY STATE: MT	139	169	199	229	258
COUNTY: LINCOLN STATE: MT	147	178	210	242	273
COUNTY: MCCONE STATE: MT	139	169	199	229	258
COUNTY: MADISON STATE: MT	147	178	210	242	273
COUNTY: MEAGHER STATE: MT	139	169	199	229	258
COUNTY: MINERAL STATE: MT	147	178	210	242	273
COUNTY: MISSOULA STATE: MT	147	180	210	275	305
COUNTY: MUSSELSHELL STATE: MT	139	169	199	229	258
COUNTY: PARK STATE: MT	139	169	226	249	273

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
HELENA, MONTANA SERVICE OFFICE					
NON SMSA					
COUNTY: PETROLEUM STATE: MT	139	169	199	229	258
COUNTY: PHILLIPS STATE: MT	139	169	199	229	258
COUNTY: PONDERA STATE: MT	139	169	199	229	258
COUNTY: POWDER RIVER STATE: MT	139	169	199	229	258
COUNTY: POWELL STATE: MT	147	178	210	242	273
COUNTY: PRAIRIE STATE: MT	139	169	199	229	258
COUNTY: RAVALLI STATE: MT	147	178	210	242	273
COUNTY: RICHLAND STATE: MT	148	180	212	243	275
COUNTY: ROOSEVELT STATE: MT	148	180	212	243	275
COUNTY: ROSEBUD STATE: MT	139	169	199	229	258
COUNTY: SANDERS STATE: MT	147	178	210	242	273
COUNTY: SHERIDAN STATE: MT	148	180	212	243	275

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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
HELENA, MONTANA SERVICE OFFICE					
NON SMSA					
COUNTY:SILVER BOW STATE:MT	147	178	210	242	273
COUNTY:STILLWATER STATE:MT	139	169	199	229	258
COUNTY:SWEET GRASS STATE:MT	139	169	199	229	258
COUNTY:TETON STATE:MT	139	169	199	229	258
COUNTY:TOOLE STATE:MT	139	169	199	229	258
COUNTY:TREASURE STATE:MT	139	169	199	229	258
COUNTY:VALLEY STATE:MT	139	169	199	229	258
COUNTY:WHEATLAND STATE:MT	139	169	199	229	258
COUNTY:WIBAUX STATE:MT	148	180	212	243	275
COUNTY:YL-ST-NT-PK STATE:MT	139	169	199	229	258

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SALT LAKE CITY, UTAH SERVICE OFFICE					
SMSA: PROVO-OREM, UT					
COUNTY:UTAH STATE:UT	156	189	223	256	290
SMSA: SALT LAKE CITY-OGDEN, UT					
COUNTY:DAVIS STATE:UT	171	204	240	276	312
COUNTY:SALT LAKE STATE:UT	171	204	240	276	312
COUNTY:TOOELE STATE:UT	171	204	240	276	312
COUNTY:WEBER STATE:UT	171	204	240	276	312
NON SMSA					
COUNTY:BEAVER STATE:UT	209	254	298	343	388
COUNTY:BOX ELDER STATE:UT	133	162	191	219	248
COUNTY:CACHE STATE:UT	133	162	191	219	248
COUNTY:CARBON STATE:UT	133	162	213	249	274
COUNTY:DAGGETT STATE:UT	133	162	191	219	248
COUNTY:DUCHESNE STATE:UT	133	162	191	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SALT LAKE CITY, UTAH SERVICE OFFICE					
NON SMSA					
COUNTY:EMERY STATE:UT	133	162	191	219	248
COUNTY:GARFIELD STATE:UT	209	254	298	343	388
COUNTY:GRAND STATE:UT	133	162	191	219	248
COUNTY:IRON STATE:UT	209	254	298	343	388
COUNTY:JUAB STATE:UT	133	162	191	219	248
COUNTY:KANE STATE:UT	209	254	298	343	388
COUNTY:MILLARD STATE:UT	133	162	191	219	248
COUNTY:MORGAN STATE:UT	133	162	191	219	248
COUNTY:PIUTE STATE:UT	133	162	191	219	248
COUNTY:RICH STATE:UT	133	162	191	219	248
COUNTY:SAN JUAN STATE:UT	133	162	191	219	248
COUNTY:SANPETE STATE:UT	133	162	191	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SALT LAKE CITY, UTAH SERVICE OFFICE					
NON SMSA					
COUNTY:EMERY STATE:UT	133	162	191	219	248
COUNTY:GARFIELD STATE:UT	209	254	298	343	388
COUNTY:GRAND STATE:UT	133	162	191	219	248
COUNTY:IRON STATE:UT	209	254	298	343	388
COUNTY:JUAB STATE:UT	133	162	191	219	248
COUNTY:KANE STATE:UT	209	254	298	343	388
COUNTY:MILLARD STATE:UT	133	162	191	219	248
COUNTY:MORGAN STATE:UT	133	162	191	219	248
COUNTY:PIUTE STATE:UT	133	162	191	219	248
COUNTY:RICH STATE:UT	133	162	191	219	248
COUNTY:SAN JUAN STATE:UT	133	162	191	219	248
COUNTY:SANPETE STATE:UT	133	162	191	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SALT LAKE CITY, UTAH SERVICE OFFICE					
NON SMSA					
COUNTY: SEVIER STATE: UT	133	162	191	219	248
COUNTY: SUMMIT STATE: UT	133	162	191	219	248
COUNTY: UINTAH STATE: UT	133	162	191	219	248
COUNTY: WASATCH STATE: UT	133	162	191	219	248
COUNTY: WASHINGTON STATE: UT	209	254	298	343	388
COUNTY: WAYNE STATE: UT	133	162	191	219	248

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SIOUX FALLS, S. DAKOTA VALUATION & ENDORSEMENT S					
SMSA: RAPID CITY,S.D.					
COUNTY: MEADE STATE: SD	134	162	200	221	249
COUNTY: PENNINGTON STATE: SD	134	162	200	221	249
SMSA: SIOUX FALLS, SD	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
COUNTY: MINNEHAHA STATE: SD	152	185	217	250	283
NON SMSA	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
COUNTY: AURORA STATE: SD	152	185	217	250	283
COUNTY: BEADLE STATE: SD	152	185	217	250	283
COUNTY: BENNETT STATE: SD	134	162	191	220	249
COUNTY: BON HOMME STATE: SD	137	166	196	225	255
COUNTY: BROOKINGS STATE: SD	152	185	217	250	283
COUNTY: BROWN STATE: SD	134	162	191	222	249
COUNTY: BRULE STATE: SD	134	162	191	220	249
COUNTY: BUFFALO STATE: SD	134	162	191	220	249

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SIOUX FALLS, S. DAKOTA VALUATION & ENDORSEMENT S NON SMSA					
COUNTY: BUTTE STATE: SD	134	162	191	220	249
COUNTY: CAMPBELL STATE: SD	134	162	191	220	249
COUNTY: CHARLES MIX STATE: SD	137	168	196	225	255
COUNTY: CLARK STATE: SD	134	162	191	220	249
COUNTY: CLAY STATE: SD	123	149	176	202	229
COUNTY: CODINGTON STATE: SD	134	162	191	220	249
COUNTY: CORSON STATE: SD	134	162	191	220	249
COUNTY: CUSTER STATE: SD	134	162	200	220	249
COUNTY: DAVISON STATE: SD	152	185	217	250	283
COUNTY: DAY STATE: SD	134	162	191	220	249
COUNTY: DEUEL STATE: SD	134	162	191	220	249
COUNTY: DEWEY STATE: SD	134	162	191	220	249

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SIOUX FALLS, S. DAKOTA VALUATION & ENDORSEMENT S NON SMSA					
COUNTY: DOUGLAS STATE: SD	137	166	196	225	255
COUNTY: EDMUNDS STATE: SD	134	162	191	220	249
COUNTY: FALL RIVER STATE: SD	134	162	200	220	249
COUNTY: FAULK STATE: SD	134	162	191	220	249
COUNTY: GRANT STATE: SD	134	162	191	220	249
COUNTY: GREGORY STATE: SD	134	162	191	220	249
COUNTY: HAAKON STATE: SD	134	162	191	220	249
COUNTY: HAMLIN STATE: SD	134	162	191	220	249
COUNTY: HAND STATE: SD	152	185	217	250	283
COUNTY: HANSON STATE: SD	152	185	217	250	283
COUNTY: HARDING STATE: SD	134	162	191	220	249
COUNTY: HUGHES STATE: SD	143	166	220	243	269

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SIOUX FALLS, S. DAKOTA VALUATION & ENDORSEMENT S					
NON SMSA					
COUNTY: HUTCHINSON STATE: SD	137	166	196	225	255
COUNTY: HYDE STATE: SD	134	162	191	220	249
COUNTY: JACKSON STATE: SD	134	162	191	220	249
COUNTY: JERAULD STATE: SD	152	185	217	250	283
COUNTY: JONES STATE: SD	134	162	191	220	249
COUNTY: KINGSBURY STATE: SD	152	185	217	250	283
COUNTY: LAKE STATE: SD	152	185	217	250	283
COUNTY: LAWRENCE STATE: SD	134	162	191	220	249
COUNTY: LINCOLN STATE: SD	152	185	217	250	283
COUNTY: LYMAN STATE: SD	134	162	191	220	249
COUNTY: MCCOOK STATE: SD	152	185	217	250	283
COUNTY: MCPHERSON STATE: SD	134	162	191	220	249

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SIOUX FALLS, S. DAKOTA VALUATION & ENDORSEMENT S					
NON SMSA					
COUNTY: MARSHALL STATE: SD	134	162	191	220	249
COUNTY: MELLETTE STATE: SD	134	162	191	220	249
COUNTY: MINER STATE: SD	152	185	217	250	283
COUNTY: MOODY STATE: SD	152	185	217	250	283
COUNTY: PERKINS STATE: SD	134	162	191	220	249
COUNTY: POTTER STATE: SD	134	162	191	220	249
COUNTY: ROBERTS STATE: SD	134	162	191	220	249
COUNTY: SANBORN STATE: SD	152	185	217	250	283
COUNTY: SHANNON STATE: SD	134	162	191	220	249
COUNTY: SPINK STATE: SD	134	162	191	220	249
COUNTY: STANLEY STATE: SD	143	166	220	243	269
COUNTY: SULLY STATE: SD	134	162	191	220	249

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SIOUX FALLS, S. DAKOTA VALUATION & ENDORSEMENT S					
NON SMSA					
COUNTY: TODD STATE: SD	134	162	191	220	249
COUNTY: TRIPP STATE: SD	134	162	191	220	249
COUNTY: TURNER STATE: SD	152	185	217	250	283
COUNTY: UNION STATE: SD	137	166	196	225	255
COUNTY: WALWORTH STATE: SD	134	162	191	220	249
COUNTY: WASHABAUGH STATE: SD	134	162	191	220	249
COUNTY: YANKTON STATE: SD	137	166	196	225	255
COUNTY: ZIEBACH STATE: SD	134	162	191	220	249

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	247	300	353	464	502
NON SMSA					
COUNTY: HAWAII STATE: HI	300	364	428	493	557
COUNTY: KAUAI STATE: HI	300	364	428	493	557
COUNTY: MAUI STATE: HI	300	364	428	493	557
COUNTY: GUAM STATE:	263	319	375	431	488

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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					
SMSA: BAKERSFIELD, CA COUNTY:KERN STATE:CA	160	200	225	300	350
SMSA: LOS ANGELES-LONG BEACH, CA COUNTY:LOS ANGELES STATE:CA	195	236	278	345	412
SMSA: OXNARD-SIMI VALLEY-VENTURA, CA COUNTY:VENTURA STATE:CA	200	238	281	323	365
SMSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA COUNTY:SANTA BARBAR STATE:CA	212	258	303	349	394
NON SMSA COUNTY:SAN LUIS OBI STATE:CA	180	217	274	313	354

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
PHOENIX, ARIZONA SERVICE OFFICE					
SMSA: PHOENIX, AZ COUNTY:MARICOPA STATE:AZ	199	241	284	327	369
NON SMSA COUNTY:APACHE STATE:AZ	146	177	208	240	271
COUNTY:COCONINO STATE:AZ	146	177	208	240	271
COUNTY:GILA STATE:AZ	146	177	208	240	271
COUNTY:MOHAVE STATE:AZ	146	177	208	240	271
COUNTY:NAVAJO STATE:AZ	146	177	208	240	271
COUNTY:PINAL STATE:AZ	146	177	208	240	271
COUNTY:YAVAPAI STATE:AZ	146	177	208	240	271
COUNTY:YUMA STATE:AZ	146	177	208	240	271

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
TUCSON, ARIZONIA SERVICE OFFICE					
SMSA: TUCSON, AZ					
COUNTY: PIMA					
STATE: AZ	183	222	261	301	340
NON SMSA					
COUNTY: COCHISE					
STATE: AZ	146	177	208	240	271
COUNTY: GRAHAM					
STATE: AZ	146	177	208	240	271
COUNTY: GREENLEE					
STATE: AZ	146	177	208	240	271
COUNTY: SANTA CRUZ					
STATE: AZ	146	177	208	240	271

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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 DIEGO, CALIFORNIA SERVICE OFFICE					
SMSA: SAN DIEGO, CA					
COUNTY: SAN DIEGO					
STATE: CA	188	228	268	308	348
NON SMSA					
COUNTY: IMPERIAL					
STATE: CA	151	184	216	249	281

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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
SANTA ANA, CALIFORNIA SERVICE OFFICE					
SMSA: ANAHEIM-SANTA ANA-GARDEN GROVE, CA					
COUNTY: ORANGE	209	249	293	368	418
STATE: CA					
SMSA: RIVERSIDE-SAN BERNARDINO-ONTARIO, CA					
COUNTY: RIVERSIDE	170	201	236	300	350
STATE: CA					
COUNTY: SAN BERNADIN	170	201	236	300	350
STATE: CA					
NON SMSA					
COUNTY: INYO	151	184	216	249	281
STATE: CA					
COUNTY: MONO	151	184	216	249	281
STATE: CA					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
FRESNO, CALIFORNIA SERVICEOFFICE					
SMSA: FRESNO, CA					
COUNTY: FRESNO	170	207	244	285	317
STATE: CA					
SMSA: MODESTO, CA					
COUNTY: STANISLAUS	168	193	228	285	316
STATE: CA					
NON SMSA					
COUNTY: KINGS	151	184	217	271	316
STATE: CA					
COUNTY: MADERA	151	184	217	271	316
STATE: CA					
COUNTY: MARIPOSA	159	193	228	271	316
STATE: CA					
COUNTY: MERCED	162	193	228	271	316
STATE: CA					
COUNTY: TULARE	162	184	217	285	316
STATE: CA					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
RENO, NEVADA SERVICE OFFICE					
SMSA: RENO, NV					
COUNTY: WASHOE STATE: NV	209	254	298	343	388
NON SMSA					
COUNTY: CHURCHILL STATE: NV	209	254	298	343	388
COUNTY: DOUGLAS STATE: NV	209	254	298	343	388
COUNTY: ELKO STATE: NV	209	254	298	343	388
COUNTY: ESMERALDA STATE: NV	209	254	298	343	388
COUNTY: EUREKA STATE: NV	209	254	298	343	388
COUNTY: HUMBOLDT STATE: NV	209	254	298	343	388
COUNTY: LANDER STATE: NV	209	254	298	343	388
COUNTY: LYON STATE: NV	209	254	298	343	388
COUNTY: MINERAL STATE: NV	209	254	298	343	388
COUNTY: NYE STATE: NV	209	254	298	343	388

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
RENO, NEVADA SERVICE OFFICE					
NON SMSA					
COUNTY: ORMSLEY STATE: NV	209	254	298	343	388
COUNTY: PERSHING STATE: NV	209	254	298	343	388
COUNTY: STOREY STATE: NV	209	254	298	343	388
COUNTY: WHITE PINE STATE: NV	209	254	298	343	388
INDEP. CITY: CARSON CITY STATE: NV.	209	254	298	343	388

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SACRAMENTO, CALIFORNIA SERVICE OFFICE					
SMSA: SACRAMENTO, CA					
COUNTY: PLACER STATE: CA	178	216	254	299	330
COUNTY: SACRAMENTO STATE: CA	178	216	254	299	330
COUNTY: YOLO STATE: CA	178	216	254	299	330
SMSA: STOCKTON, CA					
COUNTY: SAN JOAQUIN STATE: CA	172	208	245	288	319
NON SMSA					
COUNTY: ALPINE STATE: CA	159	193	228	288	315
COUNTY: AMADOR STATE: CA	159	193	228	288	315
COUNTY: BUTTE STATE: CA	168	204	240	277	313
COUNTY: CALAUERAS STATE: CA	159	193	228	288	315
COUNTY: COLUSA STATE: CA	168	204	240	277	313
COUNTY: EL DORADO STATE: CA	168	204	240	277	313
COUNTY: GLENN STATE: CA	168	204	240	277	313

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SACRAMENTO, CALIFORNIA SERVICE OFFICE					
NON SMSA					
COUNTY: LASSEN STATE: CA	164	185	228	271	298
COUNTY: MODOC STATE: CA	164	185	228	271	298
COUNTY: NEVADA STATE: CA	168	204	240	277	313
COUNTY: PLUMAS STATE: CA	164	185	228	271	298
COUNTY: SHASTA STATE: CA	164	185	228	271	298
COUNTY: SIERRA STATE: CA	164	185	228	271	298
COUNTY: SISKIYOU STATE: CA	164	185	228	271	298
COUNTY: SUTTER STATE: CA	168	204	240	277	313
COUNTY: TEHAMA STATE: CA	164	185	228	271	298
COUNTY: TRINITY STATE: CA	164	185	228	271	298
COUNTY: TUOLUMNE STATE: CA	159	193	228	288	315
COUNTY: YUBA STATE: CA	168	204	240	277	313

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	199	240	282	376	405
STATE: CA					
SMSA: SAN FRANCISCO-OAKLAND, CA					
COUNTY: ALAMEDA	217	264	310	360	433
STATE: CA					
COUNTY: CONTRA COSTA	217	264	310	360	433
STATE: CA					
COUNTY: MARIN	217	264	310	360	433
STATE: CA					
COUNTY: SAN FRANCISC	217	264	310	360	433
STATE: CA					
COUNTY: SAN MATEO	217	264	310	360	433
STATE: CA					
SMSA: SAN JOSE, CA					
COUNTY: SANTA CLARA	238	289	340	391	442
STATE: CA					
SMSA: SANTA CRUZ, CA					
COUNTY: SANTA CRUZ	183	210	271	326	391
STATE: CA					
SMSA: SANTA ROSA, CA					
COUNTY: SONOMA	190	214	271	326	391
STATE: CA					
SMSA: VALLEJO-FAIRFIELD-NAPA, CA					
COUNTY: NAPA	188	229	269	310	350
STATE: CA					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: VALLEJO-FAIRFIELD-NAPA, CA					
COUNTY: SOLANO	188	229	269	310	350
STATE: CA					
NON SMSA					
COUNTY: DEL NORTE	148	180	223	271	298
STATE: CA					
COUNTY: HUMBOLDT	164	185	223	271	298
STATE: CA					
COUNTY: LAKE	188	229	269	310	350
STATE: CA					
COUNTY: MENDOCINO	173	210	247	284	321
STATE: CA					
COUNTY: SAN BENITO	173	210	247	285	321
STATE: CA					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
LAS VEGAS, NEVADA SERVICE OFFICE					
SMSA: LAS VEGAS, NV					
COUNTY:CLARK	214	259	305	351	396
STATE:NV					
NON SMSA					
COUNTY:LINCOLN	209	254	298	343	388
STATE:NV					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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.	332	404	475	546	618
STATE:AK					
DISTRICT:ANGOON	332	404	475	546	618
STATE:AK					
DISTRICT:BARROW	557	614	696	776	847
STATE:AK					
DISTRICT:BETHEL	332	404	475	546	618
STATE:AK					
DISTRICT:BRISTOL B.B.	332	404	475	546	618
STATE:AK					
DISTRICT:BRISTOL BAY	332	404	475	546	618
STATE:AK					
DISTRICT:CORDOVA-MCCA	332	404	475	546	618
STATE:AK					
DISTRICT:FAIRBANKS	332	404	475	546	618
STATE:AK					
DISTRICT:HAINES	332	404	475	546	618
STATE:AK					
DISTRICT:JUNEAU	339	404	475	546	618
STATE:AK					

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANCHORAGE, ALASKA AREA OFFICE					
NON SMSA					
DISTRICT:KENAI-COOK STATE:AK	332	404	475	546	618
DISTRICT:KETCHIKAN STATE:AK	332	404	475	546	618
DISTRICT:KOBUK STATE:AK	332	404	475	546	618
DISTRICT:KODIAK STATE:AK	332	404	475	546	618
DISTRICT:KUSKOKWIM STATE:AK	332	404	475	546	618
DISTRICT:MATANUSKA-SU STATE:AK	332	404	475	546	618
DISTRICT:NOME STATE:AK	332	404	475	546	618
DISTRICT:OUTER KETCHK STATE:AK	332	404	475	546	618
DISTRICT:PR. OF WALES STATE:AK	332	404	475	546	618
DISTRICT:SEWARD STATE:AK	332	404	475	546	618
DISTRICT:SITKA STATE:AK	332	404	475	546	618
DISTRICT:SKGWY-YKTT STATE:AK	332	404	475	546	618

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANCHORAGE, ALASKA AREA OFFICE					
NON SMSA					
DISTRICT:SE FAIRBANKS STATE:AK	332	404	475	546	618
DISTRICT:UPPER YUKON STATE:AK	332	404	475	546	618
DISTRICT:VLDZ-CHTN-WH STATE:AK	332	404	475	546	618
DISTRICT:WADE HAMPTON STATE:AK	332	404	475	546	618
DISTRICT:WRNGLL-PTRBR STATE:AK	332	404	475	546	618
DISTRICT:YKN-KOYKK STATE:AK	332	404	475	546	618

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOISE, IDAHO SERVICE OFFICE					
SMSA: BOISE CITY, ID					
COUNTY: ADA STATE: ID	174	199	247	270	304
NON SMSA					
COUNTY: ADAMS STATE: ID	164	199	234	269	304
COUNTY: BANNOCK STATE: ID	182	221	260	299	338
COUNTY: BEAR LAKE STATE: ID	133	162	191	219	248
COUNTY: BENEWAH STATE: ID	147	178	210	242	273
COUNTY: BINGHAM STATE: ID	182	221	260	299	338
COUNTY: BLAINE STATE: ID	182	221	260	299	338
COUNTY: BOISE STATE: ID	164	199	234	269	304
COUNTY: BONNER STATE: ID	147	178	210	242	273
COUNTY: BONNEVILLE STATE: ID	182	221	260	299	338
COUNTY: BOUNDARY STATE: ID	147	178	210	242	273

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
BOISE, IDAHO SERVICE OFFICE					
NON SMSA					
COUNTY: BUTTE STATE: ID	182	221	260	299	338
COUNTY: CAMAS STATE: ID	182	221	260	299	338
COUNTY: CANYON STATE: ID	164	199	234	269	304
COUNTY: CARIBOL STATE: ID	182	221	260	299	338
COUNTY: CASSIA STATE: ID	182	221	260	299	338
COUNTY: CLARK STATE: ID	182	221	260	299	338
COUNTY: CLEARWATER STATE: ID	147	178	210	242	273
COUNTY: CUSTER STATE: ID	182	221	260	299	338
COUNTY: ELMORE STATE: ID	164	199	234	269	304
COUNTY: FRANKLIN STATE: ID	133	162	191	219	248
COUNTY: FREMONT STATE: ID	182	221	260	299	338
COUNTY: GEM STATE: ID	164	199	234	269	304

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
BOISE, IDAHO SERVICE OFFICE					
NON SMSA					
COUNTY: GOODING STATE: ID	182	221	260	299	338
COUNTY: IDAHO STATE: ID	147	178	210	242	273
COUNTY: JEFFERSON STATE: ID	182	221	260	299	338
COUNTY: JEROME STATE: ID	182	221	260	299	338
COUNTY: KOOTENAI STATE: ID	147	178	210	242	273
COUNTY: LATAH STATE: ID	155	178	210	242	273
COUNTY: LEMHI STATE: ID	182	221	260	299	338
COUNTY: LEWIS STATE: ID	147	178	210	242	273
COUNTY: LINCOLN STATE: ID	182	221	260	299	338
COUNTY: MADISON STATE: ID	182	221	260	299	338
COUNTY: MINIDOKA STATE: ID	182	221	260	299	338
COUNTY: NEZ PERCE STATE: ID	155	178	210	242	273

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
BOISE, IDAHO SERVICE OFFICE					
NON SMSA					
COUNTY: ONEIDA STATE: ID	133	162	191	219	248
COUNTY: OWYHEE STATE: ID	164	199	234	269	304
COUNTY: PAYETTE STATE: ID	164	199	234	269	304
COUNTY: POWER STATE: ID	182	221	260	299	338
COUNTY: SHOSHONE STATE: ID	147	178	210	242	273
COUNTY: TETON STATE: ID	182	221	260	299	338
COUNTY: TWIN FALLS STATE: ID	182	221	260	299	338
COUNTY: VALLEY STATE: ID	164	199	234	269	304
COUNTY: WASHINGTON STATE: ID	164	199	234	269	304

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR; 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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					
SMSA: EUGENE-SPRINGFIELD, OR					
COUNTY:LANE STATE:OR	174	197	236	296	322
SMSA: PORTLAND, OR-WA					
COUNTY:CLARK STATE:WA	174	209	246	296	322
COUNTY:CLACKAMAS STATE:OR	174	209	246	296	322
COUNTY:MULTNOMAH STATE:OR	174	209	246	296	322
COUNTY:WASHINGTON STATE:OR	174	209	246	296	322
SMSA: SALEM, OR					
COUNTY:MARION STATE:OR	190	230	271	312	352
COUNTY:POLK STATE:OR	190	230	271	312	352
NON SMSA					
COUNTY:KLICKITAT STATE:WA	150	180	212	243	275
COUNTY:SKAMANIA STATE:WA	150	180	212	243	275
COUNTY:BAKER STATE:OR	138	167	197	227	256
COUNTY:BENTON STATE:OR	190	230	271	312	352

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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REGION 10	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE					
NON SMSA					
COUNTY:CLATSOP STATE:OR	156	180	212	243	275
COUNTY:COLUMBIA STATE:OR	156	180	212	243	275
COUNTY:COOS STATE:OR	159	189	223	256	290
COUNTY:CROOK STATE:OR	148	180	212	243	275
COUNTY:CURRY STATE:OR	159	189	223	256	290
COUNTY:DESCHUTES STATE:OR	148	180	212	243	275
COUNTY:DOUGLAS STATE:OR	156	189	223	256	290
COUNTY:GILLIAM STATE:OR	138	167	197	227	256
COUNTY:GRANT STATE:OR	138	167	197	227	256
COUNTY:HARNEY STATE:OR	164	199	234	269	304
COUNTY:HOOD RIVER STATE:OR	150	180	212	243	275
COUNTY:JACKSON STATE:OR	165	190	223	265	305

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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: JEFFERSON STATE: OR	148	180	212	243	275
COUNTY: JOSEPHINE STATE: OR	156	189	225	260	290
COUNTY: KLAMATH STATE: OR	156	189	223	256	290
COUNTY: LAKE STATE: OR	156	189	223	256	290
COUNTY: LINCOLN STATE: OR.	190	230	271	312	352
COUNTY: LINN STATE: OR	190	230	271	312	352
COUNTY MALHEUR STATE OR	164	199	234	269	304
COUNTY MORROW STATE: OR	138	167	197	227	256
COUNTY: SHERMAN STATE: OR	150	180	212	243	275
COUNTY: TILLAMOOK STATE: OR	156	180	212	243	275
COUNTY: UMATILLA STATE: OR	138	167	197	227	256
COUNTY: UNION STATE: OR	138	167	197	227	256

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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: WALLOWA STATE: OR	138	167	197	227	256
COUNTY: WASCO STATE: OR	150	180	212	243	275
COUNTY: WHEELER STATE: OR	138	167	197	227	256
COUNTY: YAMHILL STATE: OR	160	180	215	270	295

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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					
SMSA: SEATTLE-EVERETT, WA					
COUNTY:KING STATE:WA	193	234	275	316	357
COUNTY:SNOHOMISH STATE:WA	193	234	275	316	357
SMSA: TACOMA, WA					
COUNTY:PIERCE STATE:WA	167	202	238	302	330
SMSA: YAKIMA, WA					
COUNTY:YAKIMA STATE:WA	138	167	197	227	256
NON SMSA					
COUNTY:CHELAN STATE:WA	147	178	210	242	273
COUNTY:CLALLAM STATE:WA	168	204	240	277	313
COUNTY:COWLITZ STATE:WA	154	201	226	313	338
COUNTY:DOUGLAS STATE:WA	147	178	210	242	273
COUNTY:GRAYS HARBOR STATE:WA	168	204	240	277	313
COUNTY:ISLAND STATE:WA	168	204	240	277	313
COUNTY:JEFFERSON STATE:WA	168	204	240	277	313

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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	168	204	243	304	330
COUNTY:KITTITAS STATE:WA	138	167	197	227	256
COUNTY:LEWIS STATE:WA	168	204	240	277	313
COUNTY:MASON STATE:WA	168	204	240	277	313
COUNTY:OKANOGAN STATE:WA	147	178	210	242	273
COUNTY:PACIFIC STATE:WA	168	204	240	277	313
COUNTY:SAN JUAN STATE:WA	168	204	240	277	313
COUNTY:SKAGIT STATE:WA	168	204	240	277	313
COUNTY:THURSTON STATE:WA	168	204	240	277	313
COUNTY:WAHKIAKUM STATE:WA	148	180	212	243	275
COUNTY:WHATCOM STATE:WA	168	204	240	277	313

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

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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
SPOKANE, WASHINGTON SERVICE OFFICE					
SMSA: RICHLAND-KENNEWICK-PASCO, WA					
COUNTY: BENTON STATE: WA	165	201	245	314	354
COUNTY: FRANKLIN STATE: WA	165	201	245	314	354
SMSA: SPOKANE, WA					
COUNTY: SPOKANE STATE: WA	174	211	248	293	339
NON SMSA					
COUNTY: ADAMS STATE: WA	147	178	210	242	273
COUNTY: ASOTIN STATE: WA	147	178	210	242	273
COUNTY: COLUMBIA STATE: WA	147	178	210	242	273
COUNTY: FERRY STATE: WA	147	178	210	242	273
COUNTY: GARFIELD STATE: WA	147	178	210	242	273
COUNTY: GRANT STATE: WA	147	178	210	242	273
COUNTY: LINCOLN STATE: WA	147	178	210	242	273
COUNTY: PEND OREILLE STATE: WA	147	178	210	242	273

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

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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
SPOKANE, WASHINGTON SERVICE OFFICE					
NON SMSA					
COUNTY: STEVENS STATE: WA	147	178	210	242	273
COUNTY: WALLA WALLA STATE: WA	138	172	245	308	339
COUNTY: WHITMAN STATE: WA	147	178	210	242	273

NOTE: FAIR MARKET RENTS (FMR) SHALL BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS: 5-BR = 145 PERCENT OF 2-BR FMR: 6-BR = 165 PERCENT OF 2-BR FMR. LIKEWISE, THE FAIR MARKET RENTS FOR UNIT SIZES LARGER THAN SIX BEDROOMS SHALL BE CALCULATED BY ADDING 20 PERCENTAGE POINTS TO THE PERCENTAGE USED FOR THE NEXT LOWER NUMBER OF BEDROOMS.

PREPARED BY HUD - EMAD (CO), MARCH 29, 1979

BILLING CODE 4210-01-C

This notice of proposed rulemaking is issued under the authority of section 7(d), Department of HUD Act (42 U.S.C. 3535(d)); Section 5(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)).

Issued in Washington, D.C., May 15, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 79-19269 Filed 6-18-79; 8:45 am]

BILLING CODE 4210-01-M

federal register

Friday
June 22, 1979

Part IV

Department of Labor

Pension and Welfare Benefit Programs

Limited Relief From Reporting, Disclosure and Claims Procedure Requirements With Respect to Welfare Plans Offering Membership in a Qualified Health Maintenance Organization as a Benefit

Department of Health, Education, and Welfare

Public Health Service

Requirements for a Health Maintenance Organization

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[29 CFR Parts 2520 and 2560]

Limited Relief From Reporting, Disclosure, and Claims Procedure Requirements With Respect to Welfare Plans Offering Membership in a Qualified Health Maintenance Organization as a Benefit

AGENCY: Department of Labor.

ACTION: Proposed rulemaking.

SUMMARY: This document sets forth proposed regulations which would provide limited relief from certain of the reporting, disclosure, and claims procedure requirements of the Employee Retirement Income Security Act of 1974 (ERISA) with respect to employee welfare benefit plans under which an available benefit is membership in a health maintenance organization qualified under Title XIII of the Public Health Services Act, "Health Maintenance Organizations", 42 U.S.C. 300e *et seq.* (HMO Act). The proposed regulations are designed to avoid duplicative or otherwise unnecessary requirements which might result from the interaction of ERISA and the HMO Act. The proposed regulations, if adopted, could affect participants, beneficiaries, and administrators of employee welfare benefit plans.

DATES: Comments concerning the proposed regulations must be submitted on or before August 21, 1979.

ADDRESSES: Interested persons are invited to submit written data, views, or arguments concerning the proposed regulations to "Health Maintenance Organizations," Room N–4508, Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, on or before the date indicated above. All such submissions will be open to public inspection in the Public Documents Room, Pension and Welfare Benefit Programs, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert Doyle, Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C. 20216, (202) 523–7901. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Section 1310 of the HMO Act requires that certain employers which offer health benefits plans [1] to their employees make available, as a benefit under those plans, membership in a health maintenance organization which is qualified under the HMO Act.[2] As the Department of Labor (Department) has previously indicated, [3] such qualified health maintenance organizations (QHMOs) would not ordinarily be a plan under ERISA under such circumstances, but instead would be a benefit under an ERISA plan. [4] Under ERISA and the Department's regulations thereunder, certain information relating to QHMOs which are available as a benefit under a plan, like information relating to other benefits available under a plan, must be disclosed to plan participants and beneficiaries. Furthermore, certain procedures must be established with regard to the making of claims for benefits and the review of any denials of such claims. It appears to the Department that, in view of the requirements of the HMO Act and regulations of HEW thereunder, some of these requirements might be inappropriate with respect to plan benefits which are provided through membership in QHMO's. Accordingly, the Department is proposing certain limited exemptions and other relief in these areas. In addition, the Department is proposing to amend certain existing exemptions from the reporting and disclosure requirements of ERISA so as to make clear that those exemptions apply to the extent that plans offer benefits through QHMOs. The specific regulations being proposed herein are discussed below.

Reporting and Disclosure

Information relating to benefits available under employee benefit plans must be disclosed in the plan description,[5] the summary plan description (SPD),[6] the plan's annual report, [7] and the plan's summary annual report.[8] In the case of one of these documents, the SPD, it appears that some of the information which plan administrators are required under ERISA to report to participants and beneficiaries where membership in a QHMO is offered under a plan is duplicative of information which the QHMO itself is required to supply to such individuals under the HMO Act. In order to eliminate unnecessary burdens which might result from such duplicative requirements, the Department is proposing to add a new section 102–5 to its reporting and disclosure requlations. The proposed regulation would provide a limited exemption from certain of the SPD requirements to the extent that plans' benefits consist wholly or partly of memberships in QHMOs, provided the conditions of the regulation were met.

Specifically, the SPD of such a plan would not have to include, with respect to QHMOs, the information described in paragraphs (j)(2), (1), and (s) of 29 CFR 2520.102–3, relating to the nature of benefits, the conditions pertaining to eligibility for benefits, procedures for making claims for benefits, circumstances under which benefits might be denied, and procedures for obtaining review of a denial of benefits. However, these items could be omitted from the SPD only if the SPD contained a notice making clear that benefits under the plan were available through one or more QHMOs, and that descriptive materials would be supplied by each such QHMO upon request.[9] By notice appearing in this issue of the **Federal Register**, HEW proposes to amend its regulations under the HMO Act so as to require that QHMOs whose services are made available as benefits under plans prepare such materials, and supply them to plan participants and beneficiaries upon request.[10]

The proposed regulation also provides that an SPD may omit the identity of specific QHMOs through which benefits are available.[11] However, plan administrators would have to furnish this information separately to participants and beneficiaries. Since the identity of available QHMOs might

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[1] A "health benefits plan," as defined in regulations of the Department of Health, Education, and Welfare (HEW) under the HMO Act, comes within the definition of "employee welfare benefit plan" under section 3(1) of ERISA. *See* 42 CFR 110.801(h).

[2] In order for a health maintenance organization to be qualified under the HMO Act, the Department of Health, Education, and Welfare must be satisfied that the health maintenance organization will be operated in accordance with various provisions of the HMO Act relating to fiscal soundness, nature of services, and other matters. *See* sections 1301 and 1310 of the HMO Act.

[3] News release USDL–78–188, March 10, 1978.

[4] *See also Hewlett-Packard, Co., et al. v. Barnes,* 571 F. 2d 502, 504 (9th Cir., 1978).

[5] 29 CFR 2520.102–1.

[6] 29 CFR 2520.102–3.

[7] 29 CFR 2520.103–1.

[8] 29 CFR 2520.104b–10.

[9] Under the proposed regulation, participants and beneficiaries could request the materials either directly from the QHMO or through the plan administrator.

[10] Under existing regulations of HEW, QHMOs must make full and fair disclosure of their benefits, grievance procedures, and other matters. 42 CFR § 110.108(c). However, there is no specific requirement that this disclosure contain the type of information required in an SPD, nor is there any specific requirement that it be presented in written form and supplied to individuals upon request.

[11] The identity of such QHMOs would otherwise be required to be included in the SPD under paragraph (g) of 29 CFR § 2520.102–3.

change with some frequency, particularly in the case of a plan which covers participants and beneficiaries in a number of locales, it would seem useful to participants for plan administrators to furnish such information as described above, rather than for such information to be furnished as part of the SPD.

It should be emphasized that the proposed regulation, if adopted, would not relieve plan administrators of any of the SPD requirements with respect to plan benefits other than QHMOs.[12]

The Department's existing regulations contain, in 29 CFR 2520.104–20 and 104–44, exemptions from various of the reporting and disclosure requirements with respect to plans which, in addition to meeting other requirements, provide benefits exclusively or partly "through insurance contracts or policies issued by an insurance company or similar organization which is qualified to do business in any State." The Department has previously indicated its view that a health maintenance organization is an organization "similar" to an insurance company within the meaning of that phrase.[13] However, there might be some question as to whether a health maintenance organization which is qualified under the HMO Act would be "qualified to do business in any State." In the view of the Department, where plan benefits are provided through a QHMO the existing exemptions noted above should be available to the same extent as they would be if those benefits were instead provided through an insurance company, regardless whether the QHMO happens to be located in a state whose law provides for specific qualification of health maintenance organizations. Accordingly, the Department is proposing to amend regulations 29 CFR 2520.104–20 and 104–44 so as to eliminate any doubt concerning this matter.

Claims Procedures

Under section 503 of ERISA and the Department's regulation 29 CFR § 2560.503–1 thereunder, employee benefit plans are required to establish and maintain specified types of procedures concerning, among other things, the making of claims for benefits by participants and beneficiaries, and review by a named fiduciary of any claims which are denied. Somewhat similar requirements must be met by QHMOs under section 1301 of the HMO Act and regulations of HEW thereunder.[14] The Department believes that the procedures which QHMOs are required to establish relating to grievances would provide sufficient protection to participants to satisfy the requirements of section 503 of ERISA with respect to plan benefits which are provided through QHMOs, and that it is generally unnecessary for plans to establish their own claims procedures with regard to such benefits. Accordingly, the Department is proposing to amend 29 CFR 2560.503–1 to provide that grievance procedures established by QHMOs pursuant to the HMO Act and regulations of HEW thereunder will satisfy the requirments of section 503 of ERISA with respect to plan benefits which are provided through QHMOs.[15]

Finally, the proposed regulations would make certain minor editorial amendments to 29 CFR 2520.104–44 and 2560.503–1.

These proposed regulations have been classified as "significant regulations" because of the considerable public interest in reducing the reporting and disclosure obligations of employee benefit plans under ERISA. See 44 FR 5576 (January 26, 1979).

Statutory Authority

The proposed regulations set forth below are issued under the authority of sections 104, 109, 503, and 505 of ERISA (29 U.S.C. §§ 1024, 1029, 1133, and 1135).

In consideration of the matters discussed above, it is proposed to amend Parts 2520 and 2560 of Chapter XXV of Title 29 of the Code of Federal Regulations as follows:

PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE

1. Add a new § 2520.102–5, to provide as follows:

§ 2520.102–5 Limited exemption with respect to summary plan descriptions of welfare plans providing benefits through a qualified health maintenance organization.

(a) The summary plan description of an employee welfare benefit plan under which some or all benefits are provided through membership in one or more qualified health maintenance organizations, as defined in section 1310(d) of the Public Health Services Act, as amended, 42 U.S.C. 300e–9(d), shall not be required to include, with respect to any such qualified health maintenance organization, the information described in sections 102–3(j)(2), 102–3(l), 102–3(q) and 102–3(s) of this Part 2520, provided that:

(1) Such summary plan description contains a notice of the type described in paragraph (b) of this section;

(2) Any request made in the manner described in paragraph (b)(4) of this section is transmitted promptly by the plan administrator to any such organization in which the person making the request is eligible for membership as a benefit under the plan; and

(3) The plan administrator furnishes, in the manner described in section 104b–1 of this Part 2520, to each person to whom such summary plan description is furnished, the identity of all such qualified health maintenance organizations in which such person is eligible for membership as a benefit under the plan, either at the time such summary plan description is furnished or within 30 days after such information is made available to the plan administrator.

(b) The notice referred to in paragraph (a) of this section shall indicate:

(1) The availability of membership in one or more qualified health maintenance organizations as defined in section 1310(d) of the Public Health Services Act, as amended, 42 U.S.C. 300e–9(d), as a benefit under the plan;

(2) Whether such membership is made available as the sole benefit under the plan, in addition to one or more other benefits, or as an alternative to one or more other benefits;

(3) That each such organization in which membership is available to the participant or beneficiary will supply to him, upon request, written materials concerning (i) the nature of services provided to members; (ii) conditions pertaining to eligibility to receive such services, including circumstances under which services may be denied; and (iii) the procedures to be followed in obtaining such services, and the procedures available for the review of claims for services which are denied in whole or in part; and

[12] Thus, the exemptions provided in this regulation would not be available with respect to benefits offered through life insurance contracts, health maintenance organizations which were not qualified under the HMO Act, or through any other mechanism which was not a QHMO.

[13] See 1977 Instructions for Form 5500, page 1, paragraph B.

[14] 42 CFR 110.108(i). Under section 1301 of the HMO Act, health maintenance organizations must "be organized in such a manner that provides meaningful procedures for hearing and resolving grievances between the health maintenance organization * * * and the members of the organization".

[15] However, if a plan provided benefits partly through one or more QHMOs and partly by other means, the claims procedure requirements of ERISA would apply with regard to those benefits not provided through a QHMO. Furthermore, a plan would have to have its own claims procedures with respect to the question of whether a participant was entitled to *membership* in a QHMO as a benefit under the plan. The QHMO's claims procedures would satisfy the requirements of section 503 of ERISA only with respect to questions regarding the benefits which the QHMO was required to provide to plan participants who had become members.

(4) That requests for the materials described in paragraph (b)(3) of this section may be addressed to the plan administrator.

2. Amend § 2520.104–20 by amending paragraph (b)(2)(ii) thereof to read as follows:

§ 2520.104–20 Limited exemption for certain small welfare plans.

* * * * *

(b) * * *

* * * * *

(2) * * *

(ii) the benefits of which are provided exclusively through insurance contracts or policies issued by an insurance company or similar organization which is qualified to do business in any State or through a qualified health maintenance organization as defined in section 1310(d) of the Public Health Services Act, as amended, 42 U.S.C. 300e–9(d), the premiums for which are paid directly by the employer or employee organization from its general assets or partly from its general assets and partly from contributions by its employees or members, *Provided*, that contributions by participants are forwarded by the employer or employee organization within three months of receipt, or

* * * * *

3. Amend § 2520.104–44 by amending paragraph (b)(1)(ii) thereof to read as follows:

§ 2520.104–44 Limited exemption and alternative method of compliance for annual reporting by unfunded plans and by certain insured plans.

* * * * *

(b) *Application.* * * *

(1) * * *

* * * * *

(ii) The benefits of which are provided exclusively through insurance contracts or policies issued by an insurance company or similar organization which is qualified to do business in any State or through a qualified health maintenance organization as defined in section 1310(d) of the Public Health Services Act, as amended, 42 U.S.C. 300e–9(d), the premiums for which are paid directly by the employer or employee organization from its general assets or partly from its general assets and partly from contributions by its employees or members, provided that any plan assets held by such an insurance company are held solely in the general account of such company, contributions by participants are forwarded by the employer or employee organization within three months of receipt and, in the case of a plan that provides for the return of refunds to contributing participants, such refunds are returned to them within three months of receipt by the employer or employee organization, or

* * * * *

PART 2560—RULES AND REGULATIONS FOR ADMINISTRATION AND ENFORCEMENT

4. Amend § 2560.503–1 by revising paragraph (b)(1)(i) thereof and adding thereto a new paragraph (j), to read as follows:

§ 2560.503–1 Claims procedure.

* * * * *

(b) *Obligation to establish* * * *

(1) * * *

(i) Complies with the provisions of paragraphs (d) through (h) of this section, except to the extent that it is deemed to comply with some or all of such provisions under the authority of paragraph (b)(2) or paragraph (j) of this section.

* * * * *

(j) *Qualified Health Maintenance Organizations.* Claims procedures with respect to any benefits provided through membership in a qualified health maintenance organization, as defined in section 1310(d) of the Public Health Services Act, as amended, 42 U.S.C. 300e–9(d), established by such qualified health maintenance organization in conformity with the requirements of section 1301 of the Public Health Services Act, as amended, 42 U.S.C. 300e, and the regulations thereunder shall be deemed to satisfy the requirements of section 503 of the Act and of this section with respect to the provision of such benefits to persons who are members of such qualified health maintenance organization.

Signed at Washington, D.C., this 8th day of June, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration.

[FR Doc. 79–19444 Filed 6–21–79; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 110]

Health Maintenance Organizations; Requirements

AGENCY: Public Health Service, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice sets forth proposed amendments to the requirements for the operation of health maintenance organizations (HMOs). These requirements relate to the disclosure of information by HMOs to members, potential members, and employers. These amendments are proposed to coordinate with requirements under the Employee Retirement Income Security Act of 1974 (ERISA). Interested parties are invited to submit written comments and suggestions concerning the proposed amendments.

DATE: Comments must be received by August 21, 1979.

ADDRESSES: Written comments should be sent to the Director, Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857. The comments will be available for public inspection and copying at the above address between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except for Federal holidays.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: 42 CFR 110.108(c) requires that HMOs qualified under Title XIII of the Public Health Service Act offer enrollment to various categories of persons residing in their service areas, and that they do so after "full and fair disclosure" of certain aspects of their organization and operation. It is proposed that the disclosure provisions of § 110.108(c) be amended to include certain of the basic disclosure items and information required by the Department of Labor in its implementation of the Employee Retirement Income Security Act of 1974 ("ERISA"). Section 110.108(c) would also be expanded to include information on the financial condition of HMOs. The proposed amendment to the "full and fair disclosure" requirements of § 110.108(c) also provides that the written descriptions required of HMOs are to be written so that they can be easily understood by the average person considering enrollment in an HMO.

In addition, a new paragraph (s) is proposed to be added to § 110.108. This paragraph would require that a qualified HMO provide to each employer or designee offering the HMO option to its employees those informational materials

which it requests and which are necessary to satisfy its reporting and disclosure obligations under ERISA insofar as that HMO is concerned.

These proposed regulations are being published simultaneously with proposed regulations issued by the Department of Labor which would, among other things, provide certain exemptions from the disclosure requirements of ERISA (see 29 CFR 2520.102–3). If both the regulations proposed by the Department of Health, Education, and Welfare and those proposed by the Department of Labor are adopted, certain of the information supplied by HMOs under the HEW regulations will in effect serve as a substitute for information which ERISA would otherwise require to be supplied by administrators of employee benefit plans under which membership in a qualified HMO is an available benefit. Specifically, a substantial portion of the materials which would be required to be submitted in the summary plan description required by section 102 of ERISA could be omitted. The Department of Labor's proposed regulations would also make clear that plans would not be required to have claims procedures duplicating those established by qualified HMOs.

The Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise 42 CFR § 110.108 as set forth below.

Dated: May 10, 1979.

Charles Miller,

Acting Assistant Secretary for Health.

Approved: May 24, 1979.

Joseph A. Califano, Jr.,

Secretary.

(Sec. 215, 58 Stat. 690 (42 U.S.C. 216); secs. 1301–1318, as amended, 92 Stat. 2131–2141 (42 U.S.C. 300e–300e–17))

PART 110—HEALTH MAINTENANCE ORGANIZATIONS

1. In § 110.108, paragraph (c) is revised and a new paragraph (5) is added to read as follows:

§ 110.108 Organization and operation.

* * * * *

(c)(1) *Full and fair disclosure.* Prepare a written description of its benefits (including limitations and exclusions), coverage (including a statement of conditions on eligibility for benefits), procedures to be followed in obtaining benefits, circumstances under which benefits may be denied, rates, grievance procedures, service area, location, hours of service, and a general description of participating providers and the financial condition of the HMO. This description shall be written so that it can be easily understood by the average person who might enroll in the HMO. The description of coverage and benefits may be in general terms if reference is made to a detailed statement of coverage and benefits which is available without cost to any person to whom the opportunity for enrollment in the HMO is offered or who has enrolled in the HMO. Upon request made directly to the HMO or to the plan administrator (as that term is defined under the Employee Retirement Income Security Act of 1974, "ERISA") of a health benefits plan which includes the HMO option, the HMO shall provide the description to any person who is a participant or beneficiary of the plan and who is eligible to elect the HMO option.

(2) *Broadly representative enrollment.* After providing the written description referred to in paragraph (c)(1) of this section, offer enrollment to persons who are broadly representative of the various age, social, and income groups within its service area. In the case of an HMO which has a medically underserved population located in its service area, not more than 75 percent of the HMO members may be enrolled from the medically underserved population unless the area in which that population resides is also a rural area.

* * * * *

(s) *Reporting and Disclosure under ERISA.* Provide each employer or designee (as those terms are defined in § 110.801 of this Part) or plan adminstrator (as that term is defined under the Employee Retirement Income Security Act of 1974, "ERISA") including the HMO option in its employees' health benefits plan, upon request, the information which is necessary to satisfy its reporting and disclosure obligations under ERISA insofar as that HMO is involved.

[FR Doc. 79-19445 Filed 6-21-79; 8:45 am]

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federal register

Friday
June 22, 1979

Part V

Department of Agriculture

Animal and Plant Health Inspection Service

Marine Mammals; Humane Handling, Care, Treatment, and Transportation

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 1 and 3

Marine Mammals; Humane Handling, Care, Treatment, and Transportation

AGENCY: Animal and Plant Health Inspection Service (USDA).

ACTION: Final rule.

SUMMARY: This document sets forth regulations and standards under the Animal Welfare Act to govern the humane handling, care, treatment, and transportation of warmblooded aquatic animals or marine mammals. Such regulations and standards were proposed and published in the **Federal Register** on September 19, 1978. The public comment period ended November 20, 1978. Comments and recommendations were received from the public, interested industry groups, and the Marine Mammal Commission. This Department has evaluated the comments and recommendations and has prepared the regulations and standards which appear herein as final rulemaking.

EFFECTIVE DATE: September 20, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. Dale F. Schwindaman, Senior Staff Veterinarian, Animal Care Staff, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, telephone number (301) 436–8271.

SUPPLEMENTARY INFORMATION: On September 19, 1978, the Animal and Plant Health Inspection Service (APHIS) published a proposed rulemaking under the Animal Welfare Act which contained regulations and standards for the humane handling, care, treatment, and transportation of marine mammals when maintained in captivity (43 FR 42200). This rulemaking proposed an amendment to Parts 1 and 3, Subchapter A, Chapter 1, of the Code of Federal Regulations. The Animal Welfare Act, as amended, 7 U.S.C. 2131 *et seq.*, requires the Secretary to promulgate regulations and to set standards governing the humane handling, care, treatment, and transportation of animals by dealers, research facilities, exhibitors, operators of auction sales, carriers, and intermediate handlers. Such standards must include minimum requirements with respect to handling, housing, feeding, watering, sanitation, and other areas specified in section 13 of the Act (7 U.S.C. 2143).

Following publication of the proposed rulemaking on September 19, 1978, the 60-day period designated for the purpose of inviting public comment ended on November 20, 1978. A total of 186 comments was received within the comment period. Most comments received were from the private sector of the public, including individuals who apparently do not have any direct interest in marine mammals. The major comments are summarized as follows: One was opposed to APHIS proposals as too lenient; one was opposed to them as being too stringent; there were 143 which generally agreed with the proposals and suggested that several areas be strengthened; and there were four which agreed but suggested modifications in one specific area. Comments from the various humane and conservation groups consisted of 12 which agreed with the intent of the proposals but suggested several areas be clarified and/or strengthened, one which challenged the legality of the Department of Agriculture administering the marine mammal regulations, and one which generally opposed maintaining cetaceans in captivity. Twenty comments were received from the industries involved with animals, such as zoos, circuses, traveling acts, universities, research facilities, carriers, and other related groups. All of these comments requested modifications and/or clarification of one or more areas. The Department of Commerce, the Department of the Interior, and the Marine Mammal Commission supported the basic concept of the proposal but strongly urged modification and/or clarification of various areas.

The various comments that were received with regard to the proposed rulemaking and the recommendations of the Marine Mammal Commission were evaluated by this Department, and because of questions which were raised and valid suggestions which were made, some changes from the proposed regulations and standards are warranted. Certain other editorial changes were also made for accuracy and clarification.

Notice is hereby given in accordance with the administrative provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), the regulations and standards (9 CFR 1.1, *et seq.*) are amended in the following respects: (1) The definition of "animal" is revised to include marine mammals; the term "pool" is added to the definition of "primary enclosure"; and the term "minimum horizontal dimension" is added to the definitions. (2) New standards are provided at 9 CFR 3.1, *et seq.*, regarding the humane handling, care, treatment, and transportation of marine mammals.

Discussion of Comments

Comments Regarding Proposed Operating Standards and Proposed Standards Governing Facilities

There were numerous comments received pertaining to proposed section 3.100, "Special considerations regarding compliance." Most of these comments were from private individuals and humane/conservation groups requesting that the time limit for deviation from the standards or variance from full compliance be reduced from 4 years to either 1, 2, or 3 years. One comment from industry indicated that the variance from full compliance should be for a longer time period since marine mammals are being maintained successfully in existing facilities which do not meet all the requirements of the proposed standards. Another comment from industry indicated that compliance with the proposed standards would be financially unrealistic for tax supported facilities. There was also a suggestion that the Federal Government should defray the increased cost of compliance when awarding research grants to nonprofit facilities.

The Marine Mammal Commission and the Department of Commerce requested clarification of proposed § 3.100 with regard to the mechanism for granting variance or permission to operate as a licensee or registrant for up to 4 years without meeting all the requirements of the standards, whether or not the variance would be renewable at the end of 4 years and, if so, under what conditions; whether specific applicants would be granted continual variance from specific portions; and whether or not consideration would be given to those facilities engaged in research other than that concerned with maintenance of marine mammals. The Marine Mammal Commission also asked whether or not a list of those facilities granted a variance would be published in the **Federal Register.** Several comments were received from humane groups and industries suggesting that a review committee be appointed by the Secretary to review the applications for variance and to advise the Department concerning their validity.

After due consideration of all of these comments, the Department has determined that 3 years is sufficient time to attain full compliance. In the case of

unforeseen circumstances or in unusual situations, such as where facilities dependent upon public funds do not receive such funds in time, the Deputy Administrator may grant a maximum extension of 1 year if he determines that such extension is justified and necessary.

The regulations and standards will not make specific provisions for a continual variance or permission to deviate from the standards. The term "variance" shall be adopted herein in lieu of "deviation from the standards" which was used in the proposal. The 3- or 4-year period during which such variance may be granted to facilities housing marine mammals should provide sufficient time for the regulated industry to come into compliance with the standards. Such time period should also provide the Department an opportunity to observe the practical application of these provisions and to make appropriate changes, as deemed necessary, based on experience.

In addition, whether licensed as exhibitors or not, research facilities subject to the Animal Welfare Act must become registered under the provisions of section 6 of the Act (7 U.S.C. 2131–2156) and part 2, § 2.25 of the regulations. Upon registration, variance from specific sections of the standards may be granted during the specified time period the animal or animals are involved in research, provided that such variance is fully addressed and justified in the experimental design. Facilities which are required to become registered as research facilities shall not be limited to the type of research they may perform. Unless such variance from the regulations and standards is written into the experimental design of the research protocol, the marine mammals used in research projects shall be provided all the essentials of husbandry and care as stated in the regulations and standards. Those facilities operating specifically as rehabilitation centers for stranded or beached marine mammals will be individually assessed to determine if they are subject to the Act. Facilitities determined by this Department to be subject to the Act will be required to become licensed or registered. The Department realizes that variance for research purposes as explained in the preceding discussion is different from that which was presented in the proposal. However, in order to be consistent with other sections of these standards, § 3.100(c) has been rewritten to reflect the appropriate intent of the paragraph.

With reference to appointing a review committee, the Secretary presently has authority to utilize consultants when expertise in a specific area is needed. Therefore, in keeping with governmental policy, the Department has decided against appointing a standing committee to advise on applications for variance. However, consultants will be utilized when it is apparent that additional expertise is necessary.

All persons subject to the Animal Welfare Act who maintain or otherwise handle marine mammals will be required to become licensed or registered after the effective date of these regulations and standards. It is the intent of the Department to periodically list such licensees and registrants in the **Federal Register**, and those granted a variance other than for research will be identified.

In the comments relative to proposed § 3.101, "Facilities, general," several changes were requested for clarification. It was suggested that the word "employee" be deleted and the phrase "attendant responsible to management" be used in order to include those persons that assist on a voluntary basis without compensation. For the sake of clarification, it has been decided that the term "employee" and the phrase "attendant responsible to management" shall be used interchangeably in these regulations and standards.

Several comments indicated that the reference to "non-porous, waterproof surface" in proposed § 3.101(a)(3) should be deleted as it was unnecessary in the context of the section. It is the intent of the Department to describe as clearly as possible the type of surface which must be present when manmade materials are utilized. The description will therefore remain unchanged. It should be noted that natural areas are exempt from such requirement.

Another comment indicated that the word "rapidly" in proposed § 3.101(c)(1) should be deleted or clarified, as draining a pool too rapidly could be traumatic to the marine mammals housed therein. It was not the intent of this section to require that the pool must be drained rapidly, only that the capability to do so be available if needed, and the wording has therefore been changed accordingly.

In response to a comment, the phrase "or food preparation" has been deleted from proposed § 3.101(d) to clarify that toxic substances shall not be stored in food storage areas. The methods of storing toxic or potentially toxic substances such as detergents and sanitizing agents in food preparation areas are now prescribed by § 3.107(b).

With respect to proposed § 3.102, several comments were received requesting that the vertical air space be increased from 1.83 meters (6 feet) to 2.44 meters (8 feet). The Department had originally proposed that the vertical air space must average 2.44 meters (8 feet) and subsequently reduced that requirement to 1.83 meters (6 feet) in response to previous comments and on the advise of technical and scientific advisers. It is therefore decided that the proposed minimum vertical air space requirement of 6 feet will remain unchanged.

A single comment regarding lighting indicated that the terms "optimum" and "excessive" were vague and subject to different interpretations. In an effort to clarify the intent of these terms, the term "optimum" has been changed to "adequate" and an explanatory footnote has been added to the section.

Various comments were received regarding proposed § 3.103, "Facilities, outdoor." One suggested expanding the content of the first paragraph to ensure protection from adverse environmental conditions, but it is the opinion of the Department that the content is sufficient as is.

Several comments indicated that clarification was needed regarding the proposed requirements for outdoor pools housing ice or cold water dwelling species and warm water dwelling species of marine mammals. Therefore for the sake of clarity, paragraph (a) of proposed § 3.103 has been restructured into three subparagraphs. The content of the proposed paragraph has been slightly altered in response to valid requests contained in the comments. As requested, cold water dwelling species of pinnipeds have been included in paragraph (a)(1). However, a request to add ice dwelling species of cetaceans to paragraph (a)(1) is rejected since the requirements for outdoor pools housing cetaceans appear in paragraph (a)(2). Warm water dwelling species of cetaceans have been included in paragraph (a)(3) as requested.

There was one comment which generally agreed with the intent of proposed § 3.103 but stated that marine mammals can survive and remain in good health without the use of direct shade. The Department realizes that structures, trees, canvas, etc., are not present in the natural habitat of these animals. However, there are other means by which they can escape direct sunlight in the wild which are not available to them in captivity. Therefore, it is the opinion of this Department that marine mammals in captivity should have access to shade.

A total of 163 comments was received in regard to proposed § 3.104, "Space

requirements," for the various orders and species of marine mammals. Most of the comments (145) were from private individuals and humane organizations which indicated that the proposed space requirements were too small. Most were of the opinion that the proposed primary enclosure size should be doubled, especially for the cetaceans. Others thought the enclosure size should be tripled. One comment stated that it should be enlarged 10 times. A marine mammal trainer commented that the proposed primary enclosure pool for cetaceans was larger than necessary. Of the remaining 18 comments regarding space requirements, 9 were from elements representing industry, universities, and other government agencies and 9 were from circuses and circus fan organizations.

The comments regarding the primary enclosure sizes being too small did not include any persuasive evidence to support that contention. Also, there were no comments received that could provide a valid reason for disagreeing with what the Department had proposed as space requirements. The space requirements, as proposed, represent extensive efforts of the Department in which it consulted and received information from recognized authorities on the housing of marine mammals in captivity. The advise received was based on many years of acquired knowledge regarding acceptable space requirements. The Department wishes to establish minimum humane standards for the maintenance of marine mammals in captivity which would be consistent with their good health and well-being. Anyone wishing to provide more than the space required by the standards for marine mammals is free to do so without interference from the Department. With regard to the proposed space requirements, the Department is of the opinion that they are adequate, and they shall therefore remain unchanged.

The Marine Mammal Commission commented that there were no provisions for short-term holding facilities which do not meet the standards. The Department made allowances for this in proposed § 3.110, "Veterinary care." Special holding facilities are allowed for isolation, medication, and treatment. Since these facilities are less than minimal, the good health and well-being of animals contained therein should be under the supervision of the attending veterinarian. Enclosures smaller than required by the standards to be used for purposes other than veterinary care, such as training, transfer, etc., were not specifically provided for by the proposal. However, the proposed standards were primarily intended to cover permanent housing facilities. To clarify this intent, appropriate language has been added to § 3.104, "Space requirements," to allow for temporary holding, training, transfer, etc. pools. These enclosures can be used for a variety of reasons, but they must not be used as permanent housing or for any periods longer than allowed by the attending veterinarian.

There were several comments from universities and research facilities regarding the lack of provisions for experimentation and research whereby other methods of housing and maintaining marine mammals could be developed. Any facility which wishes to make application to become a registered research facility can do so and can conduct experimentation and research involving marine mammals. However, marine mammals in research facilities must be given the same essentials as required by the regulations and standards for exhibitors, unless the research protocol specifically indicates the need for a variance from the minimum standards in order to obtain the desired results of such research. The research protocol shall be available to USDA inspectors when visiting the premises for inspection purposes.

There were several comments regarding the Minimum Horizontal Dimension (MHD) of the primary enclosure pools. One comment stated that the MHD was too restrictive and made no allowances for square and rectangular shaped pools. As stated in the supplemental information of the proposed rulemaking, a circular pool with the required MHD is the smallest pool which would meet the standards. The pool can be of any size and shape, but in that pool, there must be a place that will meet or exceed the MHD, depth, surface area, and volume requirements. Another comment requested clarification of the term "primary enclosure" as it relates to holding pools which are connected to a larger performance pool. In response to this request, it should be restated that enclosures smaller than required by the standards may be used for holding animals for short periods of time at the discretion of the attending veterinarian. However, if the animals are confined in the holding pools for extended periods of time and do not have access to the larger performing pool, except during their performance, then the holding pool would be considered the primary enclosure and must meet or exceed all of the minimum requirements. When the animals have free access to the larger performing pool, other than during their performance, then the entire pool complex may be considered as the primary enclosure.

One comment stated that there was no mention of MHD for pools housing pinnipeds in the regulations although it was discussed in the supplementary information. This was an oversight and is now included. It was stated in the supplementary information of the proposal that "A pool of water whose MHD is twice the average adult length of the longest species of pinniped contained therein appears to have sufficient surface area for two such pinnipeds." After consideration of all relevant factors, this Department has decided to base the MHD on 1½ times the average adult length of the longest species of pinniped contained in a pool. This decision is partially based on the fact that pinnipeds spend a considerable amount of time outside of the water.

Several humane groups expressed the opinion that the MHD should be based on 4 times the average adult length for all cetaceans thereby making it the same for Group I cetaceans as for Group II cetaceans.

One government agency commented that pinnipeds should be measured from the tip of the nose to the rear-most part of the hind flipper. The information used by the Department in measuring pinnipeds is E. P. Walker's book, *Mammals of the World*, Volume II, 2nd Edition, John Hopkins Press, page 1283, 1968. Mr. Walker has done extensive research regarding mammals under sponsorship of the New York Zoological Society and the National Institutes of Health. He was Assistant Director of the National Zoological Park and is considered by the Department to be an authority on the subject of mammals. According to Mr. Walker, the pinniped should be measured from the tip of the nose in a straight line to the tip of the tail. Although the tail is vestigial, all pinnipeds have tails. There was also a comment from the Marine Mammal Commission that the *Monodon monoceros* (narwhale) should be spelled "narwhal." Webster's Dictionary states that both versions are acceptable. Mr. Walker also calls them narwhales. Therefore, in keeping with governmental policy that regulations be written in understandable language, the Department has determined that the term "narwhale" is preferable to narwhal.

There were two comments stating that the proposed formulas for computing MHD were wrong. There was a typographical error in the proposed rulemaking when it was published in the

Federal Register. In all the formulas where the symbol pi (π) should have been used, "0" was used instead. Most people evidently recognized this as a printing error since the Department received only two comments in this regard. Some comments expressed difficulty understanding the formulas as printed. Specifically, there were questions regarding the determination of the radius of a pool. In the case of Group I cetaceans (where MHD must be 2 times the average adult length of the longest marine mammal) and Group II cetaceans (where MHD must be 4 times the average adult length), the MHD also represents the required minimum diameter of the pool. Therefore, in pools housing Group I or Group II cetacean, one-half the MHD of the pool represents the radius for further mathematical computations.

One agency's comments indicated some confusion regarding the relationship of surface area to volume when making computations. While it is true that surface area is not a specified factor in the formula for calculating volume, it is very important in determining pool size. A pool which meets either Group I or Group II MHD and depth requirements will satisfy the surface area and volume requirements for up to two Group I or up to four Group II cetaceans. As additional animals of either group are added to the pool, both volume and surface area required must be calculated independently for each animal added and the dimensions of the pool adjusted to meet both total surface area and volume requirements respectively. If surface area requirements were not considered in determining pool dimensions when adding additional animals, it would be conceivable that a situation could be created whereby numerous animals would be stacked one upon the other, all competing for the same surface area, in a pool which otherwise would meet all the requirements regarding the MHD, depth, and volume. Therefore, when computing the size of the pool, the total surface area must be figured based on the required surface area for each cetacean in the pool. To avoid any further confusion, appropriate changes have been made in the wording of proposed § 3.104(b)(3).

There was a comment that the word "adult" should be dropped when computing the MHD because some facilities use adolescent or juvenile animals and never hold them till maturity. The Department is of the opinion that if MHD were based on various adolescent and juvenile sizes, as well as adult sizes of marine mammals, the standards would become too indefinite and burdensome for the industry and would be difficult to enforce. Therefore this suggestion is rejected.

There were also some comments regarding the proposed depth of the primary enclosure pool. One comment stated that the depth of the pool should be at least 1½ times the length of the marine mammal contained therein. Another comment stated that it is common to have primary enclosure pools with sloping bottoms, and that these pools can meet the volume and surface area requirements. Pools are usually most shallow at the edges and deepen toward the center where the drain is located. Some pools, other than circular ones, might also have a shallow end which is less than minimum. Only that part of the pool that meets or exceeds the minimum depth requirements can be used to compute the required space dimensions. Any part of the pool which is less than the minimum depth cannot be used when calculating pool size and cannot be used in calculating dry resting or socializing areas.

There were some comments that the formulas, working examples, and guidelines be published to assist in helping to understand the minimum space requirements. There was also a comment that the Department should furnish a list of the average adult lengths of all marine mammals maintained in captivity and give the dimensions for both the male and the female of the species.

The Department is planning to suggest guidelines and provide a better understanding of the space requirements formulas at a later date. However, there were very few comments with regard to interpretation of the formulas; therefore, the Department must assume that most people did not have difficulty in understanding them. Since the Department does not wish to delay implementing the regulations and standards, any additional supplemental information which is developed pertaining to formulas will be forthcoming at a later date. The list of the average adult lengths for species of marine mammals maintained in captivity has been compiled by the Maine Mammal Commission and is incorporated in these regulations as Table III. These are the lengths that are to be used when making computations under these standards. The average adult lengths of marine mammals indicated in Table III were determined after researching the literature on the subject and after surveying and consulting with personnel at facilities which presently maintain the various species. Facilities which cannot presently meet the standards based on the lengths indicated by Table III and which question the accuracy of specific lengths as shown in Table III may apply for a variance. If such variance is granted, the facilities will have ample time to present evidence to the Department relevant to the lengths in question. If, after evaluation by the Department, it is determined that a length appearing in Table III should be changed, the regulations will be amended accordingly.

The Marine Mammal Commission has requested that the common name used for the Group II cetacean, *Stenella coeruleoalba*, be "striped dolphin" and that "blue-striped porpoise" as published in the proposed rulemaking not be used. The Department agrees with this recommendation and has made the appropriate change (see § 3.104).

Several comments were received with regard to the den requirements for female polar bears. One person stated that he had the best breeding success with polar bears if the den were small. Another stated that there was no need to provide dens to females of breeding age if they were not placed in contact with males of breeding age. The Department proposed a den size of 6′ × 6′ × 5′ high. The comment regarding the smaller den suggested 5′ × 5′ × 5′. One leading zoo commented on the den size and submitted a reprint from the *International Zoo Yearbook*, wherein the size of the dens are larger than the 6′ × 6′ × 5′ proposed by the Department. In considering the size of adult polar bears, which can exceed 7 feet in length, the Department feels the den should adequately accommodate the animal and will therefore not reduce the proposed dimensions. The Department will not require a separate den for each female of breeding age in stationary exhibits unless such female is housed in the same primary enclosure with a male of breeding age.

There were nine comments received from circuses and circus fan groups expressing their concern that circuses and traveling marine mammal acts cannot survive because the regulations and standards as proposed would require these facilities to provide the traveling marine mammal with the same requirement as the permanently housed animal. A major concern expressed by these comments was that the space available in the vehicles transporting the marine mammals, such as railroad cars and trucks, would not legally

accommodate primary enclosures of such dimensions as required by the proposed standards. Also, there was concern that limited space on railroad car sidings at exhibition locations would prohibit the use of additional railroad cars for the purpose of transporting such enclosures. Other comments stated that the required dimensions in the proposed standards for primary enclosures for polar bears exceed those which are necessary for trained animals. The Department also received comments from humane groups which agreed that traveling animals should be provided with the same requirements as stationary animals. The Department has received input regarding this question from experts in the area of marine mammal care such as the Marine Mammal Commission, the Department of the Interior, Commerce, etc. They all agree that marine mammals in traveling exhibits should be subject to the same requirements as those marine mammals which are maintained in stationary exhibits. This requires that traveling exhibitors must comply with all the standards and regulations while their exhibit is en route, and each time the exhibit is set up at any location for a performance or other purpose. At this time, the Department does not intend to alter the requirements as stated in the proposed rulemaking for traveling marine mammal exhibits except that a separate den need not be provided for each female polar bear of breeding age until it is determined that she is pregnant. However, it is anticipated that traveling marine mammal exhibitors, who cannot presently comply with the standards as stated in the proposed rulemaking, will request a variance. If it is properly justified and consistent with the health and well-being of the animals concerned, it is expected that such variance would be approved. Exhibitors requesting a variance will then have sufficient time to present evidence to the Department supporting any contention they may have that trained traveling marine mammals need not be maintained under the same conditions as those which are part of a stationary exhibit. If, upon evaluation by the Department, the evidence submitted is found to be valid, the regulations will be amended accordingly.

Comments Regarding Animal Health and Husbandry Standards

There were several comments with regard to feeding which recommended that the maximum temperature for storing frozen fish and other frozen food should be reduced by varying degrees to as much as −30° C. One comment quoted a reference. This reference is "The Draft Code of Practice for Frozen Fish" prepared for the Organization for Economic Cooperation and Development, International Institute of Refrigeration, Paris, 1969. In accordance with the quoted recommendation in the reference, the Department has decided to change the temperature requirement for maintaining frozen fish and other food from −15° C. to −18° C. (0° F.).

Requests were also made to limit the length of time food can be stored to 3 months. Rather than setting a specified time period for the storage of food, this Department made a modification in paragraph (d) of proposed § 3.105. The intent of such modification is to make it management's responsibility to ensure the nutritive value and wholesome quality of the food being fed, thereby providing reasonable flexibility regarding storage time.

One comment requested exemption from the daily feeding requirement for experimental procedures and suggested that the proposed 24-hour time limit for feeding of thawing food be increased (§ 3.105(d)). As discussed previously, research facilities wishing to conduct research regarding feeding and nutrition may do so provided that such procedures are specified and described in their research protocol. Regarding the time period for feeding of thawing food, it is the Department's opinion that the requirement as stated is necessary to maintain marine mammals in good health.

Additional comments recommended that public feeding not be allowed and that diets should be required to be varied. These are both managerial decisions and must be based on good judgment with regard for the health and well-being of the animals. A final comment suggested that the content of the proposed section on feeding be expanded to include accepted practices for handling of frozen food in a manner consistent with those for handling food for human consumption. Since the intent of the section is to set standards for animal consumption, it does not seem appropriate to impose such standards.

With reference to water quality (proposed § 3.106), several comments were received requesting modification of the proposed coliform and pH testing requirements. Of these comments, two suggested that coliform monitoring be required daily, one suggested monitoring three times per week, one suggested weekly testing until a protocol is established and then monthly testing to check efficiency, and two suggested that natural seawater be exempted entirely from such monitoring. A single comment indicated that the need to monitor polar bear pools for coliforms was unnecessary. In response to these comments, it is the Department's contention that all water may be subject to contamination by sewage and, therefore, must be monitored for coliforms. Management should be responsible for monitoring water quality frequently enough to ensure the health and well-being of the animals; however, in an effort to set minimal standards, it is determined that coliform monitoring once per week is not unreasonable. The Department has decided that the need to monitor natural seawater for pH and chemicals is questionable and therefore has deleted these requirements provided that chemicals are not added to maintain water quality. In keeping with the recommendation of the Marine Mammal Commission, the Department is in agreement that no exception will be made for water quality requirements of polar bear pools.

There were numerous comments recommending that all marine mammals without exception be maintained in natural or reconstituted seawater. Although the Department agrees in principle with these comments, there are many examples of apparently healthy pinnipeds presently being successfully maintained in nonsalinized water. Therefore, the Department does not intend to change the salinity requirement of proposed § 3.106. All cetaceans shall be required to be provided with salinized water. Other marine mammals shall be provided salinized water if it is required for their health and well-being. The reference to harp seals which are pinnipeds has been deleted since any pinniped must be provided salinized water when necessary. The question of salinity will be pursued further, and if scientific evidence so indicates, the regulations will be amended accordingly. A request by the Marine Mammal Commission to change the range of salinity for those pools that contain salinized water from 15–36 parts per thousand to 20–36 parts per thousand has been considered. Although references indicate that cetaceans presently in captivity are often maintained at the 20–36 parts per thousand concentration, it is the Department's contention that the seawater of the natural habitat of some captive marine mammals is less concentrated. Therefore, the proposed concentration of 15–36 parts per thousand is deemed adequate for the purpose of these standards.

Recommendations indicating that additional requirements, including the type of filter to be used, be included in

the regulations, have not been followed by the Department. These are the types of decisions that are best left to the discretion of management who will be held responsible for the quality of the water and for the health of the animals contained therein.

The only comment pertaining to the proposed section on sanitation (3.107) requested clarification of that section so as not to include areas where food is prepared for human consumption. In response to this comment, the wording has been changed to clarify the intent of the section.

A comment regarding proposed § 3.108, "Employees," recommended that provision be made for the education of new employees or students in working with marine mammals. The Department recognizes the validity of this comment, and this section is therefore changed to allow for training of marine mammals by new employees and students under the direct supervision of an experienced trainer.

Numerous comments pertaining to proposed § 3.109, "Separation," suggested clarification with respect to marine mammals having access to other animals. It was recommended that the Department require that marine mammals be always kept in groups of two or more. As was addressed in the discussion of the proposed rulemaking, the Department supports the principle of two or more marine mammals being maintained in the same primary enclosure if they are compatible. However, as previously stated in the proposed rulemaking, this Department does not have jurisdiction over the system by which additional marine mammals are added to a facility and therefore would not be justified in requiring, by regulation, that two or more such mammals be maintained together. The intent of the Department is to promote as much contact as possible between compatible species of marine mammals or between marine mammals and other animals. This intent is reflected in § 3.109.

With regard to isolation, the term "temporarily" has been added as suggested by one comment; however, two requests to include research in this section were rejected because variance for research purposes is addressed in the section pertaining to compliance.

Proposed § 3.110, "Veterinary care," indicated that a program be established under the supervision of a veterinarian, and although the Department encourages periodic visits to the facility by the veterinarian, it does not wish to establish the frequency of such visits as one comment suggested. This is a decision that management and the veterinarian must make in order to meet their responsibility to ensure the health and well-being of the animals.

Three comments indicated that provision should be made to allow professionals, other than veterinarians, to perform necropsies. The standard for conducting necropsies as stated in the proposed rulemaking is not intended to preclude the participation by other professionals but is intended to require that a veterinarian conduct the necropsy and prepare the report. The Department feels the intent is valid and has determined that a provision for professionals other than a veterinarian to conduct the necropsy should not be included. This is because facilities maintaining marine mammals are required to have a program of veterinary care established and maintained under the supervision of an attending veterinarian and such necropsy is considered part of such program. Several comments suggested that the necropsy report should be submitted to APHIS with distribution to other involved governmental agencies and that it should be maintained for a period longer than 2 years. In response to these comments, the Department has extended the time period for retention of the reports from 2 years to 3 years but does not intend to require that the reports be submitted to APHIS or to other government agencies. It appears to the Department that submission is unnecessary since the reports will be on file at the facility and available when needed.

The Department, in the proposed rulemaking for handling, intended to allow for controlled public contact with marine mammals for such purposes as feeding and petting. Therefore, in response to a comment that the proposed section is unclear, the context has been changed to indicate that during those periods of limited contact for purposes of public feeding, petting, etc., a uniformed attendant will be present. This does not negate the fact that separation between the public and the marine mammal for other than controlled contact will be as described in the latter portion of the section. It should be noted that the word "uniformed" with reference to the attendant has been included in this section as requested by two comments. The type of uniform will be at the discretion of the facility, provided the attendant is readily identifiable by members of the public. Additional requests not to allow public feeding, to set specific time periods for display, and to expand the content of the section for emphasis are rejected since it is the opinion of the Department that adequate parameters have been established regarding management's responsibility for the health and well-being of the marine mammals.

Comments Regarding Transportation Standards

On October 17, 1978, the Department published a notice of proposed rulemaking containing changes and additions to Part 3 of Subchapter A, Chapter 1, Title 9 of the Code of Federal Regulations, which amended the transportation standards for all animals under the Animal Welfare Act. The final rule amending the standards became effective on January 2, 1979. As the proposed amendments to the transportation standards were published after the proposed standards and regulations for marine mammals, the Department was unable to incorporate the changes in the proposal for marine mammals. In addition, several comments received made it apparent that the marine mammal transportation standards did not coincide with the format and, in some cases, content of the standards for other species under the Act. To rectify this situation, the transportation standards for marine mammals have been corrected in format and general content rearranged to make them consistent with the standards, as amended, for all other animals under the Animal Welfare Act. By virtue of these general changes, proposed § 3.119, "Ambient temperature within primary enclosures," has been eliminated and the requirements as proposed are now found in § 3.117, "Terminal facilities."

In response to a comment, and also to be consistent with standards for other animals under the Act, the provisions found in the standards for other animals stating that carriers or intermediate handlers may accept certificates pertaining to temperature acclimation and adequacy of primary enclosures have been incorporated herein (9 CFR 3.11, *et seq.*). Also, as several other comments requested, the term "live" instead of "wild" may now be used to describe animals on primary enclosures in transit, at the discretion of the shipper.

Of the comments relating to specific problems in the transportation of marine mammals, one suggested that primary enclosures for polar bears need not allow for space to freely turn about. As in the standards for other animals, a proviso that movement of certain species may be restricted according to professionally accepted standards has been incorporated.

With reference to care in transit, it is the intent of the Department to indicate that no marine mammal in need of veterinary care shall be transported in commerce, except for the specific purpose of receiving that care. However, because of apparent confusion regarding the intent, as reflected in one comment, the content of the section has been rearranged for clarity.

A comment indicating that it is not always possible or desirable to adjust the position of some species of cetaceans or sirenians while in transit because of size and that a time period for adjustment should not be specified, appears to be valid. The proposed section has been changed accordingly because it is the Department's opinion that adequate care in transit, when an attendant is present, is the responsibility of the shipper or receiver, and decisions regarding position adjustment and the frequency of such adjustments must be based the shipper's knowledge of the specific animal involved to ensure the health and well-being of that animal.

Another comment requested that the proposed requirement pertaining to primary enclosures for sea otters not specify that one-half of the enclosure shall be a dry resting area. Because of supporting information, which was submitted to the Department, indicating that sea otters are presently being transported successfully in ice water only, the proposed requirement has been changed accordingly.

There were four comments relative to marine mammals being accompanied in transit. Two indicated that all marine mammals, except polar bears, should be accompanied regardless of time in transit; one indicated the time period when an attendant is necessary for pinnipeds and polar bears should be increased from 12 hours to 24 hours; and one suggested that sea lions did not require an attendant. After due consideration of all of these comments and with no evidence to the contrary, the Department has determined that 24 hours in transit without an attendant for pinnipeds and polar bears is not unreasonable and has changed the proposed requirements accordingly. This change does not alleviate the shipper's responsibility to ensure the health and well-being of the animal and the presence of an attendant if it is apparent in specific cases that an attendant is necessary.

A final comment requested that provisions be included for individuals and institutions to handle their own animals in terminal areas. It is not the intent to the regulations to preclude handling of marine mammals by personnel other than carriers and intermediate handlers. However, it is the intent to hold carriers and intermediate handlers responsible for the movement of animals within the terminal areas regardless of who actually moves them.

As indicated in part 2, § 2.100 of this subchapter, those persons who own or lease their own conveyances for transporting marine mammals must comply with the standards for transportation.

PART 1—DEFINITION OF TERMS

Accordingly, the regulations and standards (9 CFR 1.1 *et seq.*) are amended as follows:

§ 1.1 [Amended]

1. The second sentence in § 1.1(n) of the regulations (9 CFR 1.1(n)) is amended to delete the words "aquatic animals," following the word "birds" and before the word "rats".

2. § 1.1(gg) of the regulations (9 CFR 1.1(gg)) is amended by inserting a comma after the word "compartment" and adding the word "pool" immediately thereafter and before the word "or".

3. A new definition for minimum horizontal dimension (MHD) is added to the end of § 1.1 of the regulations (9 CFR 1.1) to read as follows:

* * * * *

(ss) "Minimum horizontal dimension" (MHD) means the diameter of a circular pool of water, or in the case of a square, rectangular, oblong or other shape pool, the diameter of the largest circle that can be inserted within the confines of such a pool of water.

PART 3—STANDARDS

4. The Table of Contents in Part 3—Standards of Title 9, Code of Federal Regulations, is amended by redesignating present Subpart E of the Table of Contents as Subpart F, and renumbering §§ 3.100 to 3.118 thereof to §§ 3.125 through 3.142, respectively, and by adding a new Subpart E as follows:

Subpart E—Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals

Facilities and Operating Standards

Sec.
3.100 Special considerations regarding compliance and/or variance.
3.101 Facilities, general.
3.102 Facilities, indoor.
3.103 Facilities, outdoor.
3.104 Space requirements.

Animal Health and Husbandry Standards

3.105 Feeding.
3.106 Water quality.
3.107 Sanitation.
3.108 Employees, or attendants.
3.109 Separation.
3.110 Veterinary care.
3.111 Handling.

Transportation Standards

3.112 Consignments to carriers and intermediate handlers.
3.113 Primary enclosures used to transport marine mammals.
3.114 Primary conveyances (motor vehicle, rail, air, and marine).
3.115 Food and water requirements.
3.116 Care in transit.
3.117 Terminal facilities.
3.118 Handling.
3.119–3.124 [Reserved]

5. Present Subpart E of Part 3—Standards (9 CFR Part 3, Subpart E) is redesignated as Subpart F and §§ 3.100 to 3.118 thereof are renumbered as §§ 3.125 through 3.142, respectively, and a new Subpart E is added to read as follows:

Subpart E—Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals

(Secs. 3, 5, 6, 10, 11, 12, 16, 17, 21, 80 Stat. 351, 352, 353, 84 Stat. 1561, 1562, 1563, 1564, 90 Stat. 418, 419, 420, 423, (7 U.S.C. 2133, 2135, 2136, 2140, 2141, 2142, 2143, 2144, 2146, 2147, 2151); 37 FR 28464, 28477, 38 FR 19141.)

Facilities and Operating Standards

§ 3.100 Special considerations regarding compliance and/or variance.

(a) All persons subject to the Animal Welfare Act who maintain or otherwise handle marine mammals in captivity must comply with the provisions of this Subpart, unless they are granted a variance,[3] by the Deputy Administrator, from one or more specified provisions. The provisions of this Subpart shall not apply, however, in emergency circumstances where compliance with one or more requirements would not serve the best interest of the marine mammals concerned.

(b) From the effective date of the requirements of this Subpart, all facilities housing marine mammals which are not in full compliance with the standards shall have 60 days during which they may apply to the Deputy Administrator for a variance: *Provided, however,* That such variance may only be granted if application is made to the Deputy Administrator, in writing, listing in detail each requirement of this Subpart which cannot be met, the time

[3] Written permission from the Deputy Administrator to operate as a licensee or registrant under the Act without being in full compliance with one or more specified provisions of this Subpart.

period requested for the variance, and the justification for such variance.

(c) The Deputy Administrator shall deny any such application for variance if he determines that it is not justified under the circumstances or that allowing it will be detrimental to the health and well-being of the marine mammals concerned.

(d) Such variance shall not be granted for a period exceeding 3 years from the effective date of these provisions: *Provided, however,* That under circumstances deemed justified by the Deputy Administrator, a maximum extension of 1 year may be granted to attain full compliance. A written request for the extension must be received by the Deputy Administrator at least 60 days prior to the termination of the initial 3-year period.[4]

(e) A research facility may be granted variance from specified requirements of this Subpart when such variance is necessary for research purposes and is fully explained in the experimental design. The 3-year time limitation stated in paragraph (b) of this section shall not be applicable in such case.

§ 3.101 Facilities, general.

(a) *Construction requirements.* (1) Housing facilities for marine mammals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of unwanted animals.

(2) All marine mammals shall be provided with protection from abuse and harassment by the viewing public by the use of a sufficient number of employees or attendants to supervise the viewing public, or by physical barriers, such as fences, walls, glass partitions, or distance, or both.

(3) Any primary enclosure pool, including ramps for entering or leaving the pool, shall be constructed of materials having a nonporous, waterproof finish, which shall facilitate proper cleaning and disinfection, and which shall be maintained in good repair as part of a regular ongoing maintenance program.

(4) Facilities which utilize natural water areas such as tidal basins, bays, or estuaries for housing marine mammals shall be exempt from the waterproof finish, nonporous surface construction, and drainage requirements of paragraphs (a)(3) and (c)(1) of this section, but they must meet the minimum standards with regard to space, depth, and sanitation. The water must be monitored for coliforms and for pH and chemical content, if chemicals are added.

(b) *Water and power supply.* Reliable and adequate sources of water and electric power shall be provided by the facility housing marine mammals. Written contingency plans must be submitted to and approved by Veterinary Services regarding emergency sources of water and electric power in the event of failure of the primary sources, when such failure could reasonably be expected to be detrimental to the good health and well-being of the marine mammals housed therein.

(c) *Drainage.* (1) Adequate drainage shall be provided for all primary enclosure pools and shall be located so that all of the water contained in such pools may be rapidly eliminated when necessary for cleaning the pools or for other purposes. Drainage effluent from primary enclosure pools shall be disposed of in a manner that complies with all applicable Federal, State, and local pollution control laws.

(2) Drainage shall be provided for primary enclosures and areas immediately surrounding pools. Drains shall be located so as to rapidly eliminate excess water (except in pools). Such drainage effluent shall be disposed of in a manner that complies with all applicable Federal, State, and local pollution control laws.

(d) *Storage.* Supplies of food shall be stored in facilities which adequately protect such supplies from deterioration, molding, or contamination by vermin. Refrigerators and freezers shall be used for perishable food. No substances which are known to be or may be toxic or harmful to marine mammals shall be stored or maintained in the marine mammal food storage areas.

(e) *Waste disposal.* Provision shall be made for the removal and disposal of animal and food wastes, dead animals, trash, and debris. Disposal facilities shall be provided and operated in a manner which will minimize vermin infestation, odors, and disease hazards. All waste disposal procedures must comply with all applicable Federal, State, and local laws pertaining to pollution control, protection of the environment, and public health.

(f) *Washroom facilities.* Facilities such as washrooms, basins, showers, or sinks, shall be provided to maintain cleanliness among employees and attendants.

§ 3.102 Facilities, indoor.

(a) *Ambient temperature.* The air and water temperatures in indoor facilities shall be sufficiently regulated by heating or cooling to protect the marine mammals from extremes of temperature, to provide for their good health and well-being and to prevent discomfort, in accordance with the currently accepted practices as cited in appropriate professional journals or reference guides, depending upon the species housed therein. Rapid changes in air and water temperatures shall be avoided.

(b) *Ventilation.* Indoor housing facilities shall be ventilated by natural or artificial means to provide a flow of fresh air for the marine mammals and to minimize the accumulation of chlorine fumes, other gases, and objectionable odors. A vertical air space averaging at least 1.83 meters (6 feet) shall be maintained in all primary enclosures housing marine mammals, including pools of water.

(c) *Lighting.* Indoor housing facilities for marine mammals shall have ample lighting, by natural or artificial means, or both, of a quality, distribution, and duration which is appropriate for the species involved. Sufficient lighting must be available to provide uniformly distributed illumination which is adequate to permit routine inspections, observations, and cleaning of all parts of the primary enclosure including any den areas. The lighting shall be designed so as to prevent overexposure of the marine mammals contained therein to excessive illumination.[5]

§ 3.103 Facilities, outdoor.

(a) *Environmental temperatures.* Marine mammals shall not be housed in outdoor facilities unless the air and water temperature ranges which they may encounter during the period they are so housed do not adversely affect their health and comfort. A marine mammal shall not be introduced to an outdoor housing facility until it is acclimated to the air and water temperature ranges which it will encounter therein. The following requirements shall be applicable to all outdoor pools.

(1) The water surface of pools in outdoor primary enclosures housing polar bears and ice or cold water dwelling species of pinnipeds shall be kept sufficiently free of solid ice to allow for entry and exit of the animals.

[4] Consideration for extension by the Deputy Administrator will be limited to unforeseen or unusual situations such as when necessary public funds cannot be allocated in an appropriate time frame for a facility to attain full compliance within initial 3-year period.

[5] Lighting intensity and duration must be consistent with the general well-being and comfort of the animal involved. When possible, it should approximate the lighting conditions encountered by the animal in its natural environment. At no time shall the lighting be such that it will cause the animal discomfort or trauma.

(2) The water surface of pools in outdoor primary enclosures housing cetaceans and sea otters shall be kept free of ice.

(3) No sirenian or warm water dwelling species of pinnipeds or cetaceans shall be housed in outdoor pools where water temperature cannot be maintained within the temperature range to meet their needs.

(b) *Shelter.* Natural or artificial shelter which is appropriate for the species concerned, when the local climatic conditions are taken into consideration, shall be provided for all marine mammals kept outdoors to afford them protection from the weather or from direct sunlight.

§ 3.104 Space requirements.

(a) *General.* Primary enclosures, including pools of water housing marine mammals, shall comply with the minimum space requirements prescribed by this Part. They shall be constructed and maintained so that the animals contained therein are provided with sufficient space, both horizontally and vertically so that they are able to make normal postural and social adjustments with adequate freedom of movement, in or out of the water. An exception to these requirements is provided for in § 3.110, "Veterinary care." Primary enclosures smaller than required by the standards are also allowed to be used for temporary holding purposes such as training and transfer. Such enclosures shall not be used for permanent housing purposes or for periods longer than specified by an attending veterinarian.

(b) *Cetaceans.* Primary enclosures housing cetaceans shall contain a pool of water and may consist entirely of a pool of water. In determining the minimum space required in a pool holding cetaceans four factors must be satisfied. These are MHD, depth, volume, and surface area. For the purposes of this Subpart, cetaceans have been divided into the following groups:

Group I Cetaceans. This group shall consist of all cetaceans except those specified in Group II below.

Group II Cetaceans. This group shall consist of the following genera and species of cetaceans.

Genera, Species and Common name

Delphinus, all species, common dolphin
Lissodelphis, all species, right whale dolphin
Stenella, plagiodon, spotted dolphin
Stenella, attenuata, spotted porpoise
Stenella, coeruleoalba, striped dolphin
Stenella, longirostris, spinner porpoise
Phocoenoides, dalli, Dall's porpoise

(1) *The required minimum horizontal dimension (MHD)* of a primary enclosure pool shall be based on the average adult body length of the longest species of cetacean housed therein.

(i) The MHD of a pool for Group I cetaceans shall be two times the body length of the average adult of the longest species of cetacean to be housed therein, measured from the tip of its lower jaw to the notch in the tail fluke.[6]

(ii) The MHD of a pool for Group II cetaceans shall be four times the body length of the average adult of the longest species of cetacean to be housed therein, as measured from the tip of the lower jaw to the notch in the tail fluke.

(iii) In a pool where a mixture of both Group I and Group II cetaceans are to be housed, the MHD must be computed on the basis of both the average adult length of the longest species of Group I cetacean and of the longest species of Group II cetacean, and the required MHD shall be either two times the body length of an average adult of the longest species of Group I cetacean to be housed therein or four times the body length of an average adult of the longest species of Group II cetacean to be housed therein, whichever is greater.

(iv) Once the required MHD has been satisfied, the pool size may be required to be adjusted to increase the surface area and volume when cetaceans are added. Examples of MHD and volume requirements for Group I cetaceans are shown in Table I, and for Group II cetaceans in Table II.

[6] The body length of a *Monodon monoceros* (narwhale) is measured from the tip of the upper incisor tooth to the notch in the tail fluke. If the upper incisor is absent or does not extend beyond the front of the head, then it is measured like other cetaceans, from the tip of the lower jaw to the notch in the tail fluke. Immature males should be anticipated to develop the "tusk" (usually left incisor tooth) beginning at sexual maturity.

Table I.[1]—*Group I Cetaceans*

Average adult length		MHD		Minimum required depth		Volume of water required for each cetacean	
Meters	Feet	Meters	Feet	Meters	Feet	Cu. meters	Cu. feet
1.68	5.5	3.35	11	1.52	5	6.72	237.46
2.29	7.5	4.57	15	1.52	5	12.50	441.56
2.74	9.0	5.49	18	1.52	5	17.99	635.85
3.05	10.0	6.10	20	1.52	5	22.22	785.00
3.51	11.5	7.00	23	1.75	5.75	33.79	1,193.88
3.66	12.0	7.32	24	1.83	6	38.39	1,356.48
4.27	14.0	8.53	28	2.13	7	60.96	2,154.04
5.49	18.0	10.97	36	2.74	9	129.56	4,578.12
5.64	18.5	11.28	37	2.82	9.25	140.66	4,970.33
5.79	19.0	11.58	38	2.90	9.50	152.38	5,384.32
6.71	22.0	13.41	44	3.36	11	236.55	8,358.68
6.86	22.5	13.72	45	3.43	11.25	253.05	8,941.64
7.32	24.0	14.63	48	3.66	12	307.11	10,851.84
8.53	28.0	17.07	56	4.27	14	487.67	17,232.30

[1] All calculations are rounded off to the nearest hundredth. In converting the length of cetaceans from feet to meters, 1 foot shall equal .3048 meter. Due to rounding of meter figures as to the length of the cetacean, the correlation of meters to feet in subsequent calculations of MHD and additional volume of water required per cetacean, over two, may vary slightly from a strict feet to meters ratio. Cubic meters is based on: 1 cubic foot=0.0283 cubic meter.

Table II.[1]—*Group II Cetaceans*

Average adult length		MHD		Minimum required depth		Volume of water required for each cetacean	
Meters	Feet	Meters	Feet	Meters	Feet	Cu. Meters [1]	Cu. Feet
1.83	6.0	7.32	24	1.52	5	16.00	565.20
2.13	7.0	8.53	28	1.52	5	21.77	769.30
2.29	7.5	9.14	30	1.52	5	24.99	883.13
2.44	8.0	9.75	32	1.52	5	28.44	1,004.80
2.59	8.5	10.36	34	1.52	5	32.10	1,134.33
2.74	9.0	10.97	36	1.52	5	35.99	1,271.70

[1] Converting cubic feet to cubic meters is based on: 1 cubic foot=0.0283 of a cubic meter

Table III.—*Average Adult Lengths of Marine Mammals Maintained in Captivity* [1]

Species	Common name	Adult length	
		In meters	In feet
Group I Cetaceans:			
Delphinapterus leucas	Beluga	4.27	14.0
Inia geoffrensis	Amazon Porpoise	3.05	10.0
Lagenorhynchus obliquidens	Pacific White-sided Dolphin	2.29	7.5
Tursiops trancatus	Bottlenose Dolphin	2.74	9.0

Table III.—*Average Adult Lengths of Marine Mammals Maintained in Captivity* [1]—Continued

Species	Common name	Adult length	
		In meters	In feet
Phocoena phocoena	Harbor Porpoise	1.68	5.5
Grampus griseus	Risso's Dolphin	3.66	12.0
Globicephala melaena	Long-finned Pilot Whale	5.79	19.0
Globicephala macrorhynchus	Short-finned Pilot Whale	5.49	18.0
Orcinus orca	Killer Whale	6.86	22.5
Pseudorca crassidens	False Killer Whale	5.64	18.5
Group II Cetaceans:			
Lissodelphis borealis	Northern Right Whale Dolphin	2.74	9.0
Delphinus delphis	Common Dolphin	2.59	8.5
Stenella longirostris	Spinner Dolphin	2.13	7.0
Stenella attenuata	Spotted Dolphin	2.59	8.5
Stenella plagiodon	Spotted Dolphin	2.29	7.5
Phocoenoides dalli	Dall's Porpoise	2.13	7.0
Pinnipeds:			
Eumetopias jubatus	Steller Sea Lion, Northern Sea Lion.	3.05	10.0
Zalophus californianus	California Sea Lion	2.44	8.0
Callorhinus ursinus	Northern Fur Seal	2.44	8.0
Odobenus rosmarus	Walrus	3.66	12.0
Phoca vitulina	Harbor Seal	1.68	5.5
Mirounga angustirostris	Northern Elephant Seal	5.18	17.0
Halichoerus grypus	Gray Seal	2.90	9.5
Sirenia: Trichechus manatus	West Indian Manatee	3.51	11.5
Mustelidae: Enhydra lutris	Sea Otter	1.98	6.5

[1] This table contains the species of marine mammals known by the Department to be presently maintained in captivity. Anyone who is subject to the Animal Welfare Act having species of marine mammals in captivity which are not included in this table should consult the Deputy Administrator with regard to the average adult length of such mammals.

(2) *The miniumum depth requirements* for primary enclosure pools for all cetaceans shall be one-half the body length of the average adult of the longest species to be housed therein, regardless of Group I or Group II classification, or 1.52 meters (5 feet), whichever is the greater, and can be expressed as d=L/2 or 5 feet, whichever is greater. Those parts of the primary enclosure pool which do not meet the minimum depth requirements cannot be included when calculating space requirements for cetaceans.

(3) *Pool volume.* A pool of water housing cetaceans which satisfies the MHD and which meets the minimum depth requirement, will have sufficient volume and surface area to hold up to two Group I cetaceans or up to four Group II cetaceans. If additional cetaceans are to be added to the pool, the volume as well as the surface area may have to be adjusted to allow for additional space necessary for such cetaceans. See Tables I, II, and IV for volumes and surface area requirements. The additional volume needed shall be based on the number and kind of cetaceans housed therein and shall be determined in the following manner.

(i) The minimum volume of water (space) required for up to two Group I cetaceans is based upon the following formula:

Volume=

$$\left(\frac{2 \times \text{average adult length of the longest species of cetacean}}{2}\right)^2$$

× 3.14 × depth (½ body length or 5 feet, whichever is greater, or:

$$V = \left(\frac{2L}{2}\right)^2 \times 3.14 \times d.$$

Dividing this figure by 2 would give the volume required for each individual Group I cetacean of a specified average adult length. This is the figure which is to be used for each additional Group I cetacean when more than two are to be kept in a pool and more space is required. See Table I for required volumes.

(ii) The minimum volume of water required for up to four Group II cetaceans is based upon the following formula:

Volume=

$$\left(\frac{4 \times \text{average adult length of the longest species of cetacean}}{2}\right)^2$$

× 3.14 × depth (½ body length or 5 feet, whichever is greater), or:

$$V = \left(\frac{4L}{2}\right)^2 \times 3.14 \times d.$$

Dividing this figure by 4 would give the volume required for each individual Group II cetacean of a specified average adult length. This is the figure which is to be used for each additional Group II cetacean when more than four are to kept in a pool and more space is required. See Table II for required volumes.

(iii) When a mixture of both Group I and Group II cetaceans are housed together, the MHD must be satisfied as stated in § 3.103(b)(1), and the minimum depth must be satisfied as stated in § 3.103(b)(2). Based on these figures, the resulting volume must then be calculated

$$\left(\left(\frac{MHD}{2}\right)^2 \times 3.14 \times \text{depth}\right).$$

Then the volume necessary for the cetaceans to be housed in the pool must be calculated (by obtaining the sum of the volumes required for each animal). If this volume is greater than that obtained by using the MHD and depth figures, then the additional volume required may be added by enlarging the pool in its lateral dimensions or by increasing its depth, or both. The minimum surface area requirements discussed next must also be satisfied.

(4)(i) *The minimum surface area* requirements for each cetacean housed in a pool, regardless of Group I or Group II classification, are calculated as follows:

Surface Area=

$$\left(\frac{\text{average adult body length}}{2}\right)^2$$

× 3.14 × 1.5, or:

$$SA = \left(\frac{L}{2}\right)^2 \times 3.14 \times 1.5.$$

In a pool containing more than two Group I cetaceans or more than four Group II cetaceans,[8] the additional surface area which may be required when animals are added must be calculated for each such animal.

(ii) When a mixture of Group I and Group II cetaceans are to be housed in a pool, the required MHD, depth, and volume must be met. Then the required surface area must be determined for each animal in the pool. The sum of these surface areas must then be compared to the surface area which is obtained by a computation based on the required MHD of the pool.[9] The larger of the two figures represents the surface area which is required for a pool housing a mixture of Group I and Group II cetaceans. Pool surfaces where the depth does not meet the minimum requirements cannot be used in determining the required surface area.

(iii) Surface area requirements are given in Table IV.

$$SA = \pi \times \left(\frac{MHD}{2}\right)^2.$$

Table IV.—*Minimum Surface Area Required for Each Cetacean*

Average adult length of each cetacean		Surface area required for each cetacean	
Meters	Feet	Sq. meters [1]	Sq. feet
1.68	5.5	3.31	33.62
2.13	7.0	5.36	57.70
2.29	7.5	6.15	66.23
2.59	8.5	7.90	85.07
2.74	9.0	8.86	95.38
3.05	10.0	10.94	117.75
3.51	11.5	14.47	155.72
3.66	12.0	15.75	169.56
4.27	14.0	21.44	230.79
5.49	18.0	35.44	381.51
5.64	18.5	37.43	403.00
5.79	19.0	39.49	425.08
6.71	22.0	52.94	569.91
6.86	22.5	55.38	596.11
7.32	24.0	63.01	678.24
8.53	28.0	85.76	923.16

[1] Square meter = square feet × 0.8361 / 6

[8] A pool containing up to two Group I cetaceans or up to four Group II cetaceans which meets the required MHD and depth will have the necessary surface area and volume required for the animals contained therein.

[9] Since the MHD represents the diameter of a circle, the surface area based on the MHD is calculated by use of the following formula:

9

(c) *Sirenians.* Primary enclosures housing sirenians shall contain a pool of water and may consist entirely of a pool of water. The required MHD shall be the same as the MHD for Group I cetaceans. Calculations shall be based on the average adult length of such sirenians as measured from the tip of the muzzle to the notch in the tail fluke of dugongs and from the tip of the muzzle to the most distal point in the rounded tail of the manatee. Depth, volume, and surface area requirements shall be calculated in the same manner as for cetaceans. A pool which satisfies the required MHD and depth shall be adequate for one or two sirenians.

(d) *Pinnipeds.* (1) Primary enclosures housing pinnipeds shall contain a pool of water and a dry resting or social activity area that must be close enough to the surface of the water to allow easy access for entering or leaving the pool. (2) The minimum size of the dry resting or social activity area of the primary enclosure for pinnipeds (exclusive of the pool of water) shall be based on the average adult length of each pinniped contained therein, as measured in a horizontal or extended position in a straight line from the tip of its nose to the tip of its tail.[10] The minimum size of the dry resting and social activity area shall be computed using the following method: List all pinnipeds contained in a primary enclosure by average adult length in descending order from the longest species of pinniped to the shortest species of pinniped. Square the average adult length of each pinniped. Multiply the average adult length squared of the longest pinniped by 1.5, the second longest by 1.4, the third longest by 1.3, the fourth longest by 1.2, and the fifth longest by 1.1, as indicated in the following examples. Square the average adult length of the sixth pinniped and all additional pinnipeds. Add the figures obtained for all the pinnipeds in the primary enclosure to determine the required minimum dry resting and social activity area required for such pinnipeds.

1st pinniped (ave. adult length)^2 × 1.5 = resting and social activity area required.

2nd pinniped (ave. adult length)^2 × 1.4 = resting and social activity area required.

3rd pinniped (ave. adult length)^2 × 1.3 = resting and social activity area required.

4th pinniped (ave. adult length)^2 × 1.2 = resting and social activity area required.

5th pinniped (ave. adult length)^2 × 1.1 = resting and social activity area required.

Over 5 (ave. adult length)^2 × 1.0 = resting and social activity area required for each additional animal.

Total minimum dry resting and social activity area for all pinnipeds housed in a primary enclosure.

If all the pinnipeds in the primary enclosure are the same species, the same descending order of calculation shall apply. Example: California sea lions—average adult length of 8 feet.
1st sea lion—(8 feet)^2 × 1.5.
2nd sea lion—(8 feet)^2 × 1.4, etc.

(3) The minimum surface area of a pool of water for pinnipeds shall be two-thirds of the total minimum dry resting and social activity area required for the pinnipeds contained therein. The MHD of the pool shall be at least one and one-half (1.5) times the average adult length of the largest species of pinniped to be housed in the enclosure. The pool of water shall be at least 0.91 meters (3 feet) deep or one-half the average adult length of the longest species of pinniped contained therein, whichever is greater. Parts of the pool that do not meet minimum depth requirements cannot be used in the calculation of either the resting and social activity area or as part of the pool.

(e) *Polar bears.* Primary enclosures housing polar bears shall consist of a pool of water, a dry resting and social activity area, and a den. A minimum of 37.16 square meters (400 square feet) of dry resting and social activity area shall be provided for up to two polar bears, with an additional 3.72 square meters (40 square feet) of dry resting and social activity area for each additional polar bear. The dry resting and social activity area shall be provided with enough shade to accommodate all of the polar

[10] Walker, E. P., *Mammals of the World*, Vol. II, 2nd Edition, John Hopkins Press, Baltimore, page 1283, 1968.

bears housed in such primary enclosure at the same time. The pool of water shall be at least 2.44 meters (8 feet) by 3.66 meters (12 feet) with a minimum depth of 1.52 meters (5 feet), with the exception of any entry and exit area. This size pool shall be adequate for two polar bears. For each additional bear, the surface area of the pool must be increased by 3.72 square meters (40 square feet). In measuring this additional surface area, parts of the pool which do not meet minimum depth cannot be considered. The den shall be at least 1.83 meters (6 feet) in width and depth and not less than 1.52 meters (5 feet) in height. It will be so positioned that the viewing public shall not be visible from the interior of the den. A separate den shall be provided for each adult female of breeding age which is permanently housed in the same primary enclosure with an adult male of breeding age. Female polar bears in traveling acts or shows must be provided a den when pregnancy has been determined.

(f) *Sea otters.* (1) Primary enclosures for sea otters shall consist of a pool of water and a dry resting area. The MHD of the pool of water for sea otters shall be at least twice the length of the average adult sea otter contained therein (measured from the tip of its nose to the tip of its tail) and the pool shall be not less than 0.91 meters (3 feet) deep. When more than two sea otters are housed in the same primary enclosure, additional dry resting area as well as pool volume is required to accommodate the additional sea otters (Table V).

(2) The minimum volume of water required for a primary enclosure pool for sea otters shall be based on the sea otter's average adult length. The minimum volume of water required in the pool shall be computed using the following method. Multiply the square of the sea otter's average adult length by 3.14 and then multiply the total by 0.91 meters (3 feet). This volume is satisfactory for one or two sea otters. For more than two sea otters, multiply one-half of the square of the sea otter's average adult length by 3.14, then multiply by 0.91 meters (3 feet) (Table V).

(3) The minimum dry resting area required for one or two sea otters shall be based on the sea otter's average adult length. The minimum dry resting area for one or two sea otters shall be computed using the following method. Square the length of the average adult sea otter and multiply the total by 3.14. When the enclosure is to contain more than two sea otters, the dry resting area for each additional animal shall be computed by multiplying one-half of the sea otter's average adult length by 3.14. Using 6.5 feet (the average adult length of a sea otter) the calculations for additional space will result in the following figures.

Table V.—*Additional space required for each sea otter when more than two in a primary enclosure*

Average adult length of sea otter		Resting area		Pool volume	
Meters	Feet	Square meters	Square feet	Cubic meters	Cubic feet
1.98	6.5	6.16	66.33	5.63	199.00

Animal Health and Husbandry Standards

§ 3.105 Feeding.

(a) The food for marine mammals shall be wholesome, palatable, and free from contamination, and shall be of sufficient quantity and nutritive value to maintain all of the marine mammals in a state of good health. The diet shall be prepared with consideration for age, species, condition, size, and type of marine mammal being fed. Marine mammals shall be offered food at least once a day, except as directed by veterinary treatment or professionally accepted practices.

(b) Food receptacles, if used, shall be located so as to be accessible to all marine mammals in the same primary enclosure and shall be placed so as to minimize contamination of the food contained therein. Such food receptacles shall be cleaned and sanitized after each use.

(c) Food, when given to each marine mammal individually, shall be given by an employee or attendant responsible to management who has the necessary knowledge to assure that each marine mammal receives an adequate quantity of food to maintain it in good health. Such employee or attendant is required to have the ability to recognize deviations from a normal state of good health in each marine mammal so that the food intake can be adjusted accordingly. Public feeding shall be only permitted if it is done in the presence and under the supervision of a uniformed employee or attendant. Such employee or attendant must assure that the marine mammals are receiving the proper amount and type of food. Only food supplied by the facility where the marine mammals are kept shall be fed to such mammals by the public.

(d) Food preparation and handling shall be conducted so as to minimize bacterial or chemical contamination and to assure the wholesomeness and nutritive value of the food. Frozen fish or other frozen food shall be stored in freezers which are maintained at a maximum temperature of −18° C. (0° F.). The length of time food is stored and the method of storage, as well as the thawing of frozen food, shall be conducted in a manner which will minimize contamination and which will assure that the food retains nutritive value and wholesome quality. The thawed product shall be kept iced or refrigerated until a reasonable time before feeding. All foods shall be fed to the marine mammals within 24 hours following the removal of such foods from the freezers for thawing.

§ 3.106 Water quality.

(a) *General.* The primary enclosure shall not contain water which would be detrimental to the health of the marine mammal contained therein.

(b) *Bacterial standards.* (1) The coliform bacteria count of the primary enclosure pool shall not exceed 1,000 MPN (most probable number) per 100 ml. of water. Should a coliform bacterial count exceed 1,000 MPN, two subsequent samples may be taken at 48-hour intervals and averaged with the first sample. If such average count does not fall below 1,000 MPN, then the water in the pool shall be deemed unsatisfactory, and the condition must be corrected immediately.

(2) When the water is chemically treated, the chemicals shall be added so as not to cause harm or discomfort to the marine mammals.

(3) Water samples shall be taken and tested at least weekly for coliform count and at least daily for pH and any chemical additives (e.g. chlorine and copper) that are added to the water to maintain water quality standards. Facilities using natural seawater shall be exempt from pH and chemical testing unless chemicals are added to maintain water quality. However, they are required to test for coliforms. Records must be kept documenting the time when all such samples were taken and the results of the sampling. Records of all such test results shall be maintained by management for a 1-year period and must be made available for inspection purposes on request.

(c) *Salinity.* Primary enclosure pools of water shall be salinized for marine cetaceans as well as for those other marine mammals which require salinized water for their good health and well-being. The salinity of the water in such pools shall be maintained within a range of 15–36 parts per thousand.

(d) *Filtration and water flow.* Water quality must be maintained by filtration, chemical treatment, or other means so as to comply with the water quality standards specified in this section.

§ 3.107 Sanitation.

(a) *Primary enclosures.* (1) Animal and food waste in areas other than the pool of water shall be removed from the primary enclosure at least daily, and more often when necessary to prevent contamination of the marine mammals contained therein and to minimize disease hazards.

(2) Particulate animal and food waste, trash, or debris that enter the primary enclosure pool of water shall be removed as often as necessary to maintain the required water quality and to prevent health hazards to the marine mammals contained therein.

(3) The wall and bottom surfaces of the primary enclosure pool of water shall be cleaned as often as necessary to maintain proper water quality.

(b) *Food preparation areas and food receptacles.* Containers, such as buckets, tubs, and tanks, as well as utensils, such as knives and cutting boards, or any other equipment which has been used for holding, thawing or preparing food for marine mammals shall be cleaned and sanitized after each feeding, if the marine mammals are fed once a day, and at least daily if the marine mammals are fed more than once a day. Kitchens and other food handling areas where animal food is prepared shall be cleaned at least once daily and sanitized at least once every week. Sanitizing shall be accomplished by washing with hot water (82° C., 180° F., or higher) and soap or detergent in a mechanical dishwasher, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam. Substances such as cleansing and sanitizing agents, pesticides, and other potentially toxic agents must be stored in properly labeled containers away from food preparation surface areas.

(c) *Housekeeping.* Buildings and grounds, as well as exhibit areas, shall be kept clean and in good repair. Fences shall be maintained in good repair. Primary enclosures housing marine mammals shall not have any loose objects, sharp projections, and/or edges which may cause injury or trauma to the marine mammals contained therein.

(d) *Pest control.* A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained. Insecticides or other such chemical agents shall not be applied in a primary enclosure housing marine mammals except when deemed essential by an attending veterinarian.

§ 3.108 Employees or attendants.

A sufficient number of adequately trained employees or attendants responsible to management shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be conducted under the supervision of a marine mammal caretaker who has a background in marine mammal husbandry and care. Training of marine mammals shall be done by or under the direct supervision of experienced trainers without physical punishment or abuse being used or inflicted upon the marine mammals.

§ 3.109 Separation.

Marine mammals which are not compatible shall not be housed in the same enclosure. Marine mammals shall not be housed near animals that would cause them stress or discomfort, or interfere with their good health. Captive marine mammals must be given access to other animals except when they are temporarily maintained in isolation for such purposes as medical treatment or training and given special attention.

§ 3.110 Veterinary care.

(a) Programs of disease prevention, parasite control, euthanasia, and adequate veterinary care for all marine mammals shall be established and maintained under the supervision of an attending veterinarian.

(b) Marine mammals shall be observed daily by the person in charge of the care of the marine mammals or by someone working under his direct supervision. Sick or diseased, stressed, injured, or lame marine mammals shall be provided with adequate veterinary care or humanely destroyed, when necessary, unless such action is inconsistent with the research purposes for which the marine mammal was obtained and is being held.

(c)(1) In the case of a research facility, the program of adequate veterinary care shall include the appropriate use of anesthetic, analgesic, for tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian of the research facility. The use of these three classes of drugs shall be in accordance with currently accepted veterinary medical practices. The drugs used shall be those which are expected to produce in the individual subject animal as high a level of tranquilization, anesthesia, or analgesia as is consistent with the protocol or design of the experiment.

(2) It shall be incumbent upon each research facility through its Animal Care Committee and attending veterinarian to provide guidelines and consultation to research personnel with respect to the type and amount of tranquilizers, anesthetics, or analgesics recommended as being appropriate for each species of marine mammals used by that institution.

(d) Newly acquired marine mammals shall be isolated from resident marine mammals until such newly acquired marine mammals can be reasonably determined to be in good health. Any communicable disease condition in a newly acquired marine mammal must be remedied before it is placed with other resident marine mammals.

(e) Any primary enclosure containing a marine mammal with an infectious or contagious disease shall be cleaned and sanitized in the manner prescribed by the attending veterinarian. No additional animals shall be introduced into the primary enclosure prior to such cleaning and sanitizing procedures. Any marine mammal exposed to a diseased animal shall be isolated for observation for an appropriate period of time as determined by the attending veterinarian.

(f) Temporary holding facilities with adequately and properly designed pools, tanks, restraining devices or primary enclosures shall be provided for isolation, medication, treatment, and other purposes such as transfer and training of marine mammals. The pools, tanks and primary enclosures may be less than minimum size in both lateral dimensions and depth when used in special situations when prescribed by the professional staff for temporary usage.

(g) A complete necropsy must be conducted by or under the direct supervision of a veterinarian on all marine mammals that die in captivity. A necropsy report must be prepared by the veterinarian listing all pathologic lesions observed and giving the apparent cause of death. All diagnostic tests conducted on post mortem specimens shall be listed in the report, and the results of each test recorded. The management of the facility, at which the marine mammal died, must maintain these necropsy records for a period of 3 years and present them to Department inspectors when requested.

§ 3.111 Handling.

(a) Handling marine mammals shall be done as expeditiously and carefully as possible in a manner that does not

cause unnecessary discomfort, overheating, behavioral stress, or physical harm. Care should also be exercised to avoid harm to the handlers of such marine mammals.

(b) Marine mammals shall only be displayed for periods of time and under conditions consistent with their good health, and well-being. A responsible uniformed employee or attendant must be present at all times during periods of public contact.

(c) During public display, all marine mammals must be handled so that there is minimal risk of harm to the public or the marine mammal, with sufficient distance allowed, or barriers placed between the marine mammal and the viewing public to assure safety to both the public and the marine mammal. Performing marine mammals shall be allowed a rest period between performances at least equal to the time for one performance.

Transportation Standards

§ 3.112 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any marine mammal presented by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government for shipment, in commerce, more than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported: *Provided, however,* That the carrier or intermediate handler and any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States of any State or local government may mutually agree to extend the time of acceptance to not more than 6 hours if specific prior scheduling of the animal shipment to destination has been made.

(b) Any carrier or intermediate handler shall only accept for transportation or transport, in commerce, any marine mammal in a primary enclosure which conforms to the requirements set forth in § 3.113 of the standards: *Provided, however,* That any carrier or intermediate handler may accept for transportation or transport, in commerce, any marine mammal consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or any licensed or registered dealer, research facility, exhibitor, or operator of an auction sale if the consignor furnishes to the carrier or intermediate handler a certificate, signed by the consignor, stating that the primary enclosure complies with § 3.113 of the standards, unless such primary enclosure is obviously defective or damaged and it is apparent that it cannot reasonably be expected to contain the marine mammal without causing suffering or injury to such marine mammal. A copy of such certificate shall accompany the shipment to destination. The certificate shall include at least the following information:

(1) Name and address of the consignor;

(2) The number of animals in the primary enclosure(s);

(3) A certifying statement (e.g., "I hereby certify that the ——— (number) primary enclosure(s) which are used to transport the animal(s) in this shipment complies (comply) with USDA standards for primary enclosures (9 CFR Part 3)."); and

(4) The signature of the consignor, and date.

(c) Carriers or intermediate handlers whose facilities fail to meet the minimum temperature allowed by the standards may accept for transportation or transport, in commerce, any marine mammal consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or any licensed or registered dealer, research facility, exhibitor, or operator of an auction sale if the consignor furnishes to the carrier or intermediate handler a certificate executed by a licensed veterinarian on a specified date which shall not be more than 10 days prior to delivery of such animal for transportation in commerce, stating that such marine mammal is acclimated to lower air temperatues than prescribed in §§ 3.117 and 3.118. A copy of such certificate shall accompany the shipment to destination. The certificate to include at least the following information:

(1) Name and address of the consignor;

(2) The number of animals in the shipment;

(3) A certifying statement (e.g., "I hereby certify that the animal(s) in this shipment is (are), to the best of my knowledge, acclimated to air temperatures lower than 7.2° C. (45° F.)"); and

(4) The signature of the licensed veterinarian, and date.

(d) Carriers and intermediate handlers shall attempt to notify the consigned at least once in every 6-hour period following the arrival of any marine mammals at the animal holding area of the terminal cargo facility. The time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee shall be recorded on the copy of the shipping document retained by the carrier or intermediate handler and on a copy of the shipping document accompanying the animal shipment.

§ 3.113 Primary enclosures used to transport marine mammals.

No dealer, research facility, exhibitor, or operator of an auction sale shall offer for transportation or transport, in commerce, any marine mammal in a primary enclosure which does not conform to the following requirements:

(a) Primary enclosures, which are used to transport marine mammals other than cetaceans and sirenians, shall (1) be constructed from materials of sufficient structural strength to contain the marine mammals; (2) be constructed from material that is durable, nontoxic, and cannot be chewed and/or swallowed; (3) be able to withstand the normal rigors of transportation; (4) have interiors which are free from any protrusions that could be injurious to the marine mammals contained therein; (5) be constructed so that no parts of the contained marine mammals shall be exposed to the outside of the enclosures in such a way which may cause injury to the animals or to persons who are nearby or who handle the enclosures; (6) have openings which provide access into the enclosures which shall be secured with locking devices of a type which cannot be accidentally opened; (7) have such openings located in a manner which makes them easily accessible at all times for emergency removal of any live marine mammal contained therein; (8) have air inlets at heights which will provide cross ventilation at all levels (particularly when the marine mammals are in a prone position) and located on all four sides of the enclosures, and such ventilation openings shall be not less than 16 percent of the total surface area of each side of the enclosures; (9) have projecting rims or other devices placed on the ends and sides of any enclosures which have ventilation openings to provide a minimum air circulation space of 1.9 centimeters (0.75 inches) between the enclosures and any adjacent cargo or conveyance wall; and (10) be equipped with adequate handholds or other devices on the exterior of the enclosures which shall enable them to be lifted without unnecessary tilting and which will ensure that the persons handling the enclosures will not come in

contact with any marine mammal contained therein.

(b) Straps, slings, harnesses, or other devices, if used for body support or restraint, when transporting marine mammals such as cetaceans and sirenians shall (1) be designed so as not to prevent access to such mammals by attendants during transportation for the purpose of administering in transit care; (2) be equipped with special padding to prevent trauma or injury at critical weight pressure points on the body of the marine mammals; and (3) be capable of keeping the animals from thrashing about and causing injury to themselves or their attendants, and yet be adequately designed so as not to cause injury to the animals.

(c) Primary enclosures used to transport live marine mammals shall be large enough to assure that (1) in the case of polar bears and sea otters, there is sufficient space to turn about freely in a stance whereby all four feet are on the floor and the animal can sit in an upright position and lie in a natural position; (2) in the case of pinnipeds, each animal has sufficient space to lie in a natural position; and (3) in the case of cetaceans and sirenians, each animal has sufficient space for support of its body in slings, harnesses, or other supporting devices, if used (as prescribed in paragraph (b) of this section) without causing injury to such cetaceans or sirenians due to contact with the primary enclosure: *Provided, however,* That certain species may be restricted in their movements according to professionally acceptable standards when such freedom of movement would constitute a danger to the animals, their handlers, or other persons.

(d) Marine mammals transported in the same primary enclosure shall be of the same species and maintained in compatible groups. Marine mammals which have not reached puberty shall not be transported in the same primary enclosure with adult marine mammals other than their dams. Socially dependent animals (e.g., sibling, dam, and other members of a family group) must be allowed visual and olfactory contact. Female marine mammals shall not be transported in the same primary enclosure with any mature male marine mammals.

(e) Primary enclosures used to transport marine mammals as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in a manner prescribed in § 3.107 of the standards, if previously used. Such primary enclosures shall contain clean litter of a suitable absorbent material, which is safe and nontoxic to the marine mammals contained therein, in sufficient quantity to absorb and cover excreta, unless the animals are on wire or other nonsolid floors.

(f) Primary enclosures used to transport marine mammals, except where such primary enclosures are permanently affixed in the animal cargo space of the primary conveyance, shall be clearly marked on top and on one or more sides with the words "Live Animal" or "Wild Animal", whichever is appropriate, in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings, to indicate the correct upright position of the container.

(g) Documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

(h) When a primary enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall be at least 90 percent of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh, or smooth expanded metal.

§ 3.114 Primary conveyances (motor vehicle, rail, air and marine).

(a) The animal cargo space of primary conveyances used in transporting live marine mammals shall be constructed in a manner which will protect the health and assure the safety and comfort of the marine mammals contained therein at all times.

(b) The animal cargo space shall be constructed and maintained in a manner which will prevent the ingress of engine exhaust fumes and gases in excess of that ordinarily contained in the passenger compartments.

(c) No marine mammal shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein, and the primary enclosures shall be positioned in the animal cargo spaces of primary conveyances in such a manner that each marine mammal contained therein shall have access to sufficient air for normal breathing.

(d) Primary enclosures shall be positioned in primary conveyances in such a manner that in an emergency the live marine mammals can be removed from the conveyances as soon as possible.

(e) The interiors of animal cargo spaces in primary conveyances shall be kept clean.

(f) Live marine mammals shall not knowingly be transported with any material, substance or device which may be injurious to the health and well-being of such marine mammals unless proper precaution is taken to prevent such injury.

§ 3.115 Food and water requirements.

(a) Those marine mammals which require drinking water shall be offered potable water within 4 hours prior to being transported in commerce or offered for transportation in commerce. Such marine mammals shall be watered as often as necessary and appropriate to the species involved to prevent excessive dehydration which would jeopardize the good health and well-being of the animals.

(b) Marine mammals shall not be transported for more than a period of 36 hours without being offered food. When an employee or attendant is required to accompany a shipment of marine mammals, as provided in § 3.116 of these standards, such marine mammals shall be fed during transit when necessary to provide for their good health and well-being.

§ 3.116 Care in transit.

(a) An employee or attendant of the shipper or receiver of any marine mammal being transported, in commerce, knowledgeable in the area of marine mammal care, shall accompany cetaceans, sirenians, and sea otters during periods of transportation to provide for their good health and well-being, to observe such marine mammals and to determine whether they need veterinary care and to obtain any needed veterinary care as soon as possible.

(b) An employee or attendant of the shipper or receiver of cetaceans or sirenians being transported, in commerce, shall provide for such cetaceans and sirenians during periods of transport by (1) keeping the skin moist with intermittent spraying of water or protecting it by applying a nontoxic emollient, such as lanolin, to prevent drying of the skin; (2) assuring that the pectoral flippers shall be allowed freedom of movement at all times; (3) making adjustments in the position of such marine mammals when necessary to prevent necrosis of the skin at weight pressure points; and (4) calming such marine mammals to avoid struggling, thrashing, and other unnecessary activity which may cause overheating or physical trauma. No

cetacean or sirenian in need of veterinary care shall be transported in commerce, unless such transportation is for the purpose of obtaining such care.

(c) Not less than one-half of the floor area in a primary enclosure used to transport sea otters shall be leakproof and shall contain sufficient crushed ice or ice water to provide each sea otter contained therein with moisture necessary to allow each sea otter to maintain its hair coat by preventing it from drying and to minimize soiling of the hair coat with urine and fecal material. No sea otter in need of veterinary care shall be transported in commerce, unless such transportation is for the purpose of obtaining such care.

(d) Polar bears and pinnipeds need not be accompanied by an employee or attendant of the shipper or receiver, unless the period of transportation will exceed 24 hours in duration. During surface transportation, it shall be the responsibility of the carrier to inspect polar bears and pinnipeds unaccompanied by an employee or attendant at least every 4 hours to determine whether they need veterinary care and to provide any needed veterinary care as soon as possible. When transported by air, live polar bears and pinnipeds, unaccompanied by an employee or attendant, shall be inspected by the carrier at least every 4 hours if the animal cargo space is accessible during flight. If the animal cargo space is not accessible during flight, the air carrier shall inspect such live unattended pinnipeds and polar bears whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible to determine whether such unattended live animals need veterinary care, and the carrier shall provide any needed veterinary care as soon as possible. No polar bear or pinniped in need of veterinary care shall be transported in commerce, unless such transportation is for the purpose of obtaining such care.

(e) Wild or otherwise dangerous marine mammals shall not be taken from their primary enclosure except under extreme emergency conditions and then only by their trainer or other person who is capable of handling such mammals safely.

§ 3.117 Terminal facilities.

Carriers and intermediate handlers shall not commingle marine mammal shipments with inanimate cargo. All animal holding areas of a terminal facility of any carrier or intermediate handler wherein marine mammal shipments are maintained shall be cleaned and sanitized in a manner prescribed in § 3.107 of the standards often enough to prevent an accumulation of debris or excreta, to minimize vermin infestation, and to prevent a disease hazard. An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained for all animal holding areas. Any animal holding area containing marine mammals shall be provided with fresh air by means of windows, door, vents, or air conditioning and may be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or fans or blowers or air conditioning shall be used for any animal holding area containing marine mammals when the air temperature within such animal holding area is 23.9° C. (75° F.) or higher. The air temperature around any marine mammal in any animal holding area shall not be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time: *Provided, however,* That no marine mammal shall be subjected to surrounding air temperatures which exceed 23.9° C. (75° F.) for more than 4 hours at any time. To ascertain compliance with the provisions of this paragraph, the air temperature around any marine mammal shall be measured and read outside the primary enclosure which contains such animal at a distance not to exceed .91 meters (3 feet) from any one of the external walls of the primary enclosure and on a level parallel to the bottom of such primary enclosure at a point which approximates half the distance between the top and bottom of such primary enclosure.

§ 3.118 Handling.

(a) Carriers and intermediate handlers shall move marine mammals from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility as expeditiously as possible. Carriers and intermediate handlers holding any marine mammal in an animal holding area of a terminal facility or in transporting any marine mammal from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(1) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the marine mammals from the direct rays of the sun and such marine mammals shall not be subjected to surrounding air temperatures which exceed 29.5° C. (85° F.), and which shall be measured and read in the manner prescribed in § 3.117 of this Part, for a period of more than 45 minutes.

(2) *Shelter from rain or snow.* Marine mammals shall be provided protection to allow them to remain dry during rain. No protection from snow is required for marine mammals which can tolerate cold weather conditions.

(3) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for marine mammals when the outdoor air temperature falls below 10° C. (50° F.) and such marine mammals shall not be subjected to surrounding air temperatures which fall below 7.2° C. (45° F.), and which shall be measured and read in the manner prescribed in § 3.117 of this Part, for a period of more than 45 minutes unless such animals are accompanied by a certificate of acclimation to lower temperatures as prescribed in § 3.112(c).

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the marine mammal contained therein.

(c) Primary enclosures used to transport any marine mammal shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

§ 3.119—3.124 [Reserved]

It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to these amendments are impracticable and unnecessary.

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant." An Approved Final Impact Statement is available from the Deputy Administrator, USDA, APHIS, VS, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

Done at Washington, D.C., this 19th day of June, 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-19457 Filed 6-21-79; 8:45 am]

BILLING CODE 3410-34-M

federal register

Friday
June 22, 1979

Part VI

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Initial Regulatory Program

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 715 and 717

Surface Coal Mining and Reclamation Operations; Initial Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

ACTION: Final rule.

SUMMARY: These regulations confirm clearance by the General Accounting Office and concurrence by the Administrator, U.S. Environmental Protection Agency of surface mining reclamation and enforcement regulations requiring reporting of water-quality information by operators of surface and underground coal mines during the initial regulatory program of Title V of the Surface Mining Control and Reclamation Act of 1977 ("SMCRA"), Pub. L. 95–87. Modifications have been made to the rules to make reporting time period requirements more consistent with similar requirements of the Environmental Protection Agency and to eliminate the filing of duplicate reports.

EFFECTIVE DATE: June 22, 1979.

ADDRESSES: (1) Assistant Director for Technical Services and Research, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240; (2) Administrative Record Office, Room 135, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240; telephone number: 202–343–4728; and (3) Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, Room 5106, 441 G Street, NW., Washington, D.C. 20548.

FOR FURTHER INFORMATION CONTACT: Lewis McNay, Mining Engineer, Division of Applied Research, Technical Services and Research, Office of Surface Mining, Telephone: (202) 343–2184.

SUPPLEMENTAL INFORMATION:

1. On December 13, 1977, the Secretary of the Interior promulgated regulations at Title 30, Code of Federal Regulations, Chapter VII (42 FR 62639–62716) under Section 501(a) of the SMCRA, 30 U.S.C. 1251, to establish an initial regulatory program for surface coal mining and reclamation operations. A number of those regulations required the collection, submission or retention of information and were, therefore, adopted subject only to review by the General Accounting Office (GAO) pursuant to 44 U.S.C. 3512. See 42 FR 62675 (Dec. 13, 1977). The GAO solicited public comments on these regulations by notice in the **Federal Register** on December 23, 1977 (42 FR 64436–64438). GAO clearance of most of the regulations was given on February 3, 1978. On February 7, 1978, OSM published final rules for the regulations which had received GAO clearance (43 FR 5001–5002).

2. At that time, OSM noted that GAO clearance had not been obtained for §§ 715.17(b)(1)(v) and 717.17(b)(1)(v) of the initial program regulations. In fact, GAO had raised certain issues regarding those provisions during its review of the OSM rules in January 1978. In response, the Department submitted draft amendatory rules to GAO for conditional approval by letter of February 3, 1978. At the time that GAO clearance of most of the OSM initial program rules was announced in the **Federal Register**, it was explained that OSM planned to amend §§ 715.17(b)(1)(v) and 717.17(b)(1)(v) in several respects, at GAO's suggestion, with final rules to be published after the receipt of written concurrence of the amended rules by the Administrator, U.S. Environmental Protection Agency, as required by § 501(a), SMCRA. (42 FR 5001). By letter of March 2, 1978, the Department transmitted the draft amended rules to the Administrator, EPA, requesting his concurrence. On March 13, 1978, the Department advised GAO of its request for EPA concurrence.

3. The Administrator's concurrence was issued by letter of August 9, 1978, subject to certain modifications proposed by the Administrator to the draft amended rules previously transmitted to EPA by the Department on March 2, 1978. Finding that the modifications suggested by the Administrator were acceptable, the Department requested final GAO clearance of the draft amended rules by letter of October 18, 1978. GAO clearance was issued by letter of November 9, 1978. The reporting requirement contained in 30 CFR 715.17(b)(1)(v) was approved under GAO number B–190462 (RO 494). The reporting Requirement of 30 CFR 717.17(b)(1)(v) was approved under GAO number B–190462 (RO 496).

4. Authority for the promulgation of §§ 715.17(b)(1)(v) and 717.17(b)(1)(v) is sections 102, 201(c), 501(a), 515, 516, and 517, SMCRA. The basis and purpose of the rules was explained, in general, in the preamble to the initial program rules as originally published in the **Federal Register**, on December 13, 1977. (42 FR 62651). The explanation is adopted by reference, subject to the changes in the rules discussed below.

5. As adopted, § 715.15(b)(1)(v) establishes one of the five sets of minimum criteria required for surface-water self-monitoring and reporting activities by persons conducting surface coal mining and reclamation operations during the initial regulatory program. Section 717.17(b)(1)(v) provides corresponding criteria applicable to persons conducting underground coal mining and reclamation operations. As a result of review by GAO and concurrence by the Administrator, EPA, several changes have been made in these rules from the versions published in the **Federal Register** on December 18, 1977.

First, a change has been made in the requirement that a report of all sample measurements of discharges to surface waters generally be made within 60 days of sample collection. The final rule allows for two alternative reporting periods. First, reports are to be made to the regulatory authority by the discharger within 60 days of the end of each 60-day sample collection period. However, as suggested by GAO, a second alternative acceptable method to

this requirement has been specified to avoid possible duplication of reporting.

Under the second alternative, a discharger can satisfy self monitoring reporting under the SMCRA through compliance with equivalent time period reporting requirements under the NPDES permit system of the Clean Water Act. Use of the second alternative is conditioned upon the discharges being subject to NPDES requirements which are, in fact, substantially equivalent to the first alternative requirements.

Second, at EPA's suggestion, the first alternative method of reporting has been modified in the final rule to specify that reports be submitted 60 days after the end of each 60-day sample collection period. This was done to allow the discharger sufficient time to have water samples analyzed before routine reports are made.

Also at EPA's suggestion, the final rules have been modified to require that, when sample analyses indicate violations of an NPDES permit effluent limit, then the appropriate EPA violation reporting form will be used by the discharger. The requirements that all violations be reported immediately upon detection to the regulatory authority has, of course, been retained, to insure that appropriate corrective and other enforcement actions are timely taken.

6. As it was announced that these rules would be published in final form soon after receipt of GAO clearance and because their effect is to lessen burdens on dischargers by eliminating duplicative reporting requirements and by making the timing of reports coincide with that required by EPA, they are being made effective upon publication. Copies of all agency correspondence pertaining to the adoption of these rules are available for public inspection at the OSM Administrative Records Office, South Interior Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240; telephone: 202–343–4728.

7. The amendments to these rules have not been processed under 43 CFR 14.1 *et seq.*, because all significant steps in their development were completed prior to January 26, 1979. *See* 43 CFR 14.1(b)(2) (43 FR 58296). See also 42 FR 62640.

Regulation Drafters

Principal authors of these rules were David R. Maneval, Assistant Director, Technical Services and Research, OSM, and David Buente, Office of the Solicitor, Division of Surface Mining.

30 CFR 715.17(b)(1)(v) and 717.17(b)(1)(v) are effective on June 22, 1979.

Dated: June 14, 1979.

Toney Head, Jr.,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

In consideration of the foregoing, 30 CFR Chapter VII is amended as follows:

PART 715—GENERAL PERFORMANCE STANDARDS

1. In 30 CFR 715.17, paragraph (b)(1)(v) is revised to read as follows:

§ 715.17 Protection of the hydrologic system.

(b) * * *

(1) * * *

(v) Within sixty (60) days of the end of each sixty (60) day sample collection period, a report of all samples shall be made to the regulatory authority, unless the discharge for which water monitoring reports are required is subject to regulation by a National Pollution Discharge Elimination System (NPDES) permit issued in compliance with the Clean Water Act of 1977 (33 U.S.C. 1251–1378), (A) which includes equivalent reporting requirements, and (B) which requires filing of the water monitoring report within 90 days or less of sample collection. For such discharges, the reporting requirements of this paragraph may be satisfied by submitting to the regulatory authority on the same time schedule as required by the NPDES permit or within ninety (90) days following sample collection, whichever is earlier, either (*1*) a copy of the completed reporting form filed to meet the NPDES permit requirements, or (*2*) a letter identifying the State or Federal government official with whom the reporting form was filed to meet the NPDES permit requirements and the date of filing. In all cases in which analytical results of the sample collections indicate a violation of a permit condition or applicable standard has occurred, the operator shall notify the regulatory authority immediately. Where an NPDES permit effluent limitation requirement has been violated, the permittee should forward a copy of the Discharge Monitoring Report, EPA Form 3320–1, concurrently with notification of the violation.

§ 715.20 [Amended]

2. The note following § 715.20 is revised to read as follows:

Note.—The reporting and recordkeeping requirements contained in 30 CFR 715.11(c) 715.13(d), 715.15(a)(9), 715.15(b)(1)(v) and 12, 715.17(j)(3), 715.18(b)(2) and (6), 715.19(b), (c), (d) and (e)(4) have been approved by the U.S. General Accounting Office under number B–190462 (RO 494).

PART 717—UNDERGROUND MINING GENERAL PERFORMANCE STANDARDS

3. In 30 CFR 717.17, paragraph (b)(1)(v) is revised to read as follows:

§ 717.17 Protection of the hydrologic system.

(b) * * *

(1) * * *

(v) Within sixty (60) days of the end of each sixty (60) day sample collection period, a report of all samples shall be made to the regulatory authority, unless the discharge for which water monitoring reports are required is subject to regulation by a National Pollution Discharge Elimination System (NPDES) permit issued in compliance with the Clean Water Act of 1977 (33 U.S.C. 1251–1378), (A) which includes equivalent reporting requirements, and (B) which requires filing of the water monitoring reports within 90 days or less of sample collection.

For such discharges, the reporting requirements of this paragraph may be satisfied by submitting to the regulatory authority on the same time schedule as required by the NPDES permit or within ninety (90) days following sample collection, whichever is earlier, either (*1*) a copy of the completed reporting form filed to meet the NPDES permit requirements, or (*2*) a letter identifying the State or Federal government official with whom the reporting form was filed to meet the NPDES permit requirements and the date of filing. In all cases in which analytical results of the sample collections indicate a violation of a permit condition or applicable standard has occurred, the operator shall notify the regulatory authority immediately. Where an NPDES permit effluent limitation requirement has been violated, the permittee should forward a copy of the Discharge Monitoring Report, EPA Form 3320–1, concurrently with notification of the violation.

§ 717.20 [Amended]

4. The note following § 717.20 is revised to read as follows:

Note.—The reporting requirements contained in 30 CFR 717.18(b)(1)(v), (2), and (6) have been approved by the U.S. General Accounting Office under B–190462 (RO496).

(Sec. 501(a), Pub. L. 95–87, 91 Stat. 467, 30 U.S.C. 1251)

[FR Doc. 79–19458 Filed 6–21–79; 8:45 am]

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Friday
June 22, 1979

Federal Register

Part VII

Department of Agriculture

Farmers Home Administration

Technical and Supervisory Assistance Grants Program; Implementation

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1944

Technical and Supervisory Assistance Grants Program; Implementation

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) implements the Technical and Supervisory Assistance (TSA) Grant program. The intended effect of this action is to provide funding to eligible organizations to make counseling available to present and future FmHA housing loan borrowers to reduce and/or prevent loan delinquency and foreclosure. The program also facilitates the use of FmHA and other housing programs by low-income families in rural areas with concentrations of substandard housing and low-income families. This program is needed to expand the use of housing loan and grant programs by low-income rural families.

EFFECTIVE DATE: June 22, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John H. Pentecost, 202–447–7207.

SUPPLEMENTARY INFORMATION: On April 12, 1979, FmHA published a notice of proposed rulemaking in the **Federal Register** (44 FR 21994) regarding implementation of the Technical and Supervisory Assistance Grant Program (Subpart K of Part 1944 of Chapter XVIII, Title 7, Code of Federal Regulations).

This Subpart implements section 525 which was added to Title V of the Housing Act of 1949 by the Housing and Community Development Act of 1974, Pub. L. 93–383 and reauthorized by section 501 of Title V of the Housing and Community Development Amendments of 1978, Pub. L. 95–557.

FmHA received 25 responses to the April 12, 1979 publication as of May 18, 1979. These comments were seriously considered and those which suggested changes to provide greater clarity and to remove conflicting statements and/or definitions have been incorporated into the final regulations. These minor changes include clarification of the type of applicant, the definition of a sponsored applicant, the use of TSA funds for program related housing studies, the definitions of Supervisory and Technical Assistance, the term of the grant agreement, and FmHA's role in notifying presently delinquent borrowers of the counseling services.

The following major concerns were raised by the respondents:

1. The basic purpose of the program, by including counseling, dilutes the original intent of the program for outreach and promoting housing development.

FmHA has included counseling in the TSA program in response to Congressional intent. Further, FmHA views counseling combined with outreach and promoting housing development as the key elements in providing adequate housing to those low-income people most in need of housing assistance.

Outreach includes contacting and assisting families in using appropriate housing programs to meet their needs; counseling provides future borrowers with the necessary information and skills to maintain and keep their home. Delinquency counseling is intended to assist families to get their financial affairs in order so they can budget to meet their loan payments and bring their accounts current.

2. The areas selected for the TSA program will need either delinquency counseling or housing delivery, but seldom both.

FmHA recognizes that an area with the highest need for housing delivery may not be the area with the highest delinquency rate. Nonetheless, FmHA has determined that priority will go to the rural areas with the greatest need for housing delivery based on low-income population and persons living in substandard housing. The extent of delinquency in such areas will be a key project selection criterion. In the long term, FmHA believes that the needs of low-income families will be better served by providing outreach with pre-occupancy counseling, especially to those borrowers with no previous housing loan experience.

3. The proposal will direct funds to local groups and is too restrictive by not permitting innovative solutions to meet outreach and counseling needs in rural areas.

In the Impact Analysis for the TSA program, FmHA fully considered using State and regional groups as the primary grant recipients. FmHA concluded that to be most effective in meeting its basic purposes of counseling and outreach, the TSA program should be locally administered. As experience in the program is gained, the TSA policy can be broadened and more regional groups involved. The final regulations do not prohibit State or other regional applicants from applying. However, it is FmHA's desire to join with State and regional groups to encourage and sponsor local initiatives in housing counseling and outreach.

4. Limiting the area to be served by the TSA project to one to four counties is too restrictive.

The one to four county area is provided as a reasonable guideline given the level of funding available this year and the necessity to focus the limited TSA resources to an area where a grantee can make a significant impact. Larger areas may be permitted when an applicant can show that it has sufficient resources to provide an effective counseling and outreach program to needy families over a broader area.

5. The method of targeting the TSA resources to the States and the restriction on the number of grants per State does not reflect the needs for this program by low-income and low-income minority groups.

The availability of appropriations will affect targeting of funds and number of grants per State. FmHA will announce annually, through an Administrative Notice, the targeting formula and the number of grants per State as well as the maximum grant amount.

For use of FY 1979 funds, a Notice in the **Federal Register** is being published simultaneously with these final regulations. Grants will be limited to one per State this fiscal year since all

States have areas that need the TSA program. The targeting of the part of the funds to selected States recognizes that those States have relatively greater need overall for the TSA program. When additional resources become available, a policy of multiple grants per State will be considered.

6. The replacement of or substitution for any financial support which would be available from any other source is not an eligible use of TSA funds, thus precluding funding some organizations currently operating counseling and/or outreach programs.

FmHA desires to use the TSA program to expand and complement current counseling and outreach efforts by local groups. This restriction does not preclude groups using TSA funds to replace funding no longer available.

Therefore, Subpart K of Part 1944 is added and reads as follows.

PART 1944—HOUSING

Subpart K—Technical and Supervisory Assistance Grants

Sec.

1944.501 General.
1944.502 Policy.
1944.503 Objectives.
1944.504–1944.505 [Reserved]
1944.506 Definitions.
1944.507–1944.509 [Reserved]
1944.510 Applicant eligibility.
1944.511 [Reserved]
1944.512 Authorized representative of the applicant.
1944.513 [Reserved]
1944.514 Comprehensive TSA Grant Projects.
1944.515 [Reserved]
1944.516 Grant purposes.
1944.517 [Reserved]
1944.518 Term of grant.
1944.519 [Reserved]
1944.520 Ineligible activities.
1944.521 [Reserved]
1944.522 Equal opportunity requirements.
1944.523 A–95 and other administrative requirements.
1944.524 [Reserved]
1944.525 Targeting of TSA funds to States.
1944.526 Preapplication procedure.
1944.527 [Reserved]
1944.528 Preapplication submission deadline.
1944.529 Project selection.
1944.530 [Reserved]
1944.531 Application submission.
1944.532 [Reserved]
1944.533 Grant approval and announcement.
1944.534 [Reserved]
1944.535 Cancellation of an approved grant.
1944.536 Grant closing.
1944.537 [Reserved]
1944.538 Extending and revising grant agreements.
1944.539 [Reserved]
1944.540 Requesting TSA checks.
1944.541 Reporting requirements.
1944.542 [Reserved]
1944.543 Grant monitoring.
1944.544 [Reserved]
1944.545 Additional grants.
1944.546 [Reserved]
1944.547 Management assistance.
1944.548 Counseling consent by FmHA single family housing borrowers.
1944.549 Grant evaluation, closeout, suspension and termination.
1944.550 Personnel guidelines.
Exhibit A—Grant Agreement—Technical and Supervisory Assistance
Exhibit B—Instructions for FmHA State Offices.
Exhibit C—Instructions for FmHA District Offices.
Exhibit D—Amendment to Technical and Supervisory Assistance Grant Agreement
Exhibit E—Guide Letter to Delinquent FmHA Single Family Housing Loan Borrowers.

Authority: 42 U.S.C. 1480; delegation of authority by the Sec. of Agriculture, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

Subpart K—Technical and Supervisory Assistance Grants

§ 1944.501 General.

(a) This Subpart sets forth the policies and procedures for making grants under Section 525(a) of the Housing Act of 1949, 42 U.S.C. 1490e(a), to provide funds to eligible applicants to conduct programs of technical and supervisory assistance (TSA) for low-income rural residents to obtain and/or maintain occupancy of adequate housing. This financial assistance may pay part or all of the cost of developing, conducting, administering, or coordinating effective and comprehensive programs of technical and supervisory assistance which will aid needy low-income individuals and families in benefiting from federal, state, and local programs in rural areas.

(b) The Farmers Home Administration (FmHA) will provide technical and supervisory grant assistance to applicants without discrimination because of race, color, religion, sex, national origin, age, marital status, or physical or mental handicap.

§ 1944.502 Policy.

(a) The policy of the FmHA is to provide Technical and Supervisory Assistance to eligible applicants to do the following:

(1) Provide homeownership and financial counseling to reduce both the potential for delinquency by loan applicants and the level of payment delinquency by present FmHA housing loan borrowers; and

(2) Facilitate the delivery of housing programs to serve the most needy low-income families in rural areas of greatest need for housing.

(b) FmHA intends to fund projects which include counseling and delivery of housing programs.

(c) State Directors are given a strong role in the selection of grantees so this program can complement FmHA's policies of targeting FmHA resources to areas of greatest need within their States.

(d) FmHA expects grant recipients to implement a TSA program and not to use TSA funds to prepare housing plans and strategies except as necessary to accomplish the specific objectives of the TSA project.

§ 1944.503 Objectives.

The objectives of the TSA Grant Program are to assist low-income rural families in obtaining adequate housing to meet their family's needs and/or to provide the necessary guidance to promote their continued occupancy of already adequate housing. These objectives will be accomplished through the establishment or support of housing delivery and counseling projects run by eligible applicants. This program is intended to make use of any available housing program which provides the low-income rural resident access to adquate rental properties or homeownership.

§§ 1944.504–1944.505 [Reserved]

§ 1944.506 Definitions.

References in this Subpart to County, District, State, National and Finance Offices and to County Supervisor, District Director, State Director, and Administrator refer to FmHA offices and officials and should be read as prefaced by FmHA. Terms used in this Subpart have the following meanings:

(a) *Adequate housing.* A housing unit of adequate size and design to meet the specific needs of low-income families and the requirements governing the particular housing program providing the services or financial assistance.

(b) *Applicant or grantee.* Any eligible organization which applies for or receives TSA funds under a grant agreement.

(c) *Grant agreement.* The contract between FmHA and the applicant which sets forth the terms and conditions under which TSA funds will be made available.

(d) *Low-income family.* Any household, including those with one member, whose adjusted annual income, computed in accordance with § 1822.3 (o) of this Chapter (FmHA Instruction 444.1, paragraph III O), does not exceed the maximum low-income limits specified in Exhibit C of Subpart A of

Part 1822 of this Chapter (Exhibit C of FmHA Instruction 444.1).

(e) *Organization.* (1) A State or political subdivision or public nonprofit corporation (including Indian Tribes or tribal corporations) authorized to receive and administer TSA funds; or

(2) A private nonprofit corporation with local representation from the area being served that is owned and controlled by private persons or interests and is organized and operated by private persons or interests for purposes other than making gains or profits for the corporation and is legally precluded from distributing any gains or profits to its members.

(f) *Rural area.* The definition in § 1822.3(c) of Subpart A of Part 1822 of this chapter (paragraph III C of FmHA Instruction 444.1) applies.

(g) *Sponsored applicant.* An eligible applicant which has a commitment of financial and/or technical assistance to apply for the TSA program and to implement such a program from a state, county, municipality, or other governmental entity or public body.

(h) *Supervisory assistance.* Any type of assistance to low-income families which will assist those families in meeting the eligibility requirements for, or the financial and managerial responsibilities of, homeownership or tenancy in an adequate housing unit. Such assistance must include, but is not limited to, the following activities:

(1) Assisting individual FmHA borrowers with financial problems to overcome delinquency and/or prevent foreclosure and assisting new low-income applicants to avoid financial problems through:

(i) Financial and budget counseling including advice on debt levels, credit purchases, consumer and cost awareness, debt adjustment procedures, and availablity of other financial counseling services;

(ii) Monitoring payment of taxes and insurance;

(iii) Home maintenance and managment; and

(iv) Other counseling based on the needs of the low-income families.

(2) Contracting and assisting low-income families in need of adequate housing by:

(i) Implementing an organized outreach program using available media and personal contacts;

(ii) Explaining available housing programs and alternatives to increase the awareness of low-income families and to educate the community as to the benefits which can accrue from improved housing;

(iii) Assisting low-income families locate adquate housing;

(iv) Providing construction supervision, training, and guidance to low-income families not involved in mutual self-help projects who are otherwise being assisted by the TSA project;

(v) Organizing local public or private nonprofit groups willing to provide adequate housing for low-income families; and

(vi) Providing assistance to families and organizations in processing housing loan and/or grant applications generated by the TSA program, including developing and packaging such applications for new construction, rehabilitation, or repair to serve low-income families.

(i) *Technical assistance.* Any specific expertise necessary to carry out housing efforts by or for low-income families to improve the quantity and/or quality of housing available to meet their needs. Such assistance should be specifically related to the supervisory assistance provided by the project, and may include, as appropriate, the following activities:

(1) Develop, or assist eligible applicants to develop, multi-housing loan and/or grant applications for new construction, rehabilitation, or repair to serve low-income families.

(2) Market surveys, engineering studies, cost estimates, and feasibility studies related to applications for housing assistance to meet the specific needs of the low-income families assisted under the TSA program.

§§ 1944.507–1944.509 [Reserved]

§ 1944.510 Applicant eligibility.

To be eligible to receive a grant, the applicant must:

(a) Be an organization as defined in § 1944.506(e).

(b) Have the financial, legal, administrative, and operational capacity to assume and carry out the responsibilities imposed by the grant agreement. To meet this requirement of actual capacity, it must either:

(1) Have necessary background and experience with proven ability to perform responsibly in the field of low-income rural housing development and counseling, or other business management or administrative experience which indicates an ability to provide responsible technical and supervisory assistance; or

(2) Be assisted by an organization which has such background experience and ability and which agrees in writing that it will provide, without charge, the assistance the applicant will need to carry out its responsibilities.

(c) Legally obligate itself to administer TSA funds, provide an adequate accounting of the expenditure of such funds, and comply with the grant agreement and FmHA regulations;

(d) Demonstrate an understanding of the needs of low-income rural families;

(e) Have the ability and willingness to work within established guidelines; and

(f) If the applicant is engaged in or plans to become engaged in any other activities, it must be able to provide sufficient evidence and documentation that it has adequate resources, including financial resources, to carry on any other programs or activities to which it is committed without jeopardizing the success and effectiveness of its TSA project.

§ 1944.511 [Reserved]

§ 1944.512 Authorized representative of the applicant.

FmHA will deal only with authorized representatives designed by the applicant. The authorized representatives must have no pecuniary interest in any of the following as they would relate in any way to the TSA grant: the award of any engineering, architectural, management, administration, or construction contracts; purchase of the furnishings, fixtures or equipment; or purchase and/or development of land.

Note.—(FmHA has designated the District Office as the primary point of contact for all matters relating to the TSA program and as the office responsbile for the administration of approved TSA projects.

§ 1944.513 [Reserved]

§ 1944.514 Comprehensive TSA grant projects.

(a) The rural area to be covered by the TSA project must be realistically serviceable by the applicant in terms of funding resources, manpower, and distances and generally should be limited to one to four counties within the service area of one District Office.

(b) Consideration of the following items may assist applicants develop TSA projects which meet the needs of low-income families in the proposed TSA service area: present population distribution, projected population growth or decline, the amount of inadequate housing, economic conditions, and trends of the rural areas concerned, and any other factors affecting the quantity and quality of housing currently available or planned for the area. Consideration must also be given to the needs and desires of the

community; the financial and social condition of the individuals within the community; the needs of areas with a concentration of low-income minority families and the needs of FmHA borrowers who are delinquent in their housing loan payments; the availability of supporting services such as water, sewerage, health and educational facilities, transportation, recreational and community facilities, and the types of housing facilities and services presently available or planned to which the low-income families have or will have ready access.

(c) Each TSA applicant should consider the alternatives available to provide needed housing facilities and services for the area. Consideration should also be given to the recommendations and services available from local, state, federal governmental entities, and from private agencies and individuals.

(1) In no case should the TSA project deliberately conflict with or duplicate housing studies, plans, projects, or any other housing related activities in a rural area unless documentation shows these activities do not meet the needs of low-income families.

(2) Each TSA project should be coordinated to the extent possible with any comprehensive or special purpose plans and projects affecting low-income housing in the area.

(3) To the fullest extent possible, TSA projects should be coordinated with any housing-related activities currently being carried out in the area.

(d) TSA applicants must coordinate their proposals with the appropriate County and District Offices to be fully familiar with the needs of those offices and of the low-income families currently served by the County Offices.

§ 1944.515 [Reserved]

§ 1944.516 Grant purposes.

Grant funds are to be used for a housing delivery system and counseling program to include a comprehensive program of technical and supervisory assistance as set forth in the grant agreement and any other special conditions as required by FmHA. Uses of grant funds may include, but are not limited to:

(a) The development and implementation of a program of technical and supervisory assistance as defined in § 1944.506 (h) and (i).

(b) Payment of reasonable salaries of professional, technical, and clerical staff actively assisting in the delivery of the TSA project.

(c) Payment of necessary and reasonable office expenses such as office supplies and office rental, office utilities, telephone services, and office equipment rental.

(d) Payment of necessary and reasonable administrative costs such as workers' compensation, liability insurance, audit reports, travel to and attendance at FmHA approved training sessions, and the employer's share of Social Security and health benefits. Payments to private retirement funds are prohibited unless prior written authorization is obtained from the Administrator.

(e) Payment of reasonable fees for necessary training of grantee personnel. This may include the cost of travel and per diem to attend regional training sessions when authorized by the State Director.

(f) Other reasonable travel and miscellaneous expenses necessary to accomplish the objectives of the specific TSA grant which were anticipated in the individual TSA grant proposal and which have been included as eligible expenses at the time of grant approval.

§ 1944.517 [Reserved]

§ 1944.518 Term of grant.

TSA projects will be funded under one Grant Agreement for two years commencing on the date of execution of the Agreement by the State Director.

§ 1944.519 [Reserved]

§ 1944.520 Ineligible activities.

(a) Grant funds may not be used for:

(1) Acquisition, construction, repair, or rehabilitation of structures or acquisition of land, vehicles, or equipment.

(2) Replacement of or substitution for any financial support which would be available from any other source.

(3) Duplication of current services in conflict with the requirements of § 1944.514(c).

(4) Hiring personnel to perform construction.

(5) Buying property of any kind from families receiving technical or supervisory assistance from the grantee under the terms of the TSA grant.

(6) Paying for or reimbursing the grantee for any expenses or debts incurred before FmHA executes the grant agreement.

(7) Paying any debts, expenses, or costs which should be the responsibility of the individual families receiving technical and supervisory assistance.

(8) Any type of political activities.

(9) Other costs including contributions and donations, entertainment, fines and penalties, interest and other financial costs, legislative expenses and any excess of cost from other grant agreements.

(b) Advice and assistance may be obtained from the National Office where ineligible costs are proposed as part of the TSA project or where a proposed cost appears ineligible.

(c) The grantee may not charge fees or accept compensation or gratuities from TSA recipients for the grantee's assistance under this program.

§ 1944.521 [Reserved]

§ 1944.522 Equal opportunity requirements.

The policies and regulations contained in Subpart E of Part 1901 of this Chapter apply to grants made under this Subpart.

§ 1944.523 A-95 and other administrative requirements.

(a) The following policies and regulations apply to grants made under this Subpart:

(1) Subpart H of Part 1901 of this chapter which sets forth procedures to be observed by FmHA in carrying out the provisions of OMB Circular A-95 regarding cooperation with State and local governments in the evaluation, review, and coordination of Federal and Federally assisted programs and projects.

(2) Subpart J of Part 1901 of this chapter which sets forth the procedures to be observed by FmHA in carrying out the provisions of Treasury Circular No. 1082, Revised, regarding the notification of States of grant-in-aid information.

(3) The policies and regulations contained in Subpart F of Part 1901 of this chapter regarding historical and archaeological properties.

(4) The policies and regulations contained in Subpart G of Part 1901 of this chapter regarding Environmental Impact Statements.

(b) Pursuant to Subpart H of Part 1901 of this chapter, each applicant, except federally recognized Indian tribes, must notify the appropriate designated clearinghouse(s) of its intent to submit an application thirty (30) days before the submission of a preapplication, Form AD-621, "Preapplication for Federal Assistance," to FmHA. Clearinghouse comments are a required part of FmHA's review and selection process and should be submitted to the State Director in order to be considered in that process.

§ 1944.524 [Reserved]

§ 1944.525 Targeting of TSA funds to States.

(a) The Administrator will determine, based on the most current available information (generally that information used to determine the allocation to States of FmHA housing loan funds), those States with the highest degree of substandard housing and persons in poverty in rural areas eligible to receive FmHA housing assistance. The Administrator will distribute a portion of the available funds for TSA to these States, leaving the balance available for national competition.

(b) The Administrator will provide annual notice through a published Notice on the distribution of appropriated TSA funds, the number of preapplications to be submitted to the National Office from the State Offices, and the maximum grant amount per project.

§ 1944.526 Preapplication procedure.

(a) *Preapplication submission.* (1) All applicants will file an original and two copies of Form AD–621 and supporting information detailed below with the appropriate District Office serving the proposed TSA area. A preapplication packet including Form AD–621 is available in all District and State Offices.

(i) The applicant will provide informational copies of the preapplication to the County Supervisor(s) of the area to be served by the TSA project at the time of submittal to the appropriate District Office.

(ii) If the TSA area encompasses more than one District Office, the preapplication will be filed at the District Office which serves the area in which the grantee will provide the greatest amount of TSA efforts. Additional informational copies of the preapplication will be sent by the applicant to the other affected District Office(s).

(2) All preapplications shall be accompanied by the following information which will be used to determine the applicant's eligibility to undertake a TSA program and to determine whether the applicant might be funded.

(i) A narrative presentation of the applicant's proposed TSA program, including:

(A) The technical and supervisory assistance to be provided;

(B) The time schedule for implementing the program;

(C) The staffing pattern to execute the program and salary range for each position, existing and proposed;

(D) The estimated number of low-income and low-income minority families the applicant will assist in obtaining affordable adequate housing;

(E) The estimated number of FmHA borrowers who are delinquent or being foreclosed that the applicant will assist in resolving their financial problems relating to their delinquency;

(F) The estimated number of households which will be assisted in obtaining adequate housing in the TSA area through new construction and/or rehabilitation;

(G) Annual estimated budget for each of the two years based on the financial needs to accomplish the objectives outlined in the proposal. The budget should include proposed direct and indirect costs for personnel, fringe benefits, travel, equipment, supplies, contracts, and other costs categories, detailing those costs for which the grantee proposes to use the TSA grant separately from non-TSA resources, if any;

(H) The accounting system to be used;

(I) The method of evaluation proposed to be used by the applicant to determine the effectiveness of its program;

(J) The sources and estimated amounts of other financial resources to be obtained and used by the applicant for both TSA activities and housing development and/or supporting facilities; and

(K) Any other information necessary to explain the manner of delivering the TSA assistance proposed.

(ii) Complete information about the applicant's previous experience and capacity to carry out the objectives of the proposed TSA program;

(iii) Evidence of the applicant's legal existence, including, in the case of a private nonprofit organization, a copy of, or an accurate reference to, the specific provisions of State law under which the applicant is organized; a certified copy of the applicant's Articles of Incorporation and Bylaws or other evidence of corporate existence; certificate of incorporation for other than public bodies; evidence of good standing from the State when the corporation has been in existence one year or more; the names and addresses of the applicant's members, directors, and officers; and, if another organization is a member of the applicant-organization, its name, address, and principal business.

(iv) For a private nonprofit entity, a current financial statement dated and signed by an authorized officer of the entity showing the amounts and specific nature of assets and liabilities together with information on the repayment schedule and status of any debt(s) owed by the applicant. If the applicant is an organization being assisted by another private nonprofit organization, the same type of financial statement should also be provided by that organization.

(v) A brief narrative statement which includes information about the area to be served and the need for improved housing (including both percentage and actual number of both low-income and low-income minority families and substandard housing), the need for the type of technical and supervisory assistance being proposed, the method of evaluation to be use by the applicant in determining the effectiveness of its efforts (as related to paragraph (a)(2)(i) of this section), and any other information necessary to specifically address the selection criteria in § 1944.529.

(vi) A list of other activities the applicant is engaged in and expects to continue and a statement as to any other funding and whether it will have sufficient funds to assure continued operation of the other activities for at least the period of the TSA grant agreement.

(3) An applicant should submit written statements from the county, parish, or township governments of the area affected that the project is beneficial and does not duplicate current activities. If the local governmental units will not provide such statements, the applicant will prepare and include with its preapplication a summary of its analysis of alternatives considered under § 1944.514(c). However, Indian nonprofit organization applicants should obtain the written concurrence of the Tribal governing body in lieu of the concurrence of the county governments.

(4) Sponsored applicants should submit a written commitment for financial and/or technical assistance from their sponsoring entity.

(5) An original and one copy of Form FmHA 449–10, "Applicant's Environmental Impact Evaluation."

(b) *District Office processing of preapplications.* (1) The District Director with whom the preapplication is filed will review the preapplication, Form AD–621, and any other supporting information from the applicant. The District Director will also:

(i) Complete Form FmHA 440–46, "Environmental Impact Assessment," and attach it to the preapplication; and

(ii) Prepare a review of the project in accordance with Subpart F of Part 1901

of this chapter and attach it to the preapplication.

(2) All District Directors and County Supervisors receiving informational copies of the preapplication should submit their comments within five working days to the District Director with whom the preapplication if filed.

(3) The original and one copy of the preapplication, together with the District Director's written comments and recommendations, reflecting the criteria used in § 1944.529 and Exhibit C of this subpart, will be forwarded to the State Director within ten working days of receipt of the preapplication.

(c) *State Office processing of preapplications.* (1) Upon receipt of a preapplication, the State Office will review and evaluate the preapplication and accompanying documents in accordance with the project selection criteria of § 1944.529 and Exhibit B of this subpart. The State Office will also:

(i) Make a determination on Form FmHA 440–46 in accordance with § 1901.305 of Subpart G of Part 1901 of this chapter.

(ii) Prepare an historical and archaeological assessment in accordance with § 1901.255 (b) and (c) of Subpart F of Part 1901 of this Chapter.

(2) Within 30 days of the closing date for receipt of preapplications as published in the **Federal Register**, the State Director will forward to the National Office the original preapplication(s) and supporting documents of the selected applicant(s), including A–95 comments received, and the comments and recommendations of the County Office(s), District Office(s), and the State Office. The State Office will submit the preapplication(s) in accordance with the annual notice provided for by § 1944.525 (b) of this Subpart.

(3) Concurrently the State Office will send a copy of the selected applicant's(s') Form AD–621 and relevant documents to the Regional Office of the General Counsel (OGC) requesting a legal determination be made of the applicant's legal existence and authority to conduct the proposed program of technical and supervisory assistance.

(4) The State Office will notify other applicants that their preapplications will not selected and advise them of their appeal rights under Subpart B of Part 1900 of this Chapter.

(d) *National Office processing of preapplications.* (1) Preapplications for this program from those States targeted under § 1944.525 will be reviewed by the National Office for completeness and compliance with this Subpart. If a grant is recommended, the National Office will return the preapplication(s) with any comments and recommendations to the State Office and advise that office to proceed with the issuance of Form AD–622, "Notice of Preapplication Review Action," and to request the applicant to prepare Form AD–623, "Application for Federal Assistance (Nonconstruction Programs)," for submission to the District Office. If a grant is not recommended, the National Office will advise the State Office of action to take.

(2) Preapplications from States which are not targeted in accordance with § 1944.525 will be reviewed for completeness and compliance with this subpart and then evaluated in accordance with the project selection criteria of § 1944.529. Those preapplications which are selected, and for which funds are available, will be returned to the appropriate State Office with any National Office comments and recommendations. The State Office will be advised to proceed with the issuance of Form AD–622 and to request the applicant to prepare Form AD–623 for submission to the District Office as detailed in § 1944.531.

(3) Those preapplications for which funds are not available will be returned to the appropriate State Office which will notify each applicant and advise the applicant of its appeal rights under Subpart B of Part 1900 of this chapter.

(4) State Directors will be advised of the National Office's action on their selected preapplication within 30 days of receipt of all preapplications.

§ 1944.527 [Reserved]

§ 1944.528 Preapplication submission deadline.

Dates governing the review and selection of TSA grant preapplications will be published annually in the **Federal Register**. Preapplications received after that time will not be considered for funding. For use of fiscal year 1979 funds, the deadline for submission of preapplications will be 45 calendar days from date of publication of final regulations.

§ 1944.529 Project selection.

(a) Projects must meet the following criteria:

(1) Provide a program of supervisory assistance as defined in § 1944.506(h), and

(2) Serve areas with a concentration of substandard housing and low-income and low-income minority households.

(b) In addition to the items listed in paragraph (a) of this section, the following criteria will be considered in the selection of grant recipients:

(1) The extent to which the project serves areas with concentrations of FmHA single family housing loan borrowers who are delinquent in their housing loan payments and/or threatened with foreclosure.

(2) The capability and past performance demonstrated by the applicant in administering its programs.

(3) The effectiveness of the current efforts by the applicant to assist low-income families in obtaining adequate housing.

(4) The extent to which the project will provide or increase the delivery of housing resources to low-income and low-income minority families in the area who are not currently occupying adequate housing.

(5) The services the applicant will provide that are not presently available to assist low-income families in obtaining or maintaining occupancy of adequate housing and the extent of duplication of technical and supervisory assistance activities currently provided for low-income families.

(6) The extent of citizen and local government participation and involvement in the development of the preapplication and project.

(7) The extent of planned coordination with other Federal, State, or local technical and/or supervisory assistance programs.

(8) The extent to which the project will make use of other financial and contributions-in-kind resources for both technical and supervisory assistance and housing development and supporting facilities.

(9) The comments and recommendations from the A–95 clearinghouse.

(10) The extent to which the project will be cost effective, including but not limited to the ratio of personnel to be hired by the applicant to the cost of the project, the cost, both direct and indirect, per person benefiting from the project, and the expected benefits to low-income families from the project.

(11) The extent to which the proposed staff and salary ranges, including qualifications, experience, proposed hiring schedule and availability of any prospective employees, will meet the objectives of the proposed TSA program.

(12) The anticipated capacity of the applicant to implement the proposed time schedule for starting and completing the TSA program and each phase thereof.

(13) The adequacy of the records and practices, including personnel procedures and practices, that will be established and maintained by the

applicant during the term of the agreement.

(c) Among the projects proposed by private nonprofit entities, preference will be given to sponsored applicants.

§ 1944.530 [Reserved]

§ 1944.531 Applications submission.

(a) Upon notification that the applicant has been tentatively selected for funding, the State Office will forward to the applicant a signed Form AD–622 and provide Form AD–623 with instructions to the applicant for preparation of an application.

(b) Upon receipt of Form AD–622, the applicant will submit an application in an original and 2 copies on Form AD–623, and provide whatever additional information is requested to the District Office within 30 days.

(c) Upon receipt of an application on Form AD–623 by the District Office, a docket shall be assembled which will include the following:

(1) Form AD–621 and the information submitted in accordance with § 1944.526(a)(2).

(2) Form AD–622.

(3) A–95 Clearinghouse comments.

(4) Form AD–623.

(5) OGC legal determination made pursuant to § 1944.526(c)(3).

(6) Grant Agreement.

(7) Form FmHA 440–1, "Request for Obligation of Funds."

(8) Form FmHA 400–1, "Equal Opportunity Agreement."

(9) Form FmHA 400–4, "Nondiscrimination Agreement."

(10) Form FmHA 449–10.

(11) Form FmHA 440–46.

(12) The historical and archaeological assessment.

(13) The detailed budget for the agreement period based upon the needs outlined in the proposal and the comments and recommendations by FmHA.

§ 1944.532 [Reserved]

§ 1944.533 Grant approval and announcement.

Grant approval and announcement will be accomplished under the following procedure. The Administrator may modify this section if necessary to obligate funds in a timely and efficient manner.

(a) The District Office will review the docket to determine whether the application complies with these regulations and is consistent with the information and supporting documents submitted with the preapplication and any comments and recommendations of the State and National Offices.

(b) If major problems occur during the development of the docket, the District Office will call upon the State Office for assistance.

(c) If a grant is recommended, Form FmHA 440–1 and the Grant Agreement will be prepared by the District Office and forwarded to the applicant for signature as authorized in its authorizing resolution. Exhibit A, Grant Agreement, is a part of these regulations.

(d) When Form FmHA 440–1 and the Grant Agreement are received from the applicant and signed by the applicant, the docket will be forwarded to the State Director.

(e) Form FmHA 071–1, "Project Information Card," will be prepared and sent to the Director of Information in the National Office.

(f) If the State Director approves the project, the following actions will be taken in the order listed:

(1) The State Director, or the State Director's designee, will telephone the Finance Office Check Request Station requesting that grant funds for a particular project be obligated. Immediately after contacting the Finance Office, the requesting official will furnish the requesting office's security identification code. Failure to furnish the security code will result in the rejection of the request for obligation. After the security code is furnished, the required information from Form FmHA 440–1 will be furnished to the Finance Office. Upon receipt of the telephone request for obligation of funds, the Finance Office will record all information necessary to process the request for obligation in addition to the date and time of the request.

(2) The individual making the request will record the date and time of the request and sign Section 37 of Form FmHA 440–1.

(i) The Finance Office will notify the State Office by telephone when funds are reserved and of the date of obligation. If funds cannot be reserved for a project, the Finance Office will notify the State Office that funds are not available. The obligation date will be six working days from the date the request for obligation is processed.

(ii) The Finance Office will terminally process telephone obligation requests. Those requests received prior to 2:30 p.m. Central Time will be processed on the date of the request. Those requests received after 2:30 p.m., to the extent possible, will be processed on the day received; however, there may be instances where the obligation will be processed on the next working day.

(iii) The Finance Office will mail Form FmHA 440–57, "Acknowledgement of Obligated Funds/Check Request," to the State Director, confirming the reservation of funds with the obligation date inserted as required by Item 9 on the Forms Manual Insert (FMI) for Form FmHA 440–57.

(iv) Form FmHA 440–1 will not be mailed to the Finance Office.

(3) The State Director will notify the Director of Information in the National Office with a recommendation that the project announcement be released.

(4) An executed form FmHA 440–1 will be sent to the applicant along with an executed copy of the Grant Agreement and scope of work on or before the date funds are obligated.

(i) The actual date of applicant notification will be entered on the original of Form FmHA 440–1 and the original of the form will be included as a permanent part of the file.

(ii) Standard Form 270, "Request for Advance or Reimbursement," will be sent to the applicant for completion and returned to FmHA.

(5) If it is determined that a project will not be funded or if major changes in the scope of the project are made after release of the approval announcement, the State Director will notify the Administrator and the Director of Information by telephone giving the reasons for such action. The Director of Information will inform all parties who were notified by the project announcement if the project will not be funded or of major changes in the project using a procedure similar to the announcement process. Form FmHA 440–10, "Cancellation of Loan or Grant Check and/or Obligation," will not be submitted to the Finance Office until five working days after notifying the Administrator and the Director of Information.

(6) Upon receipt from the grantee of a properly completed SF–270, Form FmHA 440–57 will be completed and the check request will be called to the Finance Office Check Request Station in accordance with the FMI for Form FmHA 440–57.

§ 1944.534 [Reserved]

§ 1944.535 Cancellation of an approved grant.

An approved grant may be cancelled before closing if the applicant is determined to no longer be eligible, the proposal is no longer feasible, or the applicant requests cancellation. Cancellation will be accomplished as follows:

(a) The District Director will prepare Form FmHA 440–10 in an original and two copies, or three copies if the TSA

check has been received in the District Office from the disbursing office. The form will be revised by changing the word "loan" to "grant" wherever the word appears. Form FmHA 440–10 will be sent to the State Director with the reasons for requesting the cancellation.

(b) If the State Director approves the request for cancellation, the original of the form will be forwarded to the Finance Office. After making appropriate record changes, a copy of Form FmHA 440–10 will be returned to the District Office. If the TSA check is received in the District Office, the District Director will return it to the Disbursing Center, United States Treasury Department, P.O. Box 3329, Kansas City, Kansas 66103, with a copy of Form FmHA 440–10.

(c) The District Director will notify the applicant of the cancellation and, unless the applicant requested the cancellation, its right to appeal in accordance with the FmHA Appeal Procedure contained in Subpart B of Part 1900 of this chapter.

§ 1944.536 Grant closing.

Closing is the process by which FmHA determines that applicable administrative actions have been completed and the Grant Agreement is signed. The Grant Agreement (Exhibit A) will be executed by the State Director at the time the Form FmHA 440–1 and Grant Agreement is sent to the Grantee in accordance with § 1944.533 (f)(4). An executed original of the Grant Agreement shall be sent to the District Director and one copy to the grantee.

§ 1944.537 [Reserved]

§ 1944.538 Extending and revising grant agreements.

(a) All requests extending the original grant agreement or revising the TSA program must be in writing. Such requests will be processed through the District Director. Any such requests will be processed in accordance with the processing procedure specified in § 1944.526 (b) and (c) of this Subpart. The State Office will respond to the applicant within 30 days of receipt of the request in the State Office.

(b) An extension of a grant beyond the two year term may be granted by the State Director when:

(1) There are grant funds remaining and the grantee requests an extension at the end of the grant period,

(2) The grantee has demonstrated its ability to conduct a comprehensive program of technical and supervisory assistance in accordance with the terms of its grant agreement and in a manner satisfactory to FmHA,

(3) The grantee is likely to complete the goals outlined in the initial proposal,

(4) There is an unmet need to continue the delivery of the technical and supervisory assistance being provided by the grantee, and

(5) The District Director recommends continuation of the grant until the grantee has expended all of the remaining grant funds.

(c) Upon approval of the extension, the State Director will authorize the District Director to amend the ending date of the grant agreement and revise the budgets, if necessary, on behalf of the Government.

(d) If the grant agreement must be revised and amended other than by extension, including any changes in the scope and objectives of the TSA program, the grantee will submit a revised budget and TSA program together with any information necessary to justify its requests. Such requests will be submitted to the State Director through the District Director.

(e) The State Office will advise the National Office of all requests to extend or modify the original grant agreement. Prior concurrence of the National Office is not required unless the State Director so desires, in which case the State Director will advise the applicant that the request has been forwarded to the National Office for concurrence. The State Director's recommendation will accompany such requests.

(f) Exhibit D to this subpart shall be executed upon approval of an extension of the grant period, or significant change in either the project budget or the objectives of the approved technical and supervisory activities.

(g) If extension or modification is not approved, the State Office will notify the applicant in writing of the decision and advise the applicant of the appeal procedures under Subpart B of Part 1900 of this chapter.

§ 1944.539 [Reserved]

§ 1944.540 Requesting TSA checks.

(a) The initial TSA check may cover the applicant's needs for the first calendar month. If the first calendar month is a partial month, the check will cover the needs for the partial month and the next whole month.

(b) The initial advance of TSA grant funds may not be requested simultaneously with the request for obligation of TSA grant funds. The initial advance must be requested on Form FmHA 440–57 in accordance with the FMI after it has been received from the Finance Office indicating that funds have been obligated.

(c) All advances will be requested only after receipt of Standard Form 270 from the grantee. The amount requested must be in accordance with the detailed budget, including amendments, as approved by FmHA. Standard Form 270 will not be submitted more frequently than once every 30 days. In no case will additional funds be advanced if the grantee fails to submit required reports or is in violation of the grant agreement.

§ 1944.541 Reporting requirements.

(a) Standard Form 269, "Financial Status Report," and a project performance report will be required of all grantees on a quarterly basis. All grantees shall submit an original and two copies of these reports to the District Director. The project performance reports will be submitted not later than January 15, April 15, July 15, and October 15 of each year.

(b) As part of the grantee's preapplication submission required by § 1944.526 (a)(2)(i), the grantee established the objectives of its TSA program including the estimated number of low-income families to be assisted by the TSA program and established its method of evaluation to determine the effectiveness of its program. The project performance report should relate the activities during the report period to the project's objectives and analyze the effectiveness of the program. Accordingly, the report should include, but need not be limited to the following:

(1) A comparison of actual accomplishments to the objectives established for that period, including:

(i) The number of low-income families assisted in improving their housing conditions or in obtaining affordable adequate housing.

(ii) The number of FmHA borrowers who were delinquent or being foreclosed who were assisted in resolving their financial problems.

(iii) The number of households assisted in obtaining adequate housing by the TSA program through new construction and/or rehabilitation.

(2) Reasons why, if established objectives are not met.

(3) Problems, delays, or adverse conditions which will materially affect attainment of the TSA grant objectives, prevent the meeting of time schedules or objectives, or preclude the attainment of project work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any Federal assistance needed to resolve the situation.

(4) Objectives established for the next reporting period, sufficiently detailed to

identify the type of assistance to be provided, the number and type of families to be assisted, etc.

(c) These reports will be reviewed by the District Director to determine satisfactory progress. The District Director will work with the grantee to resolve any problems. The District Director will forward the original and one copy of the reports with any comments and recommendations to the State Director within ten working days of receipt.

(d) The State Director will review the reports, comments, and recommendations forwarded by the District Director within five working days of receipt.

(1) If the reports indicate satisfactory progress, the State Director will forward the original to the National Office with any comments or suggestions and return the remaining copy to the grantee through the District Director with a copy of the comments or recommendations.

(2) If the reports indicate unsatisfactory progress, the State Director will recommend appropriate action to resolve the indicated problem(s). The State Director has the discretion to not authorize further advances where the progress of the project is unsatisfactory. The State Director will notify the grantee through the District Director of a decision not to authorize further advances and advise the grantee of its appeal rights under Subpart B of Part 1900 of this Chapter.

(3) A copy of the memorandum returning the unsatisfactory reports will be forwarded to the National Office together with the State Director's decision, comments and recommendations, if appropriate.

(e) The grantee will complete a final Standard Form 269 and a final performance report upon termination or expiration of the grant agreement.

§ 1944.542 [Reserved]

§ 1944.543 Grant monitoring.

Each grant will be monitored by FmHA to ensure that the grantee is complying with the terms of the grant and that the TSA project activity is completed as approved. Ordinarily, this will involve a review of quarterly and final reports by FmHA and review by the appropriate District Director.

§ 1944.544 [Reserved]

§ 1944.545 Additional grants.

An additional grant may be made to an applicant that has previously received a TSA grant and has achieved or nearly achieved the goals established for the previous grant by submitting a new proposal for TSA funds. The additional grant application will be processed as if it were an initial application. Upon approval, a new grant agreement will be required and the grant will be coded as an initial grant on Form FmHA 440–1.

§ 1944.546 [Reserved]

§ 1944.547 Management assistance.

The District Director will see that each TSA grantee receives management assistance to help achieve a successful program.

(a) TSA employees who will be contacting and assisting families will receive training in packaging single family housing and Rural Rental Housing loans when, or very shortly after, they are hired so that they can work effectively.

(b) TSA employees who will provide counseling, outreach, and other technical and supervisory assistance will receive training on FmHA policies, procedures, and requirements appropriate to their positions and the type of assistance the grantee will provide at the outset of the grant.

(c) Training will be provided by FmHA employees and/or outside sources approved by FmHA when the technical and supervisory assistance involves rural housing programs other than FmHA programs. Appropriate training of TSA employees should be anticipated during the planning stages of the grant and the reasonable cost of such training included in the budget.

(d) The District Director, in cooperation with the appropriate County Supervisor(s), should coordinate the management assistance given to the TSA grantee in a manner which is timely and effective. This will require periodic meetings with the grantee to discuss problems being encountered and offer assistance in solving these problems; to discuss the budget, the effectiveness of the grant, and any other unusual circumstances affecting delivery of the proposed TSA services; to keep the grantee aware of procedural and policy changes, availability of funds, etc.; and to discuss any other matters affecting the availability of housing opportunities for low-income families.

(e) The District Director will advise the grantee of the options available to bring the delinquent borrowers' accounts current and advise the grantee that the appropriate County Supervisor retains all approval authority for any resolution of the delinquent accounts and all other authority currently available to remedy delinquent accounts.

§ 1944.548 Counseling consent by FmHA single family housing borrowers.

(a) Subsequent to execution of the TSA grant agreement, the County Supervisor(s) serving the TSA project area will contact the delinquent FmHA single family housing borrowers who appear to be in need of supervisory assistance as defined in § 1944.506(h)(1). Such contact will indicate the availability of the counseling services of the grantee and solicit the borrower's participation in the program. Exhibit E should be used in contacting and/or discussing counseling with the borrowers.

(b) Upon indication of the borrower's willingness to participate in the program by his or her signature on Exhibit E or similar letter or statement, the County Supervisor will make available to the grantee (at no cost) the borrower's FmHA loan history including the following information:

(1) Name, address, and telephone number;

(2) Status of the account including the amount of the loan, the repayment schedule, and the amount of the delinquency; and

(3) Other information needed for counseling purposes which may be provided in accordance with FmHA Instruction 2018–F.

§ 1944.549 Grant evaluation, closeout, suspension, and termination.

(a) Grant evaluation will be an ongoing activity performed by both the grantee and FmHA. The grantee will perform self-evaluations by preparing periodic project performance reports in accordance with § 1944.541. FmHA will also review all reports prepared and submitted by the grantee in accordance with the grant agreement and this Part.

(b) Within forty-five (45) days after the grant ending date, the grantee will complete closeout procedures as specified in the grant agreement.

(c) The grant can also be terminated before the grant ending date for the causes specified in the grant agreement. No further grant funds will be disbursed when grant suspension or termination procedures have been initiated in accordance with the grant agreement.

§ 1944.550 Personnel guidelines.

The personnel procedures and practices outlined for the Self-Help Technical Assistance Grants, Exhibit B of Subpart I of Part 1933 of this chapter, and the sample personnel forms in Exhibit C of Subpart I of Part 1933 of this chapter are generally applicable to the TSA Program. The grantee is encouraged to follow these guidelines if

it does not already have acceptable personnel procedures and practices in the selection and employment of staff members, in the establishment of the official travel, mileage, and per diem policies, and in promulgating a code of conduct. These Exhibits are specifically modified as follows for the TSA program:

(a) Where the Exhibits refer to the TA Director, substitute "TSA Director."

(b) Paragraph I(B)(1) of Exhibit B of Subpart I of Part 1933 of this chapter. The hiring of the TSA Director is solely within the authority of the grantee. By selection and approval of the grantee, FmHA approves the organization which is expected to allocate the TSA resources over the grant period in such a way as to achieve the objectives of the TSA program.

(c) Paragraph I(C)(1) (a) and (b) of Exhibit B of Subpart I of Part 1933 of this chapter. Salaries for staff performing TSA activities are expected to be reasonable and within the range of comparable salaries for such work in the area. Again, FmHA selection and approval of the TSA program budget provides the basic guidance for amount of resources for personnel to accomplish the objectives of the program.

[Editorial Note.—The Exhibits A-E will appear in the Code of Federal Regulations.]

EXHIBIT A—Grant Agreement Technical and Supervisory Assistance

This Agreement dated ———— is between ———————— (name), ———————— (address), (Grantee) and the United States of America acting through the Farmers Home Administration (Grantor or FmHA). The Grantor agrees to grant to Grantee a sum not to exceed $———— subject to the terms and conditions established by the Grantor: *Provided, however,* That the proportionate share of any grant funds actually advanced and not needed for grant purposes shall be returned immediately to the Grantor. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of the grant. The grantee may appeal this decision in accordance with the FmHA Appeal Procedure contained in Subpart B of Part 1900 of this chapter. In consideration of said grant by Grantor to Grantee, to be made pursuant to Section 525(a) of the Housing Act of 1949 for the purpose of providing funds to eligible nonprofit applicants (grantees) to pay part or all of the cost of developing, conducting, administering, or coordinating comprehensive programs of technical and supervisory assistance (TSA) which will aid needy low-income individuals and families in benefiting from Federal, State and local housing programs in rural areas, the Grantee will provide such a program in accordance with the terms of this agreement and applicable Farmers Home Administration (FmHA) regulations.

Part A *Definitions:*

1. "Beginning date" means the date when work under this grant will commence. Such date is set forth in Paragraph 2 of Part B of this Agreement.

2. "Ending date" means the date when all work under this agreement is scheduled to be completed. It is also the latest date grant funds will be provided under this agreement, without an approved extension. Such date is set forth in Paragraph 2 of Part B of this Agreement.

3. "Disallowed costs" are those charges to a grant which the FmHA determines cannot be authorized in accordance with applicable Federal costs principles or other conditions contained in this Agreement.

4. "Grant closeout" is the process by which the grant operation is concluded at the expiration of the grant period or following a decision to terminate the grant.

5. "Termination" of a grant means the cancellation of Federal assistance, in whole or in part, under a grant at any time before the date of completion.

Part B *Terms of agreement:*

Grantor and grantee agree:

1. This agreement shall be effective when executed by both parties.

2. The TSA activities approved by FmHA shall commence not later than ————, and shall be completed by ————, unless earlier terminated under paragraph B 18 below, or extended.

3. Grantee shall carry out the TSA activities described in the application docket which is made a part of this Agreement. Grantee will be bound by the conditions set forth in the docket and the further conditions set forth in this Agreement. If any of the conditions in the docket are inconsistent with those in the Agreement, the latter will govern. A change of any conditions must be in writing and must be signed by an authorized representative of FmHA.

4. Grantee shall use grant funds only for the purpose and activities specified in FmHA regulations and in the application docket approved by FmHA including the approved budget. Any uses not provided for in the approved budget must be approved in writing by FmHA in advance.

5. If the Grantee is a private nonprofit corporation, expenses charged for travel or per diem will not exceed the rates paid FmHA employees for similar expenses. If the Grantee is a public body, the rates will be those that are allowable under the customary practice in the government of which the grantee is a part; if none are customary, the FmHA rates will be the maximum allowed.

6. Grant funds will not be used for any of the following:

(a) To pay obligations incurred before the effective date of this Agreement.

(b) To pay obligations incurred after the grant termination or ending date.

(c) Entertainment purposes.

(d) To pay for capital assets, the purchase of real estate or vehicles, improvement or renovation of space, or repair or maintenance of privately owned vehicles.

(e) Any other purpose specified in 7 CFR 1944.520.

7. Grant funds shall not be used to replace any financial support previously provided or assured from any other source.

8. Disbursal of grants will be governed as follows:

(a) In accordance with Treasury Circular 1075 (fourth revision) Part 205, Chapter II of title 31 of the Code of Federal Regulations, grant funds will be provided by FmHA as cash advances on an as needed basis not to exceed one advance every 30 days. The advance will be made by direct Treasury check to the Grantee. The financial management system of the recipient organization shall provide for effective control over and accountability for all Federal funds as stated in OMB Circular A-102 (42 FR 45828, September 12, 1977) for State and local governments and OMB Circular A-110 (41 FR 32016, July 30, 1976) for nonprofit organizations.

(b) Cash advances to the Grantee shall be limited to the minimum amounts needed and shall be timed to be in accord only with the actual, immediate cash requirements of the Grantee in carrying out the purpose of the planned project.

(c) Grant funds should be promptly refunded to the FmHA and redrawn when needed if the funds are erroneously drawn in excess of immediate disbursement needs. The only exceptions to the requirement for prompt refunding are when the funds involved:

(i) Will be disbursed by the recipient organization within seven calendar days from the date of the Treasury check, or

(ii) Are less than $10,000 and will be disbursed within 30 calendar days from the date of the Treasury check.

(d) Grantee shall provide satisfactory evidence to FmHA that all officers of the Grantee organization authorized to receive and/or disburse Federal funds are covered by satisfactory fidelity bonds sufficient to protect the Grantor's interests.

(e) Grant funds will be placed in the Grantee's bank account(s) until disbursed.

9. the Grantee will submit Performance and Financial reports as indicated below to the appropriate FmHA District Office:

(a) As needed, but not more frequently than once every 30 days, an original and 2 copies of Standard Form 270, "Request for Advance or Reimbursement."

(b) Quarterly, (not later than January 15, April 15, July 15, and October 15 of each year) an original and 2 copies of Standard Form 269, "Financial Status Report," and a Project Performance report in accordance with § 1944.541 of this subpart.

(c) Within forty-five (45) days after the termination or expiration of the grant agreement, an original and 2 copies of Standard Form 269, and a final Project Performance report which will include a summary of the project's accomplishments, problems, and planned future activities of the Grantee for TSA. Final reports may serve as the last quarterly report.

(d) FmHA may require performance reports more frequently if it deems necessary.

10. In acordance with FMC 74–4, Attachment B, compensation for employees will be considered reasonable to the extent that such compensation is consistent with that paid for similar work in other activities of the State or local government.

11. If the grant exceeds $100,000, transfers among direct cost budget categories totaling more than 5 percent of the total budget must have prior written approval by the appropriate District Director.

12. Results of the program assisted by grant funds may be published by the grantee without prior review by FmHA, provided that such publications acknowledge the support provided by funds pursuant to the provisions of Title V of the Housing Act of 1949 and that five copies of each such publication are furnished to the District Director.

13. Grantee certifies that no person or organization has been employed or retained to solicit or secure this grant for a commission, percentage, brokerage, or contingent fee.

14. No person in the United States shall, on the grounds of race, creed, color, sex, marital status, age, national origin, or mental or physical handicap, be excluded from participating in, be denied the proceeds of, or be subject to discrimination in connection with the use of grant funds. Grantee will comply with pertinent nondiscrimination regulations of FmHA.

15. In all hiring or employment made possible by or resulting from this grant, Grantee: (a) Will not discriminate against any employee or applicant for employment because of race, creed, color, sex, marital status, national origin, age, or mental or physical handicap, and (b) will take affirmative action to insure that employees are treated during employment without regard to their race, creed, color, sex, marital status, national origin, age, or mental or physical handicap. This requirement shall apply to, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In the event Grantee signs a contract related to this grant which would be covered by any Executive Order, law, or regulation prohibiting discrimination, Grantee shall include in the contract the "Equal Employment Clause" as specified by FmHA.

16. The grantee accepts responsibility for accomplishing the TSA program as submitted and included in the application docket. The Grantee shall also:

(a) Endeavor to coordinate and provide liaison with State and local housing organizations, where they exist.

(b) Provide continuing information to FmHA on the status of Grantee programs, projects, related activities, and problems.

(c) The Grantee shall inform the Grantor as soon as the following types of conditions become known:

(i) Problems, delays, or adverse conditions which materially affect the ability to attain program objectives, prevent the meeting of time schedules or goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated, and any Grantor assistance needed to resolve the situation.

(ii) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

17. Grant closeout and termination procedures will be as follows:

(a) Promptly after the date of completion or a decision to terminate a grant, grant closeout actions are to be taken to allow the orderly discontinuation of Grantee activity.

(i) The grantee shall immediately refund to FmHA any uncommitted balance of grant funds.

(ii) The Grantee will furnish to FmHA within 45 days after the date of completion of the grant a Standard Form 269 and all financial, performance, and other reports required as a condition of the grant.

(iii) The Grantee shall account for any property acquired with TSA grant funds, or otherwise received from FmHA.

(iv) After the grant closeout, FmHA retains the right to recover any disallowed costs which may be discovered as a result of an audit.

(b) When there is reasonable evidence that the Grantee has failed to comply with the terms of this Agreement, the State Director can, on reasonable notice, terminate the grant pursuant to paragraph (c) below and withhold further payments or prohibit the Grantee from further obligating grant funds. FmHA may allow all necessary and proper costs which the Grantee could not reasonably avoid.

(c) Grant termination will be based on the following:

(i) *Termination for cause.* This grant may be terminated in whole, or in part, at any time before the date of completion, whenever FmHA determines that the Grantee has failed to comply with the terms of the Agreement. The reasons for termination may include, but are not limited to, such problems as:

(A) Failure to make satisfactory progress in attaining grant objectives.

(B) Failure of Grantee to use grant funds only for authorized purposes.

(C) Failure of Grantee to submit adequate and timely reports of its operation.

(D) Violation of any of the provisions of any laws administered by FmHA or any regulation issued thereunder.

(E) Violation of any nondiscrimination or equal opportunity requirement administered by FmHA in connection with any FmHA programs.

(F) Failure to maintain an accounting system acceptable to FmHA.

(ii) *Termination for convenience.* FmHA or the Grantee may terminate the grant in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in case of partial termination, the portion to be terminated.

(d) Procedure for termination of grant for cause. FmHA shall notify the Grantee in writing of the determination and the reasons for and the effective date of the whole or partial termination in accordance with 7 CFR 1900.53.

18. Extension and/or revision of this grant agreement may be approved by FmHA provided, in its opinion, the extention and/or revision is justified and there is a likelihood that the Grantee can accomplish the goals set out and approved in the application docket during the period of the extension and/or revision as specified in 7 CFR § 1944.538.

Part C—*Grantee agrees:*

1. To comply with property management standards for expendable and nonexpendable personal property established by Attachment N of OMB Circular A–102 or Attachment N of OMB Circular A–110 for State and local governments or nonprofit organizations respectively. "Personal property" means property of any kind except real property. It may be tangible—having physical existence—or intangible—having no physical existence, such as patents, inventions, and copyrights. "Nonexpendable personal property" means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. A Grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above. "Expendable personal property" refers to all tangible personal property other than nonexpendable personal property. When nonexpendable tangible personal property is acquired by a Grantee with project funds, title shall not be taken by the Federal Government but shall vest in the Grantee subject to the following conditions:

(a) Right to transfer title. For items of nonexpendable personal property having a unit acquisition cost of $1,000 or more, FmHA may reserve the right to transfer title to the Federal Government or to a third party named by the Federal Government when such third party is otherwise eligible under existing statutes. Such reservation shall be subject to the following standards:

(i) The property shall be appropriately identified in the grant or otherwise made known to the Grantee in writing.

(ii) FmHA shall issue disposition instructions within 120 calendar days after the end of the Federal support of the project for which it was acquired. If FmHA fails to issue disposition instructions within the 120 calendar day period, the Grantee shall apply the standards of paragraph 1(c) below.

(iii) When FmHA exercises its right to take title, the personal property shall be subject to the provisions for federally owned nonexpendable property discussed in paragraph 1(a)(iv) below.

(iv) When title is transferred either to the Federal Government or to a third party and the Grantee is instructed to ship the property elsewhere, the Grantee shall be reimbursed by the benefitting Federal agency with an amount which is computed by applying the percentage of the Grantee participation in the

cost of the original grant project or program to the current fair market value of the property, plus any reasonable shipping or interim storage costs incurred.

(b) Use of other tangible nonexpendable property for which the Grantee has title.

(i) The Grantee shall use the property in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When it is no longer needed for the original project or program, the Grantee shall use the property in connection with its other federally sponsored activities, in the following order of priority:

(A) Activities sponsored by FmHA.

(B) Activities sponsored by other Federal agencies.

(ii) Shared use. During the time that nonexpendable personal property is held for use on the project or program for which it was acquired, the Grantee shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the property was originally acquired. First preference for such other use shall be given to other projects or programs sponsored by FmHA; second preference shall be given to projects or programs sponsored by other Federal agencies. If the property is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissible if authorized by FmHA. User charges should be considered if appropriate.

(c) Disposition of other nonexpendable property. When the Grantee no longer needs the property, the property may be used for other activities in accordance with the following standards:

(i) Nonexpendable property with a unit acquisition cost of less than $1,000. The Grantee may use the property for other activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(ii) Nonexpendable personal property with a unit acquisition cost of $1,000 or more. The Grantee may retain the property for other use provided that compensation is made to FmHA or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the property. If the Grantee has no need for the property and the property has further use value, the Grantee shall request disposition instructions from the original Grantor agency. FmHA shall determine whether the property can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the property shall be reported, in accordance with the guidelines of the Federal Property Management Regulations (FPMR) to the General Services Administration by FmHA to determine whether a requirement for the property exists in other Federal agencies. FmHA shall issue instructions to the Grantee no later than 120 days after the Grantee request and the following procedures shall govern:

(A) If so instructed or if disposition instructions are not issued within 120 calendar days after the Grantee's request, the Grantee shall sell the property and reimburse FmHA an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the Grantee shall be permitted to deduct and retain from the Federal shares $100 or ten percent of the proceeds, whichever is greater, for the Grantee's selling and handling expenses.

(B) If the Grantee is instructed to dispose of the property other than as described in paragraph 1(a)(iv) above, the Grantee shall be reimbursed by FmHA for such costs incurred in its disposition.

(C) The Grantee's property management standards for nonexpendable personal property shall include the following procedural requirements:

(*1*) Property records shall be maintained accurately and shall include:

(*a*) A description of the property.

(*b*) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.

(*c*) Sources of the property including grant or other agreement number.

(*d*) Whether title vests in the Grantee or the Federal Government.

(*e*) Acquisition date (or date received, if the property was furnished by the Federal Government) and cost.

(*f*) Percentage (at the end of the budget year) of Federal participation in the cost of the project or program for which the property was acquired. (Not applicable to property furnished by the Federal Government).

(*g*) Location, use, and condition of the property and the date the information was reported.

(*h*) Unit acquisition cost.

(*i*) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value when a Grantee compensates the Federal agency for its share.

(*2*) Property owned by the Federal Government must be marked to indicate Federal ownership.

(*3*) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years. Any difference between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The Grantee shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(*4*) A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented; if the property was owned by the Federal Government, the Grantee shall promptly notify FmHA.

(*5*) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(*6*) When the Grantee is authorized or required to sell the property, proper sales procedures shall be established which will provide for competition to the extent practicable and result in the highest possible return.

(*7*) Expendable personal property shall vest in the Grantee upon acquisition. If there is a residual inventory of such property exceeding $1,000 in total aggregate fair market value, upon termination or completion of the grant and if the property is not needed for any other federally sponsored project or program, the Grantee shall retain the property for use on nonfederally sponsored activities, or sell it, but must in either case compensate the Federal Government for its share. The amount of compensation shall be computed in the same manner as nonexpendable personal property.

2. To provide a financial management system which will include:

(a) Accurate, current, and complete disclosure of the financial results of each grant. Financial reporting will be on an accrual basis.

(b) Records which identify adequately the source and application of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(c) Effective control over and accountability for all funds, property, and other assets. Grantee shall adequately safeguard all such assets and shall assure that they are solely for authorized purposes.

(d) Accounting records supported by source documentation.

3. To retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least three years after the submission of the final Project Performance report pursuant to paragraph B(9)(c) of this agreement except in the following situations:

(a) If any litigation, claim, or audit is commenced before the expiration of the three year period, the records shall be retained until all litigations, claims, or audit findings involving the records have been resolved.

(b) Records for nonexpandable property acquired with Federal funds shall be retained for three years after final disposition.

(c) When records are transferred to or maintained by FmHA, the three year retention requirement is not applicable.

Microfilm copies may be substituted in lieu of original records. The Grantor and the Comptroller General of the United States, or any of their duly auhthorized representatives, shall have access to any books, documents, papers, and records of the Grantee which are pertinent to the specific grant program for the purpose of making audits, examinations, excerpts, and transcripts.

4. To provide information as requested by the Grantor concerning the Grantee's actions in soliciting citizen participation in the application process, including published notice of public meetings, actual public meetings held, and content of written comments received.

5. Not encumber, transfer, or dispose of the property or any part thereof, furnished by the Grantor or acquired wholly or in part with

Grantor funds without the written consent of the Grantor except as provided in Part C 1.

6. To provide Grantor with such periodic reports of Grantee operations as may be required by authorized representatives of the Grantor.

7. To execute Form FmHA 400–1, "Equal Opportunity Agreement," and to execute any other agreements required by Grantor to implement the civil rights requirements.

8. To include in all contracts in excess of $100,000 a provision for compliance with all applicable standards, orders, or regulations issued purusant to the Federal Clean Air Act as amended. Violations shall be reported to the Grantor and the Regional Office of the Environmental Protection Agency.

9. That, upon any default under its representations or agreements set forth in this instrument, Grantee, at the option and demand of Grantor, will, to the extent legally permissible, repay to the Grantor forthwith the grant funds received with interest at the rate of five percentum per annum from the date of the default. The provisions of this Grant Agreement may be enforced by Grantor, at its option and without regard to prior waivers by it of previous defaults of Grantee, by judicial proceedings to require specific performance of the terms of this Grant Agreement or by such other proceedings in law or equity, in either Federal or State Courts, as may be deemed necessary by Grantor to assure compliance with the provisions of this Grant Agreement and the laws and regulations under which this grant is made.

10. That no member of Congress shall be admitted to any share or part of this Grant or any benefit that may arise therefrom; but this provision shall not be construed to bar as a contractor under the Grant a publicly held corporation whose ownership might include a member of Congress.

11. That all nonconfidential information resulting from its activities shall be made available to the general public on an equal basis.

12.That the purpose for which this grant is made may complement, but shall not duplicate programs for which monies have been received, are committed, or are applied for from other sources, public and private.

13. That the Grantee shall relinquish any and all copyrights and/or privileges to the materials developed under this grant, such material being the sole property of the Federal Government. In the event anything developed under this grant is published in whole or in part, the material shall contain notice and be identified by language to the following effect: "The material is the result of tax-supported research and as such is not copyrightable. It may be freely reprinted with the customary crediting of the source."

14. That the Grantee shall abide by the policies promulgated in OMB Circular A–102, Attachment O, or OMB Circular A–110, Attachment O, which provides standards for use by Grantees in establishing procedures for the procurement of supplies, equipment, and other services with Federal grant funds.

15. That it is understood and agreed that any assistance granted under this Agreement will be administered subject to the limitations of Title V of the Housing Act of 1949 as amended, 42 USC 1471 et. seq., and related regulations, and that rights granted to FmHA herein or elsewhere may be exercised by it in its sole discretion to carry out the purposes of the assistance, and protect FmHA's financial interest.

16. Standard of Conduct. No employee, officer or agent of Grantee shall participate in the selection, award or administration of a contract in which Federal funds are used where, to the knowledge of such employee, officer or agent, the employee, officer or agent or such person's immediate family members, partners or any organization in which such person or such person's immediate family award or administration of the contract, or (2) when such person is negotiating or has any arrangement concerning future employment. The recipient's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from landlords or developers of rental or ownership housing projects in which the persons receiving TSA assistance may be placed as a result of such assistance.

Part D—*Grantor agrees:*

1. That it may assist Grantee, within available appropriations, with such technical and management assistance as needed in planning the project and coordinating the plan with local officials, comprehensive plans, and any State or area plans for improving housing for low-income families in the area in which the project is located.

2. That at its sole discretion, Grantor may at any time give any consent, deferment, subordination, release, satisfaction, or termination of any or all of Grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as Grantor may determine to be (a) advisable to further the purposes of the grant or to protect Grantor's financial interests therein, and (b) consistent with the statutory purposes of the grant and the limitations of the statutory authority under which it is made and Grantor's regulations.

This Agreement is subject to current Grantor regulations and any future regulations not inconsistent with the express terms hereof. Grantee on ———, 19—, has caused this Agreement to be executed by its duly authorized ——— and attested and its corporate seal affixed by its duly authorized ———.

Attest:

Grantee

———

By ———

(Title)

By ———

(Title)

Grantor

United States of America

Farmers Home Administration

By ———

———

(Title)

Exhibit B—Administrative Instructions for State Offices Regarding Their Responsibilities in the Administration of the Technical and Supervisory Assistance Grant Program

A. The State Office will maintain for distribution to potential applicants, upon request, a supply of preapplication packets consisting of:

1. Form FmHA AD–621, "Preapplication for Federal Assistance."

2. Form FmHA 400–1, "Equal Opportunity Agreement."

3. Form FmHA 400–4, "Nondiscrimination Agreement."

4. Form FmHA 449–10, "Applicant's Environmental Impact Evaluation."

5. Subpart K of Part 1944 of this Chapter.

B. The State Office should inform all potential applicants, at the time they pick up forms, that:

1. The preapplication must be submitted to the District Office serving the area in which the applicant proposes to operate the Technical and Supervisory Assistance (TSA) program.

2. The applicant, except for Federally recognized Indian Tribes, should send a copy of the completed preapplication or otherwise notify the appropriate A–95 Clearinghouse of its intent to submit a preapplication for a TSA grant.

The State Office will refer all requests for assistance in completing the preapplication to the appropriate District Office.

C. Beyond the responsibilities of the State Office in the selection of grantees and the administration of the program, and as stated in § 1944.502 of this Subpart, the TSA program provides an opportunity for the State Director to give priority to applicants serving the rural areas of greatest need as well as use the program cooperatively with other Federal and State agencies in addressing the housing needs of the residents of a proposed TSA service area. Therefore, the State Office should be prepared, before receipt of preapplications, to advise the District Directors, potential applicants and other Federal and State agencies which part(s) of the State has the greatest need for the TSA program. The State Director should identify target areas in a similar manner to the process used by the Administrator pursuant to § 1944.525 of this subpart. Proposals which are clearly inappropriate and do not meet the basic priorities of § 1944.529 (a) of this subpart should not be encouraged due to the complexity of the preapplication submission.

D. In addition to the instructions of § 1944.526 of this subpart, the State Office should follow the procedures outlined below:

1. Review preapplications for completeness and adequacy and make assessments required by § 1944.526(c)(1) of this subpart.

2. Request clarifications from the District Office if necessary.

3. Evaluate the proposals in light of § 1944.529 of this Subpart and select the proposal(s) which best meets the priorities established under the project selection criteria in § 1944.529 (a), (b) and (c) of this subpart.

4. The State Office must provide written comments to be attached to the

preapplication(s) justifyng the selection(s) and addressing the items in § 1944.529 of this subpart.

5. The State Office will forward the original Form AD–621 and accompanying documents of the selected preapplication(s) as quickly as possible to the National Office, Attention: Special Authorities Division, Multi-Family Housing. In no case should the State Office forward their selected TSA preapplication(s) later than thirty (30) days after the closing date for receipt of preapplications.

6. Preapplications not selected by the State Office will be returned to the applicants through the appropriate District Offices with notice of appeal rights.

7. In accordance with § 1944.525 of this subpart, State Offices will be advised of the number of preapplications to be submitted from each state to the National Office.

E. Sections 1944.531 and 1944.533 of this subpart detail the responsibilities of the State Office after tentative selection or concurrence of the TSA grantees by the National Office. Those preapplicants not selected will be promptly notified and their preapplication returned with notice of appeal rights. Form AD–622, "Notice of Preapplication Review Action," will be mailed from the State Office to the applicants. District Offices will receive a copy from the State Office.

F. After execution of the grant agreement, the State Office will work closely with the District Office and the grantee to obtain additional resources from other Federal and State agencies to meet the needs of the TSA service area. The State Office should closely review the quarterly project performance reports and assist the District Director, as appropriate, in resolving any problems or taking advantage of favorable funding or program opportunities.

Exhibit C—Instructions for District Offices Regarding Their Responsibilities in the Administration of the Technical and Supervisory Assistance Grant Program

A. The District Office will maintain for distribution to potential applicants, upon request, a supply of preapplication packets consisting of:

1. Form AD–621, "Preapplication for Federal Assistance."

2. Form FmHA 400–1, "Equal Opportunity Agreement."

3. Form FmHA 400–4, "Nondiscrimination Agreement."

4. Form FmHA 449–10, "Applicant's Environmental Impact Evaluation."

5. Subpart K of Part 1944 of this Chapter.

B. The District Office should inform all potential applicants, except federally recognized Indian Tribes, at the time they are given or sent forms, that they should send a copy of the completed preapplication or otherwise notify the appropriate A–95 Clearinghouse of their intent to apply for a Technical and Supervisory Assistance (TSA) grant under section 525 of the Housing Act of 1949. District Directors will provide any necessary assistance in completing preapplication forms.

C. All applicants will submit preapplications to District Offices. Upon receipt of the preapplication the District Director will review it to ensure that the preapplication is complete and make assessments required by § 1944.526(b)(1) of this subpart.

D. The District Director will provide written comments to be attached to the preapplication. These comments will, at a minimum, address the following items:

1. Whether the area to be covered by the project is a "rural area" as defined by FmHA regulations.

2. The District Director's knowledge of the applicant's past history.

3. The need for the proposed activity, and its relationship to the targeting strategies for the District.

4. Appropriateness and applicability of this proposal for FmHA implementation funds.

5. Extent of citizen involvement in development of preapplication, particularly the involvement of minority and/or low-income groups.

6. All other criteria specified in § 1944.529 of this subpart.

7. The comments and recommendations of the County Supervisors for the proposed TSA service area.

E. The District Director will forward the original and one copy of the preapplication and accompanying documents along with the comments and a summary recommendation to the State Director within ten (10) working days of receipt of the preapplication.

F. Those applicants invited to submit applications will submit their applications to the District Office with two copies. The District Office will retain the original for the docket and forward one copy to the appropriate State Office after making sufficient copies to forward one copy to each of the appropriate County Offices.

G. The District Director, upon receipt of the application, will prepare a docket in accordance with § 1944.531 of this subpart. The procedures for approval and project servicing are detailed in this subpart.

Exhibit D.—Amendment to Technical and Supervisory Assistance Grant Agreement

This Amendment to Agreement dated _____ 19 — between _____ herein called "Grantee," organized and operating under _____

_____

(authorizing State Statute)

and the United States of America acting through the Farmers Home Administration, Department of Agriculture, herein called "FmHA," amends the Technical and Supervisory Assistance Grant Agreement" between the parties hereto dated _____ 19 —, hereinafter called the "Agreement."

Said Agreement is amended by changing the ending date specified in Paragraph 2 of Part B of the Agreement from _____ to _____ and/or by making the following changes noted in the attachments hereto: (List and identify proposal and any other documents pertinent to the grant which are attached to the Amendment.)

Agreed to this —— day of _____ 19 —.

_____

(Name of Grantee)

By _____

(Signature)

_____

(Title)

United States of America

By _____

(Signature)

_____

(Title)

Farmers Home Administration

_____

(Date)

Exhibit E.—Guide Letter to Delinquent FmHA Single Family Housing Loan Borrowers

Dear _____

(name of borrower)):

This is to advise you that (name of TSA grantee) is available to provide independent counseling services to Farmers Home Administration (FmHA) borrowers in need of financial management assistance. These services may assist you in resolving your present delinquency in your housing loan.

This organization is prepared to provide financial and budget counseling at no charge to you. Their counseling services include advice on debt levels and credit purchases, consumer and cost awareness, debt adjustment procedures, and other financial information and services.

You are urged to take advantage of this program. However, your participation is voluntary and does not relieve you of any of your loan obligations to FmHA or limit the remedies FmHA has to bring your loan current or recover the loan in full. Any plan altering your repayment schedule in any way must be approved by this office. However, it is our intention to work with you and the counseling organization in every way we can to resolve your delinquency.

If you want to participate in this program, please sign the attached copy of this letter and return it to this office. At that time we will advise (name of TSA grantee) that you are interested in their services and provide them with the information they need to contact you. Only information available to the general public will be released.

We are sure you agree that it is in your interest to make every effort to bring your account current. We look forward to your return of the attached copy of this letter.

Sincerely,

County Supervisor

Farmers Home Administration

Enclosure

(On attached copy only:)

I desire to participate in the counseling program with (name of TSA grantee).

_____

Borrower

_____

Date

This regulation has been determined significant under the USDA procedure implmenting Executive Order 12044. A copy of the Impact Analysis is available from the office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, Washington, D.C. 20250.

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

(42 U.S.C. 1480; delegation of authority by the Sec. of Agriculture, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

Dated: June 13, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79–19498 Filed 6–21–79; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Technical and Supervisory Assistance Grants; Allocation of Funds for Fiscal Year 1979

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The Farmers Home Administration (FmHA) gives notice of the Targeting of Technical and Supervisory Assistance (TSA) funds to 15 States for use of Fiscal Year 1979 appropriated funds. FmHA also provides notice of the maximum grant amount per project and the number of preapplication to be submitted per State and the method used to obligate Fiscal Year 1979 funds. For purposes of this notice, the term "State" includes the Commonwealth of Puerto Rico, Virgin Islands and the territories and possessions of the United States.

The TSA Grant program has been implemented by publishing Final Regulations in the **Federal Register** simultaneously with this Notice as Subpart K of Part 1944, Chapter XVIII, Title 7, Code of Federal Regulations. The TSA program provides funding to eligible applicants to expand the use of housing loan and grant programs by low-income families in rural areas and to reduce the delinquency rate on current and future FmHA housing loans.

FOR FURTHER INFORMATION CONTACT: Mr. John H. Pentecost 202–447–7207.

SUPPLEMENTARY INFORMATION: (A) Targeting of TSA Grant funds, fiscal year 1979.

In accordance with Subpart K of Part 1944, § 1944.525, the Administrator has identified fifteen States with the highest degree of substandard housing and persons in poverty in rural areas and, therefore, the greatest need for the TSA program. The Administrator will distribute $1.5 million of the $2.5 million of the TSA grant funds available for fiscal year 1979 to those fifteen States.

The following criteria were used to determine which States would receive a set-aside under the proposed procedure.

(1) State's percentage of national rural population living in dwellings which lack complete plumbing and/or are over-crowded (substandard).

(2) State's percentage of national rural population below poverty level.

The percentages were averaged and the following fifteen States had the highest averages:

Puerto Rico, North Carolina, Texas, Kentucky, Georgia, Mississippi, Louisiana, Alabama, Pennsylvania, Tennessee, South Carolina, Ohio, Virginia, Missouri, Florida.

The grantee selected by the State Director of the above States will need only the concurrence of the National Office prior to proceeding with fund obligation.

The TSA projects selected for each of the remaining States will compete with each other States for the remaining § 1 million. FmHA anticipates funding 10 projects out of a possible 36.

B. Maximum Grant Amount per application for use of FY 1979 funds: $100,000

C. Number of preapplications per State accepted by the National Office for use of FY 1979 funds: one per State.

D. Modification of Grant Approval Process.

In accordance with Subpart K of Part 1944, § 1944.533, the Administrator hereby modifies the grant approval and announcement process in order to obligate funds in a timely manner for FY 1979.

Upon notification by the National Office pursuant to § 1944.526(d) of this subpart that a State may proceed to issue Form AD 622, "Notice of Preapplication Review Action" and to request the applicant to prepare and submit Form AD 623, "Application for Federal Assistance (Nonconstruction Programs)", the State Office should prepare and execute Form FmHA 440–1, "Request for Obligation of Funds".

The amount to be obligated will be provided by the National Office. The procedure for obligating funds is the same as detailed in Subpart K of Part 1944, § 1944.526f (1) and (2). The type of assistance code for the TSA program is 20, which should be entered into Block 7 of FmHA Form 440–1 and other forms calling for use of an assistance code for this program.

Item 37 of Form FmHA 440–1 should contain the following statement:

"This obligation of funds is made to the applicant identified above subject to the following conditions:

1. The applicant submits an application on Form AD–623 "Application for Federal Assistance (Nonconstruction Programs)" and any requested additional information within 30 days from date of funds obligation; and

2. The application submitted complies with FmHA Instruction 1944–K and is consistant with the information and supporting documents submitted with the preapplication and with any comments and recommendations of the State and National Offices attached."

The State Office should prepare and mail Form FmHA 440–1 to the applicant upon receipt of Form FmHA 440–57, "Acknowledgement of Obligated Funds/Check Request", from Finance Office. The date of fund obligation will be provided by the Finance Office in Item 9 of Form FmHA 440–57.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: June 13, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79–19500 Filed 6–21–79; 8:45 am]

BILLING CODE 3410–07–M

federal register

Friday
June 22, 1979

Part VIII

Department of Health, Education, and Welfare

Office of Education

Ethnic Heritage Studies Program

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 184]

Ethnic Heritage Studies Program

AGENCY: Office of Education, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commissioner of Education proposes to amend the regulations for the Ethnic Heritage Studies Program. The regulations are being amended to include technical changes and to clarify and simplify the language of the existing regulations. The changes will give better guidance to applicants and improve program management.

DATES: Comments must be received on or before August 21, 1979.

ADDRESSES: Comments should be addressed to Edward L. Meador, Ethnic Heritage Studies Branch, Division of Internaitonal Education, Bureau of Higher and Continuing Education, U.S. Office of Education, (Room 3921, ROB-3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Edward L. Meador, telephone (202) 245-2294.

SUPPLEMENTARY INFORMATION:

(a) Applicable Regulations

Federal assistance under the Ethnic Heritage Studies Program is subject to these regulations, as well as to the Education Division General Administrative Regulations (EDGAR).

(b) Question and Answers

The Ethnic Heritage Studies Program regulations are explained by the following questions and answers:

What is the Ethnic Heritage Studies Program?

This program supports the development and dissemination of curriculum materials related to the American ethnic experience and the training of persons to use these materials. The Program also provides for cooperation among community resource persons, ethnic organizations, and school- and college-based personnel for the purpose of increasing inter-ethnic understanding and multicultural education.

What is the purpose of this Federal assistance?

Projects that are financially assisted under this program are designed to recognize the contributions of ethnic groups to American society, to afford students an opportunity to learn more about their own heritage and that of others, and to reduce social divisiveness by promoting awareness among individuals of the culturally pluralistic, ethnically diverse society in which we live.

The ethnic heritage studies program seeks to promote tolerance, understanding, appreciation of differences, and cooperation among Americans; it seeks, further, to encourage the schools in the United States to enhance cultural differences instead of extinguishing them.

What is the balance between single and multi-ethnic studies?

Although the Act recognizes the possibility of Federal assistance for studies of single ethnic groups, its Statement of Policy (section 951) stresses giving persons an opportunity to learn about the multi-ethnic heritage of American society. This purpose is most directly served by projects that combine the study of several groups and, in the words of House Report 92-554, provide "an intellectual understanding of the nature of American society as a pluralistic society."

Are there priorities among ethnic groups?

A Senate Report issued in 1971 (92-346) indicates that one intention of the program is to maximize the number of ethnic, racial, and cultural groups about which information and materials are available and to insure that as many different groups as possible receive attention.

What is the scope of an ethnic heritage studies project?

A Senate Report issued in 1978 (95-856) indicates that projects are not to be limited to the American experience of ethnic groups. The report notes that the Holocaust and other instances of religious-cultural genocide are integral parts of the heritage and history of ethnic groups in the United States and are, therefore, appropriate subjects for attention in the Ethnic Heritage Studies Program.

(c) Citation of Legal Authority

The reader will find a citation of statutory or other legal authority in parentheses on the line following each substantive provision.

(d) Invitation To Comment

Interested persons are invited to submit comments, suggestions, and recommendations to be considered before the final regulations are issued. They may be sent to the address given at the beginning of this document.

Comments submitted in response to these proposed regulations will be available for public inspection during and after the comment period in Room 3928, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C. between the hours of 8:30 a.m and 4:00 p.m., Monday through Friday of each week except on Federal holidays.

Education Division General Administrative Regulations

These proposed regulations do not contain certain types of requirements. Those requirements are covered in the Education Division General Administrative Regulations (EDGAR), which will replace the General Provisions for Office of Education Programs Regulations and which have been published as a notice of proposed rulemaking (NPRM).

Anyone wanting to comment on these requirements should do so in response to the EDGAR Notice of Proposed Rulemaking (NPRM), rather than to this NPRM.

The following items applicable to this program are now among those covered generally in EDGAR:

How to apply for a grant.

How grants are made.

Certain conditions that must be met by a grantee.

The administrative responsibilities of a grantee.

The Office of Education's procedures to assure compliance.

(Catalog of Federal Domestic Assistance No. 13.549, Ethnic Heritage Studies Program)

Dated: May 25, 1979.

Ernest L. Boyer,

U.S. Commissioner of Education.

Approved: June 17, 1979.

Hale Champion,

Acting Secretary of Health, Education, and Welfare.

Part 184 of Title 45 CFR is revised as follows:

PART 184—ETHNIC HERITAGE STUDIES PROGRAM

Subpart A—General

Sec.

184.1 Ethnic Heritage Studies Program.
184.2 Eligible parties.
184.3 Regulations that apply to the Ethnic Heritage Studies Program.
184.4 Definitions.

Subpart B—What Kinds of Projects Does the Office of Education Assist Under This Program?

184.11 Project activities.

Subpart C—How Is Application Made for a Grant?

184.21 How to use regulations.
184.22 How to apply for funds.
184.23 Advisory councils.
184.24 Project staff.

Subpart D—How Is a Grant Made?

184.31 Selection criteria for evaluation of applications.

Subpart E—What Conditions Must Be Met by a Grantee?

184.41 Costs.
184.42 Coordination of efforts.

Authority: Title IX, Part E, of the Elementary and Secondary Education Act of 1965 (ESEA) as added by section 504 of Public Law 92-318, amended by section 111 of Pub. L. 93-380, and reauthorized and redesignated by section 802 of Pub. L. 95-561.

Subpart A—General

§ 184.1 Ethnic heritage studies program.

The Ethnic Heritage Studies Program provides Federal assistance for educational projects designed to give students opportunities to learn about their cultural heritage as well as that of others. (20 U.S.C. 3361)

§ 184.2 Eligible parties.

Parties eligible to receive assistance under this part are—

(a) Public educational agencies, institutions, and organizations, including local educational agencies (LEAs) and State educational agencies (SEAs); and

(b) Nonprofit private agencies, organizations, and institutions with an educational purpose. (20 U.S.C. 3362)

§ 184.3 Regulations that apply to the ethnic heritage studies program.

The following regulations apply to the Ethnic Heritage Studies Program:

(a) The Education Division General Administrative Regulations (EDGAR) in part 100a (Direct Grant Programs) and part 100c (Definitions).

(b) These regulations. (20 U.S.C. 3361–3365)

§ 184.4 Definitions.

Definitions in EDGAR. The following terms used in this part are defined in EDGAR, part 100c:

Applicant
Application
Budget
Commissioner
EDGAR
Grant
Grantee
Local educational agency (LEA)
Nonprofit
Private
Project
Public
State educational agency (SEA)

(20 U.S.C. 3361–3365)

Subpart B—What Kinds of Projects Does the Office of Education Assist Under This Program?

§ 184.11 Project activities.

A project funded under this part shall carry out the activities listed in one or more of paragraphs (a) through (c) and the activity in paragraph (d):

(a)(1) Developing curricular materials related to—

(i) The history, geography, society, economy, literature, art, music, drama, language, and general culture of the ethnic group(s) designated in the project application; and

(ii) The contributions of the group(s) to the American heritage.

(2) This includes conducting research directed toward the production of these materials.

(b) Disseminating ethnic heritage studies curricular materials.

(c) Training persons in the use of ethnic heritage studies curricular materials developed under this part.

(d) Assisting people or organizations or both with an interest in the ethnic group(s) designated in the application in promoting, encouraging, developing, or producing programs or activities related to the history, culture, and traditions of that ethnic group(s). (20 U.S.C. 3363)

Subpart C—How Is Application Made for a Grant?

§ 184.21 How to use regulations.

The "Introduction to Education Division Programs" at the beginning of EDGAR includes general information to assist in using regulations that apply to Education Division programs. (20 U.S.C. 3361–3365)

§ 184.22 How to apply for funds.

In applying for grant, an applicant shall follow the procedures and meet the requirements stated in EDGAR. (20 U.S.C. 3361–3365)

§ 184.23 Advisory councils.

(a) An applicant shall establish and consult with an advisory council in planning and carrying out the project proposed in its application.

(b) An applicant shall appoint members of the council in consultation with the ethnic and community group(s) with which the proposed project is concerned.

(c) More than one-half of the membership of the council shall consist of representatives of the ethnic group(s) with which the project is concerned.

(d) The provisions of EDGAR on conflict of interest apply to the members of the council. (20 U.S.C. 3364(a)(3))

§ 184.24 Project staff.

(a) The applicant may not hire for a position on the project staff any member of the advisory council or any member of the immediate family of an advisory council member.

(b) The Commissioner may waive the prohibition in subsection (a) if—

(1) The applicant is unable to hire another person with adequate qualifications; or

(2) The waiver is necessary to further the purpose of the project. (20 U.S.C. 3361–3365)

Subpart D—How Is a Grant Made?

§ 184.31 Selection criteria for evaluation of applications.

(a) General criteria that the Commissioner uses to evaluate applications are contained in EDGAR §§ 100a.202 through 100a.206. The general criteria comprise 45 possible points. The value assigned to each criterion indicates the relative importance the Commissioner places on that criterion as follows:

(1) Plan of operation. (15 points)

(2) Quality of key personnel. (10 points)

(3) Budget and cost effectiveness. (10 points)

(4) Evaluation plan. (5 points)

(5) Adequacy of resources. (5 points)

(b) The Commissioner uses the following additional criteria specific to this program. These criteria comprise 55 possible points. The score in parentheses after each full criterion is the maximum score the Commissioner awards for that criterion as follows:

(1) *Need.* The extent to which the applicant proposes to serve regions, activities, or ethnic groups previously neglected, and to serve a geographic area in which—

(i) Students need to learn more about their own heritage and that of others for a greater sense of personal identity;

(ii) The contributions of ethnic groups to American society require recognition;

(iii) The proposed ethnic heritage studies project is likely to reduce divisiveness and promote social cohesion; and

(iv) There is a need to encourage the schools to enhance awareness and appreciation of cultural differences. (15 points)

(2) *Objectives.* The extent to which the applicant demonstrates that—

(i) The proposed project will address the identified needs;

(ii) Planned activities are specified and outcomes are measurable;

(iii) The proposed activities will be continued after termination of the grant; and

(iv) The proposed project has the potential for use by other entities and other ethnic groups either directly or as a model. (15 points)

(3) *Project advisory council.* The extent to which—

(i) The project design demonstrates active involvement of the advisory council in the administration and evaluation of the program.

(ii) The council members (A) have expertise in curriculum development, personnel training or dissemination of curricular materials (as appropriate);

(B) have expertise related to the ethnic group(s) with which the proposed project is concerned; and

(C) include parents and students (where appropriate). (15 points)

(4) *Replicability.* The extent to which the applicant proposes to—

(i) Produce and distribute teaching materials or training models that are broadly applicable elsewhere (for applicants proposing to develop curricular materials or to train people in the use of those materials);

(ii) Exchange information and materials with other projects; and

(iii) Make arrangements for the deposit of reports and products of the program with appropriate clearing houses, including the Education Research Information Center. (10 points) (20 U.S.C. 3361–3365)

Subpart E—What Conditions Must Be Met by a Grantee?

§ 184.41 Costs.

(a) The Commissioner makes available funds to cover all or part of the cost of establishing and implementing an ethnic heritage studies project, subject to the limitations and applicable cost principles stated or referred to in EDGAR. This includes the cost of research materials and resources, consultants, and training of staff.

(b) The Commissioner allows the payment of stipends to individuals receiving training under this program at the following rates:

(1) Payments to individuals except those covered by subparagraph (2), may be at the rate of up to $30 for each full day of participation, up to $150 a week. For partial days involving fewer than 5 hours of attendance, payments may be at the rate of up to $6 per hour, subject to the weekly limit of $150.

(2) *Collective bargaining agreement.* If participating educational personnel receive pay under a collective bargaining agreement in which the minimum hourly rate for an individual is more than $6 per hour, the individual may be compensated at the minimum hourly rate provided under the collective bargaining agreement.

(3) *Reimbursement for substitutes.* If a school board pays teachers or other educational personnel for their time in training or field testing activities and must hire substitutes for those participants, the grantee may use funds to reimburse the school board the costs of hiring these substitutes.

(c) A grantee may not use Federal funds received under this program for the purchase of equipment. (20 U.S.C. 3365).

§ 184.42 Coordination of efforts.

An applicant shall assure the Commissioner that it will cooperate, and coordinate its efforts, with other projects assisted under this program. This cooperation shall include at least the exchange of materials and information on request. (20 U.S.C. 3364(b))

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Part IX

Securities and Exchange Commission

Designation of National Market System Securities; Proposed Rulemaking

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-15926; File No. S7-787]

Designation of National Market System Securities

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission proposes to adopt a rule which would provide procedures by securities which would be designated as qualified for trading in a national market system. The Commission also requests comment on certain issues raised by the inclusion of securities currently traded solely over-the-counter in a national market system and proposes rule amendments which would require the dissemination of transaction and quotation information with respect to certain securities which are currently traded solely over-the-counter.

DATES: Comments should be submitted on or before August 15, 1979.

ADDRESSES: Persons wishing to submit written comments should file ten copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-787 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L. Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Richard Ketchum, Branch Chief, Division of Market Regulation, Securities and Exchange Commission, Room 387, 500 North Capitol Street, Washington, D.C. 20549 (202) 755-8916.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is publishing for comment Proposed Rule 11Aa2-1 (17 CFR 240.11Aa2-1) under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) which, if adopted, would provide procedures by which securities would be designated as qualified for trading in a national market system ("national market system securities"). In addition, the Commission proposes rule amendments which would require the dissemination of transaction and quotation information with respect to certain securities currently traded solely over-the-counter ("OTC securities") within two months after the date ("effective date") the Commission approves a designation plan submitted by the self-regulatory organizations pursuant to Proposed Rule 11Aa2-1.[1]

I. Background

The Securities Acts Amendments of 1975 (Pub. L. No. 94-29 (June 4, 1975)) (the "1975 Amendments") established as a purpose of the Exchange Act the need "to remove impediments to and perfect the mechanism, of a national market system for securities," [2] and directed the Commission to "facilitate the establishment" of that system.[3] The 1975 Amendments did not specify which securities should be included in a national market system. Instead, in consonance with Congress' intention to provide the Commission with "maximum flexibility" [4] in facilitating the creation of a national market system, Section 11A(a)(2) of the Exchange Act provides that:

> The Commission, by rule, shall designate the securities or classes of securities qualified for trading in the national market system * * *.[5]

The Senate Committee on Banking, Housing and Urban Affairs ("Senate Committee") recognized the general flexibility provided the Commission in facilitating the creation of a national market system and specifically indicated, with respect to the Commission's designation authority, that:

> [I]t is not the intention of the bill to force all markets for all securities into a single mold. Therefore, in implementing the bill's objectives, the SEC would have the power to classify markets, firms, and securities in any manner it deems necessary or appropriate in the public interest or for the protection of investors and to facilitate the development of subsystems within the national market system.[6]

In keeping with this preference for flexibility, the legislative history indicates a Congressional belief that the Commission should evaluate all characteristics of a security (*e.g.*, trading volume, price and number of stockholders) which are indicative of the suitability of that particular security (or class of securities) for inclusion in a national market system.[7]

Subsequent to the enactment of the 1975 Amendments, and in connection with its consideration of other related issues, the Commission began its analysis of which securities would be most suitable for inclusion in national market system facilities. In March 1976, the Commission formally requested comment on various issues associated with the development of a composite limit order book ("composite book").[8] With respect to the question of what securities should be included in the composite book, the Commission stated that

> A number of possible approaches are possible, including limiting the book to (i) "eligible securities" included in the consolidated transaction reporting system under the joint industry plan declared effective under Rule 17a-15 under the Act; (ii) only eligible securities traded in multiple markets; (iii) all listed securities (but not options, preferred securities or debt securities); (iv) all listed securities; (v) all securities cleared by registered clearing agencies; or (vi) all securities. The Commission wishes to solicit the views of commentators on the desirability and impact on cost and efficiency of including (or excluding) any particular type of listed security.
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> In addition, the Commission would appreciate receiving views regarding the extent to which the composite book system can or should differentiate among securities on the basis of whether or not they are active or inactive, especially with reference to (i) any additional costs of including less active securities and (ii) whether automatic execution can be achieved for very active issues.[9]

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[1] *See* text accompanying notes 86-105, *infra*.

[2] Section 2 of the Exchange Act, 15 U.S.C. 78b.

[3] Section 11A(a)(2) of the Exchange Act, 15 U.S.C. 78k-1(a)(2).

[4] The Report of the Senate Committee on Banking, Housing and Urban Affairs to accompany S. 249 stated that:

> [A]t this state of market development and technological innovation the Committee believes it is best to allow maximum flexibility in working out specific details. For these reasons, the Committee determined it essential that the Commission be granted broad, discretionary powers to oversee the development of a national market system and to implement its specific components in accordance with the findings and to carry out the objectives set forth in the bill. Senate Comm. on Banking, Housing & Urb. Affs., *Report to Accompany S. 249*, S. Rep. No. 94-75, 94th Cong., 1st Sess. 7 (Comm. Print 1975) ("Senate Report"), *reprinted in*, [1975] U.S. Code Cong. & Ad. News 179, 185. *See also* Committee of Conference, H. Conference Rep. No. 94-229, H.R. Rep. No. 94-229, 94th Cong., 1st Sess. 92 (1975) ("Conference Report"), *reprinted* in, [1975] U.S. Code Cong. & Ad. News 321, 323-4.

[5] 15 U.S.C. 78k-1(a)(2).

[6] Senate Report, *supra* note 4, at 7 [1975] U.S. Code Cong. & Ad. News at 185.

[7] The Senate Committee recognized that many securities do not have the characteristics—*e.g.*, trading volume, price, and number of stockholders—which would justify auction-type trading. Within a national market system, securities should trade in the manner most appropriate to their characteristics, consistent with the public interest. However, with respect to securities which are suitable for auction trading the Committee believes that every effort should be made to design the national market system in such a way that public investors in these securities receive the benefits and protections associated with auction-type trading. Senate Report, *supra* note 4, at 16 (1975) U.S. Code Cong. & Ad. News at 194-95.

[8] Securities Exchange Act Release No. 12159 (March 2, 1976), 9 S.E.C. Doc. 76 ("March Release").

[9] *Id.* at 11, 9 S.E.C. Doc. at 79.

In response to this statement, five of the commentators [10] recommended that the composite book should include only securities ("reported securities") for which realtime transaction information was disseminated through the consolidated transaction reporting system ("consolidated system").[11] Additionally, Bunker Ramo and the SIA noted their belief that the consolidated system standards should be employed not only for selecting securities suitable for inclusion in the composite book but also as a general eligibility standard for all fundamental facilities of a national market system.[12]

On the other hand, both the Midwest Stock Exchange, Inc. ("MSE") and the Pacific Stock Exchange, Inc. ("PSE"), emphasized the explicitly stated Congressional intent that only those securities which were suitable for auction-type trading should be included in the composite book.[13] Additionally, the MSE stated that all securities to be included in the composite book should be traded in more than one market, because only the markets for such securities would be "fragmented" and therefore subject to a tension between "auction/agency principles" and competition.[14] The MSE specifically rejected the notion that the inclusion of a given security in only the consolidated system should be determinative of the question of "qualification," stating that:

> There are many securites on the tapes which have attracted no competitive market interest and some which are of doubtful suitability for auction/agency-trading. On the other hand, there are a number of [over-the-counter] securities which clearly satisfy both criteria.[15]

On January 26, 1978, the Commission issued a statement ("January Statement") which set forth its views as to those steps which it believed should be taken to facilitate the development of a national market system.[16] Among the initiatives proposed was a rulemaking proceeding for the purpose of "designating certain categories of securities as qualified for trading in a national market system."[17]

In the January Statement, the Commission indicated its belief that:

> Listed equity securities included in the consolidated system and a number of equity securities currently traded exclusively in the over-the-counter market generally possess characteristics (including, in most cases, national investor interest and substantial assets and earnings histories) which justify their inclusion in the "qualified" category.[18]

The Commission stated, however, that the designation of OTC securities would be contingent upon:

> The implementation of those technical elements of a national market system necessary to assure that trading in those securities occurs under competitively fair circumstances and in a manner consonant with the principles of a national market system.[19]

Finally, the Commission indicated that all national market system securities would be included in all national market system facilities. Specifically, as to OTC securities, the Commission stated that it was its intention:

> To require last sale information with respect to completed transactions in all qualified securities traded over-the-counter to be included in the consolidated system, to require quotations in those securities to be collected and disseminated in accordance with Rule 11Ac1–1 under the Act, and otherwise to ensure that trading in such securities can be effected by means of, and subject to the requirements of, the order routing and other systems which must be developed to realize national market system objectives.[20]

Subsequently, the National Association of Securities Dealers ("NASD"),[21] the National Securities Traders Association ("NSTA")[22] and the National Association of OTC Companies ("NAOTC")[23] submitted comments in which they generally addressed questions arising from the designation of national market system securities. Additionally, the NASD and the NSTA recommended specific designation standards to be applied by the Commission. While the designating standards recommended by the NASD and NSTA varied significantly in emphasis,[24] both recommended that the Commission apply uniform designation standards to all OTC and exchange securities and both envisioned that a substantial number of OTC securities would eventually be deemed "qualified

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[10] *See* Letter from James E. Dowd, President, Boston Stock Exchange, Inc. ("BSE"), to George A. Fitzsimmons, Secretary, SEC, dated May 28, 1976 ("BSE Letter"); letter from M. Sumner, Securities Industry Liaison, Bunker Ramo Corporation ("Bunker Ramo"), to George A. Fitzsimmons, Secretary, SEC, dated May 25, 1976 ("Bunker Ramo Letter"); The National Market System Committee, New York Stock Exchange, Inc. ("NYSE"), A National Market System, dated July 1, 1976 ("NYSE Report"); Philadelphia Stock Exchange, Inc. ("PHlx"), Report on the National Market System, dated July 28, 1976 ("Phlx Report") and Securities Industry Association ("SIA"), Report of the National Market System Committee, dated for submission to the SIA's Board of Directors, June 3, 1976, and approved by the Board on June 10, 1976 ("SIA Report"). These documents, other than the BSE Letter which is contained in the Commission's public File No. S7–613, are all contained in the Commission's public File No. S7–619. Since the solicitation of comment in the March Release related solely to the composite book, the comments on that Release did not address the more general issues relating to the designation of national market system securities. Nevertheless, these comments provide some insight on the views of interested commentators on the issues raised by this more general proceeding.

[11] The joint industry plan for the consolidated system requires dissemination of transaction reports in "eligible securities" which are defined as including: (i) Stocks and long-term warrants listed on the NYSE, (ii) stocks and long-term warrants listed on the American Stock Exchange ("Amex"), (iii) stocks and long-term warrants listed on any other exchange meeting the original listing requirements of the NYSE or American Stock Exchange, Inc. and (iv) any right to acquire any of the securities described in (i)–(iii) which is traded on the same exchange. *See* Securities Exchange Act Release No. 10784 (May 10, 1974), 39 FR 17799.

[12] Bunker Ramo Letter *supra* note 10, at 14, SIA Report *supra* note 10, at 9. Bunker Ramo also stated that there is an "obvious tie-in" between the consolidated system and a composite book since transactions involving limit orders in the composite book would be automatically reported to the consolidated system. Bunker Ramo Letter, *supra* note 10, at 14.

[13] MSE, Policy Statement on the Objectives, Development and Governance of a National Market System, dated July 15, 1976 ("MSE Policy Statement") and PSE, Policy Statement on the Design and Operation of a Composite Limit Order Book, dated September 1, 1976 ("PSE Policy Statement"). These documents are contained in the Commission's public File No. S7–619.

[14] MSE Policy, Statement, *supra* note 13, at 12-13. The MSE also stated that "initially no more than" 750–1000 securities should be designated as national market system securities.

[15] *Id.* at 13.

[16] Securities Exchange Act Release No. 14416 (January 26, 1978), 43 FR 4354.

[17] *Id.* at 45, 43 FR at 4360–61 (footnote omitted).

[18] *Id.* at 45, 43 FR at 4361.

[19] *Id.* at 45–46, 43 FR at 4361 (footnote omitted).

[20] *Id.* at 46, 43 FR at 4361 (footnote omitted). The Commission also stated that it did not intend to permit OTC national market system securities which became traded on an exchange in a national market system context, through the extension of unlisted trading privileges pursuant to Section 12(f) of the Exchange Act, 15 U.S.C. 781(f), to become subject to exchange off-board trading restrictions. *Id.* at 46, 43 FR at 4361.

[21] Letters, from Gordon S. Macklin, President, NASD, to Chairman Williams, SEC, dated June 7 and July 31, 1978 (the "June and July NASD Letters") contained in File No. S7–735–A.

[22] Letter from Lawrence R. Rice, Chairman, and Morton N. Weiss, President, NSTA, to George A. Fitzsimmons, Secretary, SEC, dated June 28, 1978, ("NSTA Letter") contained in File No. S7–735–A.

[23] Statement On the National Market System By the NAOTC, dated May 26, 1978 ("NAOTC Statement") contained in File No. S7–735–A.

[24] The NASD urged that the primary focus of designation standards should be to identify securities having broad investor interest and full financial disclosure rather than securities meeting standards which relate to their investment merit (*e.g.*, standards requiring specified levels of earnings or net income). NASD June Letter, *supra* note 21, at 4. In contrast, the NSTA suggested designation standards emphasized certain criteria relating to "substantial assets and earnings histories." NSTA Letter, *supra* note 22, at 2.

for trading in the national market system.[25]

However, the NASD, NSTA and NAOTC all suggested that many over-the-counter ("OTC") issuers were concerned that premature inclusion of their securities in evolving national market system facilities might create disincentives to market making for those securities which in turn might adversely affect those issuers' ability to raise capital through underwritten securities offerings. In light of these concerns, all three commentators proposed that issuers be given a choice as to whether their shares would be designated as national market system securities.[26]

On March 22, 1979, the Commission issued a status report on the development of a national market system ("Status Report").[27] In that Report, the Commission assessed the progress made in 1978 toward the establishment of a national market system and set forth its views as to the next steps which should be taken to achieve that goal. With respect to national market system securities, the Commission stated that among the issues it was considering were "the particular standards to be used to designate securities and the timing of inclusion of those securities in national market system facilities."[28] More specifically the Commission stated that it must resolve:

(i) Whether those standards should be uniform for listed and over-the-counter securities; (ii) whether financial criteria concerning the issuer and data with respect to the number of shareholders or trading characteristics such as volume and the extent of multiple trading are relevant criteria for designation standards; (iii) whether such standards should be completely objective or whether they should be subject to administrative discretion and, if so, who should be responsible for applying these standards; and (iv) whether the issuer should have a role in the selection process.[29]

Finally, the Commission stated that it "shares the concerns expressed by commentators regarding the effects of premature incorporation of qualified securities into national market system facilities" and indicated that it will consider whether designation should result in "immediate inclusion in one or more facilities" or whether designation "should await more complete evolution of the (national market) system."[30]

II. Description of Proposed Rule

Proposed Rule 11Aa2–1 sets forth two quantitatively different sets of standards in paragraphs (c)(1) and (c)(2) respectively to be employed in determining whether any equity security[31] should be designated a national market system security. The proposed rule would require that any equity security which meets the minimum standards contained in subparagraph (c)(1), ("tier 1 securities") be automatically designated a national market system security. If an equity security does not meet the standards contained in subparagraph (c)(1), but substantially meets the broader standards articulated in subparagraph (c)(2) ("tier 2 securities"), it remains eligible for designation as a national market system security,[32] pursuant to the procedures set forth in the designation plan filed with the Commission by the various self-regulatory organizations and upon application of the issuer or two or more market centers[33] or prospective market centers.[34]

Subparagraph (c)(1) employs four discrete sets of criteria to determine which securities should be tier 1 securities and therefore automatically designated national market system securities. These criteria are used to set minimum standards relating to (i) the assets and earning power of the issuer,[35] (ii) the distribution of the security,[36] (iii) the market activity of the security[37] and (iv) multiple market interest in the

[25] NASD June Letter, *supra* note 21, at 2; NSTA Letter, *supra* note 22, at 2. The NSTA suggested that a "limited number" of OTC securities should be initially included in a pilot program to permit the Commission to determine whether the "proposed injection of auction principles into the dealer market * * * would seriously impair the viability of this market." *Id.* at 2.

[26] NASD June Letter *supra* note 21, at 3–4; NSTA Letter, *supra* note 22, at 1; and NAOTC Statement, *supra* note 23, at 3–4.

[27] Securities Exchange Act Release No. 15671 (March 22, 1979), 44 FR 20360.

[28] *Id.* at 48, 44 FR at 20367.

[29] *Id.*

[30] *Id.*

[31] Standardized options and convertible debentures would be specifically excluded from the scope of the rule. For a general discussion of issues raised by participation of options in a national market system, *see* Report of the Special Study of the Options Markets to the Securities and Exchange Commission, Comm. Print 96–1FC3, 96th Cong., 1st Sess., Chapter VIII (1978).

[32] All securities designated would, by virtue of subparagraph (b)(3) of the proposed rule, be deemed "qualified securities" within the meaning of Section 11A(a)(2) of the Exchange Act. The proposed rule does not specifically require inclusion of a national market system security in any national market system facility. However, the Commission proposes to include all tier 1 OTC securities in the disclosure facilities and rules of a national market system within two months after the effective date. *See* text accompanying notes 86–105 *infra*.

[33] The term "market center" when used with respect to a particular equity security would be defined to mean (i) any exchange on which such security is listed or admitted to unlisted trading privileges and for which such exchange communicates quotations on a regular and continuous basis pursuant to § 240.11Ac1–1 (Rule 11Ac1–1 under the Act), and (ii) any OTC market maker who acts in that capacity with respect to such security.

The term "OTC market maker," when used with respect to a particular equity security, would be defined as any broker or dealer (othe than a person making markets exclusively in odd-lots) which holds itself out as being willing to buy and sell that security for its own account on a regular and continuous basis otherwise than on an exchange in amounts of less than block size and which:

(i) communicates quotations for that security to the NASD on a regular and continuous basis pursuant to § 240.11Ac1–1 (Rule 11Ac1–1 under the Act), or

(ii) is authorized to disseminate its quotations for that security in NASDAQ and makes such quotations available through that system on a regular and continuous basis.

The proposed rule does not require that any broker or dealer qualifying as a market center meet any financial qualifications or assume any affirmative or negative obligations concerning those securities with respect to which he is a market center. The Commission understands, however, that in connection with its participation in the intermarket trading system ("ITS") the NASD is considering including such qualifications as a condition to direct participation in the ITS. The Commission solicits coments on whether any such financial qualifications and market making obligations should be included in the proposed rule in order to limit the class of "qualified" market centers.

[34] The term "prospective market center" when used with respect to a particular equity security would be defined to mean:

(i) an exchange which represents that it will (A) apply for unlisted trading privileges for such security if that security is designated as a national market system security, and (B) if such unlisted trading privileges are granted, assign a market maker, registered on that exchange as such, who will communicate quotations for that security on a regular and continuous basis for a period of at least six months following such grant, or

(ii) any OTC market maker which represents that, if that security is designated as a national market system security, it will act in the capacity of an OTC market maker with respect to that security on a regular and continuous basis for a period of at least six months following such designation.

[35] Minimum standards are set regarding total and net tangible assets, capital and surplus, and three year earnings history of the issuer.

[36] Minimum standards are set regarding holders of record and "public float" for the security.

[37] Minimum standards are set for the market value, price per share and average monthly share volume for the security.

security. Subparagraph (c)(2) employs the same categories for identfying eligible tier 2 securities; however, the specific standards would be less stringent than the standards for tier 1 securities.[38] In addition, the proposed rule would require that any national market system security be registered pursuant to section 12 of the Exchange Act, or issued by a closed-end management investment company registered under section 8 of the Investment Company Act of 1940[39] or an insurance company which is required to furnish equivalent disclosure pursuant to state law.[40]

Proposed Rule 11Aa2–1 requires that the self-regulatory organizations participating in the national market system[41] act jointly to create the mechanisms for the actual administration of the designation process. Paragraph (d) would require that each exchange[42] and the NASD act jointly in preparing and filing with the Commission a designation plan[43] which shall provide for the creation of a designating body[44] to administer the plan. In addition, subparagraph (d)(2) requires that a designation plan must specify (i) procedures for applying the designation standards set forth in paragraph (c)(ii) criteria for determining whether securities substantially meet the standards set forth in subparagraph (c)(2) of the proposed rule and for designating national market system securities from eligible tier 2 securities; (iii) maintenance standards for national market system securities, (iv) revocation and suspension procedures for national market system securities which fail to meet those maintenance standards or upon other specified events and (v) maximum time limits for designation of tier 1 securities[45] and for action with respect to designation of tier 2 securities.[46]

Paragraph (e) of the proposed rule would requie Commission approval, after provision for notice and public comment,[47] before any designation plan or amendment thereof becomes effective.

Paragraph (d)(3) requies that any designation plan filed with the Commission must provide that it shall not become operational with espect to either tier 1 or tier 2 securities prior to the adoption by the Commission of amendments to Proposed Rule 11Aa3–1 under the Exchange Act, if adopted,[48] which requie that transaction reports with respect to transactions in such securities be made available pursuant to that rule. In this release the Commission is proposing to amend Proposed Rule 11Aa3–1 to require last sale reporting with respect to all tier 1 OTC securities two months after the effective date of a designation plan. Because the Commission has not, at this time, determined when it would be appropriate to include tier 2 OTC securities in the disclosure facilities (or other rules and facilities) of a national market system, no designation plan shall become operational with respect to those securities until a later date.

The proposed rule would also provide certain appeal rights in connection with the operation of any effective designation plan.[49] Paragraph (f) would authorize the Commission to entertain appeals or review on its own motion any action taken or failure to act by any person regarding either the designation of a security or class of securities or the revocation or suspension of any such designation.

Finally, the proposed rule contains an exemptive provision permitting the Commission to exempt from its provisions, either unconditionally or on specified terms and conditions, any exchange, association, or security if the Commission determines that such exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of a national market system.

III. Discussion of Issues Raised by Proposed Rule 11Aa2–1

A. Designation Standards

1. *Uniformity, Role of the Self-Regulatory Organizations.* The legislative history of the 1975 Amendments indicates an explicit congressional intent that designation of national market system securities be made on the basis of their individual characteristics (such as trading volume, price and number of shareholders) and not on whether they had previously been traded on an exchange or solely OTC.[50] Accordingly, the standards contained in Paragraph (c) of the proposed rule apply equally to exchange and OTC securities. In its deliberations leading to the proposal of Rule 11Aa2–1, the Commission has carefully considered whether the use of such a uniform designation standard for all securities might result in automatic designation of some securities whose

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[38] *See* text accompanying notes 50–85, *infra* for a more complete discussion of these criteria and the two-tier system.

[39] 15 U.S.C 80a–1–a–52.

[40] Proposed Rule 11Aa2–1(a)(5), (b)(1) and (b)(2). Insurance companies are exempted from the registration requirements of Section 12(g) of the Exchange Act, 15 U.S.C. 781(g), if they meet all of the following conditions:

(i) Such insurance company is required to and does file an annual statement with the Commissioner of Insurance (or other officer or agency performing a similar function) of its domiciliary State, and such annual statement conforms to that prescribed by the National Association of Insurance Commissioners or in the determination of such State commissioner, officer or agency substantially conforms to that so prescribed.

(ii) Such insurance company is subject to regulation by the domiciliary State of proxies, consents, or authorizations in respect to securities issued by such company and such regulation conforms to that prescribed by the National Association of Insurance Commissioners.

(iii) After July 1, 1966, the purchase and sales of securities issued by such insurance company by beneficial owners, directors, or officers of such company are subject to regulation (including reporting) by its domiciliary State substantially in the manner provided in section 78p (Section 16 of the Exchange Act) of this title.

[41] *See* note 42, *infra.*

[42] The proposed rule would only apply to exchanges which collect, process and make available transaction reports with respect to transactions effected through its facilities in accordance with proposed Rule 11Aa3–1 under the Exchange Act (17 CFR 240.11Aa3–1).

Proposed Rule 11Aa3–1 constitutes a restatement and amendment of those portions of Rule 17a–15 under the Exchange Act (17 CFR 240.17–15) which deal with the filing and approval of transaction reporting plans. Securities Exchange Act Release No. 15250 (October 20, 1978), 43 FR 50606. If Proposed Rule 11Aa3–1 is not adopted, the references to that rule in Proposed Rule 11Aa2–1 would be changed to refer to Rule 17a–15.

[43] The term "designation plan" would be defined to mean any plan for establishing (i) procedures for designating equity securities as national market system securities in accordance with the standards set forth in paragraph (C) of this section, (ii) maintenance standards for equity securities so designated, and (iii) procedures for revoking or suspending the designation of an equity security or class of equity securities as a national market system security upon failure to meet established maintenance standards or upon other specified events.

[44] The term "designating body" would be defined to mean any person authorized to implement or administer any designation plan on behalf of persons acting jointly in accordance with paragraphs (d) and (e) of Proposed Rule 11Aa2–1.

[45] The designation plan should provide for the identification and designation of tier 1 securities as national market system securities within two months of the effective date of the designation plan.

[46] Subparagraph (d)(2) also requires that the designation plan include procedures and mechanisms for providing to interested parties and updating a list of all national market system securities.

[47] Paragraph (e)(3) would provide a limited exception to this requirement by allowing a proposed amendment to an effective designation plan to be put into effect upon publication of notice of such amendment on a temporary basis not to exceed 120 days, if the Commission finds that (i) such action is necessary or appropriate in the public interest, for the protection of investors or the maintenance of fair and orderly markets, to facilitate the establishment of a national market system or otherwise in furtherance of the purposes of the Exchange Act, or (ii) the proposed amendment involves only technical or ministerial matters.

[48] *See* n. 42, *supra.*

[49] The appeal provisions of the proposed rule are modeled after those employed in Section 19(d) and (f) of the Exchange Act, 15 U.S.C. 78s(d) and (f).

[50] *See* note 7 *supra* and text accompanying notes 6–7 *supra.*

trading markets might not benefit from inclusion in the national market system and ommission of other securities which might better be included. For example, the Commission might set designation standards at a level to permit all reported securities which are currently actively traded in two or more markets to be designated as national market system securities.[51] If designation standards were set at such a level those standards might result in the immediate designation of a large number of OTC securities. However, the NASD and certain participants in the OTC market have on a number of occasions stated that premature inclusion of any but the most active OTC securities in the disclosure facilities of the national market system, particularly the consolidated system, might be detrimental to the markets for those securities.[52] While Uniform standards might be created which require immediate designation of only the most active OTC securities, those standards would inevitably exclude a substantial number of securities which are presently traded in an exchange environment and which might be suitable national market system securities.

Although the Commission believes that the designation standards should be uniform for all securities, it recognizes that it may be difficult to identify the securities which will benefit from trading in a national market system solely on the basis of objective standards. Therefore, in addition to providing for uniformity, the Commission believes that the proposed rule should grant a degree of flexibility to the designating body. The proposed rule accomplishes this by providing for two tiers of selection criteria and drawing upon the expetise of the self-regulatory organizations in the designation process.

2. *Role of Issuers.* The NASD, NSTA and NAOTC all suggested in their comments on the January Statement that a number of issuers of OTC securities were concerned that participation of their securities in a national market system might reduce market making participation in, and the overall liquidity for, their securities.[53] In light of these concerns and the "fiduciary responsibility [owed by those issuers] to their shareholders to insure that the market for their shares has depth and liquidity," [54] the NASD, NSTA and NAOTC proposed that issuers be given a choice as to whether their securities are designated national market system securities.[55]

As a preliminary matter, the Commission does not believe that issuers should be permitted to veto designation of its securities as national market system securities. In commenting on the amendments to Section 12(f) contained in the 1975 Amendments which permit the Commission to grant, under specified conditions,[56] exchange applications for unlisted trading privileges in OTC securities, the Senate Report contained a lengthy discussion of the participation of OTC securities in a national market system. Specifically, the Senate Committee stated that:

> [I]n the context of a national market system, there is little or no justification for an issuer to deprive securities holders of the advantage of exchange trading. The protections inherent in exchange-type trading should be afforded to investors in all securities with suitable characteristics and should not be dependent upon the decision of corporate management to "list."[57]

The Commission believes that the benefits to be obtained from a national market system should be afforded to investors in all securities with suitable characteristics and should not be solely dependent on the desirs of corporate management. Accordingly, while the Commission solicits comment regarding the appropriate role of issuers in the designation process, Proposed Rule 11Aa2–1 does not provide issuers with the ability to veto any designation.

3. *Two-Tier System.* The Commission believes that the two-tier approach of the proposed rule is responsive to concerns regarding uniformity of standards and the role of issuers in the designation process. While providing uniform standards, it provides sufficient flexibility in the designation of tier 2 securities to assure that only suitable securities are included in a national market system. On the other hand, the proposed rule's requirement that tier 1 securities be automatically designated assures that certain securities, which are clearly suitable, are immediately designated. Additionally, mandatory designation of tier 1 securities and inclusion of those securities in the disclosure facilities of a national market system [58] will provide the Commission and the industry with an opportunity to monitor and assess the effects which trading in national market system facilities and application of national market system rules may have on the quality of markets for tier 1 OTC securities, prior to the designation of additional OTC securities.[59]

Tier 2 also gives the self-regulatory organizations, issuers and OTC market makers important roles in the designation process. The proposed rule permits the self-regulatory orgnanizations to jointly exercise discretion, pursuant to a designation plan which they are required to jointly file, in determining whetehr a tier 2 security should be included in a national market system. Paragraph (d) of the proposed rule permits the self-regulatory organizations to administer the designation process and to define, in the designation plan, the criteria to be employed in making the designation determinations for tier 2 securities.

Paragraph (c)(2) provides that a tier 2 security is only eligible for designation upon application of the issuer or two or more market centers or prospective market centers for that security. Accordingly, the proposed rule will provide both issuers and market centers for tier 2 securities an opportunity, if they choose, to evaluate the effects trading in a national market system environment may have on the markets of OTC national market system securities, before applying for designation. Additionally, in the event that two market centers apply for designation of that security against the wishes of the issuer, subparagraph (d)(2)(ii) permits the designating body to consider any comments of the issuer before making a designation determination.

The Commission specifically requests comment regarding the two-tier approach embodied in the proposed rule. Commentators are requested to discuss whether the roles provided the self-regulatory organizations, issuers and OTC marketmakers are necessary

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[51] *See* January Statement, *supra* note 16, at 45, 43 FR at 4361.

[52] *See* text accompanying notes 99–104 *infra.*

[53] *See* note 26 and text accompanying notes 21–26 *supra.*

[54] NASD June Letter, *supra* note 21, at 4.

[55] NASD June Letter, *supra* note 21, at 3–4, NSTA Letter *supra* note 22, at 1, and NAOTC Statement *supra* note 23, at 3–4.

[56] Subsection (f)(2) requires that the Commission, prior to granting such unlisted trading privileges in an OTC security find that:

> The extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.
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> [T]he Commission shall, among other matters, take account of the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system and shall not grant any such application if any rule of the national securities exchange making application under this subsection would unreasonably restrict competition among dealers in such security or between such dealers acting in the capacity of market makers who are specialists and such dealers who are not specialists. Section 12(f)(2) of the Exchange Act, 15 U.S.C. 78 1(f)(2)

[57] Senate Report, *supra* note 4, at 19 (1975) U.S. Code Cong. & Ad. News at 197.

[58] *See* text accompanying notes 86–105, *infra.*

[59] *See* text accompanying note 48, *supra.*

(or desirable) to ensure that only securities which would benefit from participation in a market system are designated national market system securities. On the other hand, comment is also requested regarding whether the application discretion provided issuers and market centers and the designation descretion provided the self-regulatory organizations may result in unnecessary delays in the inclusion of both exchange and OTC securities in the national market system and which might therefore deprive brokers, dealers and investors in those securities the benefits and protections provided by national market system facilities and rules.

While the Commision believes that it is appropriate to use the expertise of the self-regulatory organizations in administering the designation process, Section 11A(a)(2) of the Exchange Act requires the Commission to retain ultimate control over the designation determinations. Accordingly, while subparagraph (d)(2) of the proposed rule permits the self-regulatory organizations to define, in the designation plan, the criteria to be employed in making the designation determinations for tier 2 securities and the maintenance standards for all national market system securities,[60] the proposed rule also requires that the designation plan and all amendments thereto be submitted to the Commission for its approval, after notice and provision for public comment. Additionally, paragraph (f) of the proposed rule provides aggrieved parties with appeal rights to the Commission regarding action (or failure to act) by the designating body.

B. *Inclusion of Non-National Market System Securities in National Market System Facilities.* The proposed rule would not permit any exchange traded security to be designated a national market system security unless it is traded in two or more market centers ("multiply traded"). Rule 11Ac1–1 and the joint industry plan, approved by the Commission pursuant to Rule 17a–15,[61] currently require the collection and dissemination of transaction and quotation information for all reported securities.[62] Because many of these securities are not multiply traded, the proposed rule's provisions will inevitably preclude a substantial number of NYSE, Amex and regional exchange securities for which transaction information is currently disseminated through the consolidated system and quotation information disseminated pursuant to Rule 11Ac1–1 from being designated as national market system securities. A number of important objectives of the Exhange Act, in addition to the creation of a national market system, are advanced by the disclosure of transaction and quotation information. The public dissemination of current transaction and quotation information permits all market participants to better assess the current market value of those securities. Additionally, the availability of real-time disclosure information enhances the ability of the self-regulatory organizations and the Commission to surveil for manipulative activities in those securities, by permitting immediate detection of unusual price movements in those securities. Therefore, because the dissemination of current transaction and quotation information is essential to maintaining the fairness and orderliness of the markets for exchange traded securities,[63] the Commission believes that it should continue to be required for reported securities even if those securities are not national market system securities.[64]

C. *Categories of Designation Standards.* The criteria employed in proposed Rule 11Aa2–1 to set minimum qualification standards for tier 1 and tier 2 securities raise significant questions regarding which characteristics of a security are predictive of whether the market for that security will benefit from inclusion in a national market system. Accordingly, the Commission requests comment regarding the appropriateness of each of the criteria used in the proposed rule. Additionally, in order to provide a focus for discussion, the Commission has proposed two or more alternative numerical standards for each criteria in both tier 1 and tier 2. Comment is also requested as to which, if any, of the alternative numerical proposed standards should be chosen if Proposed Rule 11Aa2–1 is adopted. Commentators who believe that none of the alternative numerical standards are appropriate are requested to suggest specific alternative standards.

The Commission believes, as a preliminary matter, that in most cases national market system securities should be multiply traded and possess characteristics relating to "substantial assets and earnings histories" and indicating "national investor interest."[65] Accordingly, criteria relating to assets and earnings are contained in subparagraphs (c)(1)(i) and (c)(2)(i) and criteria generally relating to "national investor interest" are contained in subparagraphs (c)(1)(i), (ii) and (c)(2)(i), (ii) of the proposed rule. Paragraph (c) of the proposed rule also requires multiple market trading interest in a security as a prerequisite to designation.

(1) *Assets and Earnings Histories.* Criteria relating to issuer assets and earnings have traditionally been an integral part of exchange listing standards.[66] These criteria have generally been thought to be indicative of the "quality" of the issuer and the prospects for its future stability. The use of assets and earnings criteria by exchanges may also be motivated, in part, by a desire to maintain an element of "prestige" for a particular listing on a particular exchange.

The Commission believes that criteria relating to assets and earnings histories are necessary to assure that national market system securities have at least reached a threshold size and have established a history of profitability. However, the Commission does not believe that these standards should be employed in a broader manner to insure the "quality" of the issuers of all national market system securities or to create a favored status for securities eventually designated as national

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[60] Comment is also requested regarding whether maintenance standards for national market system securities should be included in Rule 11Aa2–1 rather than in the designation plan. Commentators who favor this approach should specifically discuss what criteria should be employed in those maintenance standards.

[61] Securities Exchange Act Release No. 10787 (May 10, 1974) 39 FR 17799. The Commission has granted the Intermountain Stock Exchange, Inc. ("ISE") and Spokane Stock Exchange, Inc. ("SSE") exemptions from the reporting requirements of Rule 17a–15. Securities Exchange Act Release Nos. 11385 (April 30, 1975) and 14651 (April 11, 1978), 40 FR 19888 and 43 FR 16582. The Commission has also granted exemptions from the reporting requirements of Rule 11Ac1–1 to the ISE, SSE, CSE (with respect to securities not traded in the CSE's pilot program establishing an automated, multiple dealer system) and one third market maker. Securities Exchange Act Release Nos. 15012 (July 28, 1978), 15011 (July 28, 1978), 15010 (July 28, 1978) and 15747 (April 19, 1979), 43 FR 33978, 33983, 33976, and 17 S.E.C. Doc. 304.

[62] *See* note 11, *supra.*

[63] *See, e.g.*, Sections 2, 6(a), 6(b)(5), 9, 10, 11A(a)(1)(C), 11A(a)(2), 11A(b), 11A(c), 15A(a), and 15A(b)(6) of the Exchange Act [15 U.S.C. 78b, f(a), f(b)6, j, k–1(a)(1)(C), k–1(a)(2), k–1(c), *o*–3(a), *o*–3(b)(6)].

[64] Proposed Rule 11Aa3–1 under the Exchange Act anticipates the continued dissemination of real-time transaction information for non-national market system securities by making its provisions applicable to: (i) Any security or class of securities designated as "qualfied securities" by the Commission pursuant to section 11A(a)(2) of the Exchange Act and for which transaction reports are required to be collected, processed, and made available pursuant to this section; and (ii) any other security or class of securities for which transaction reports are required to be collected, processed, and made available pursuant to any effective transaction reporting plan. Proposed Rule 11Aa3–1(a)(4).

[65] *See* the January Statement, *supra* note 16, at 45, 43 FR at 4361.

[66] *See, e.g.*, NYSE standards of Eligibility for Listing, NYSE Guide (CCH) at 4225–27.

market system securities. Congress believed that the development of a national market system would enhance the fairness and orderliness of the securities markets by eliminating the adverse effects resulting from fragmentation [67] and by providing new opportunities for competition between market centers and market makers.[68] However, there is no indication that Congress envisioned that the Commission would substitute its judgment for that of investors as to the "quality" of a particular security. In fact, Congress' clear desire that the Commission remove unnecessary regulatory restraints [69] would seem to directly contradict any such notion. Accordingly, the alternative standards set forth for both tier 1 and tier 2 securities are ralatively low and should not generally act as a barrier to designation of securities of issuers which enjoy substantial investor interest.

The Commission requests interested persons to comment generally on whether assets and earnings designation standards for national market system securities are appropriate for either tier 1, tier 2 or both. Commentators should also address the appropriateness and necessity of each of the specific criteria employed in subparagraphs (c)(1)(i) and (c)(2)(i).[70] Finally, comment is requested regarding which, if any, of the particular alternative standards included for each criteria will best achieve the limited purpose intended to be served by these criteria.

(2) *Criteria Relating to National Investor Interest.* The legislative history of Section 11A(a)(2) emphasizes the relevance of trading volume, price and number of shareholders in designating national market system securities.[71] The Commission's emphasis in the January Statement on the trading characteristics of national market system securities and its reference to criteria relating to national investor interest reflects that legislative history.[72] The Commission continues to believe that these criteria are critical to the task of selecting securities which will benefit from the enhanced competitive atmosphere and the auction-type trading national market system initiatives are intended to achieve. Accordingly, proposed Rule 11Aa2–1 contains criteria for identifying both tier 1 and 2 securities regarding (i) the number of holders of 100 shares or more,[73] (ii) the number of publicly held shares; [74] (iii) the market value of publicly held shares,[75] (iv) the price per share [76] and (v) the average monthly share volume.[77] Most of these criteria are already being employed in exchange listing requirements. However, in addition to adopting the criteria presently used by the exchanges, the rule employs, as an additional criteria, average monthly share volume. While share volume has never been employed in exchange listing criteria, the Commission believes that it may be a significant factor in determining which securities might benefit from the inclusion in the national market system.

The Commission has proposed alternative standards for each "national investor interest" criteria for both tier 1 and tier 2. With respect to the alternative proposed standards for tier 1, the Commission has employed, wherever possible common stock listing standards [78] which are presently being employed by the NYSE and the Amex. Accordingly, the two proposed alternative standards for the number of holders of record of 100 shares or more (2,000 and 500), the number of publicly held shares (1,000,000 and 400,000) and the market value of publicly held shares ($18,000,000 and $13,000,000) are identical to the listing standards for the NYSE and the Amex, respectively. Additionally, one proposed price per share standard ($5) is the same as the equivalent Amex standard.[79] In those instances where a particular criterion is not used by an exchange (*e.g.*, monthly share volume) the Commission has also suggested alternative standards which, based upon its own observations, appear useful in selecting national market system securities.[80] Comment is requested as to which of the alternative proposed minimum standards should be adopted for each tier 1 criterion to assure that those securities automatically designated are indisputably appropriate for inclusion in the national market system.

Inevitably, many exchange and OTC securities which should be included in a national market system will not qualify under the stringent standards the Commission envisions for tier 1. It may be that the task of identifying those securities is too complex to be performed by any set of objective standards. Instead, this task may require a more subjective analysis of the particular trading characteristics of each security and may be best performed by those who will have an active interest, as participants, in the national market system. Therefore, as previously discussed, the proposed rule allows the self-regulatory organizations, OTC market makers and issuers to identify those tier 2 securities which should be designated national market system securities. As a result, the proposed alternative tier 2 standards have been designed to ensure that any security which arguably should be included in a national market system will be eligible for designation. While the Commission requests comment as to which, if any, of the alternative standards proposed for each of these tier 2 criteria should be adopted, it anticipates that most, if not all securities traded on the NYSE and Amex and a substantial number of OTC securities will meet all of these alternative standards.[81]

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[67] The term "fragmentation" refers to the dispersion of order flow among market centers. *See* Securities Exchange Act Release No. 15769, at 12, n.20 (April 26, 1979), 44 FR 26688, 26690, n.20.

[68] *See* Senate Report, *supra* note 4, at 14–18 (1975) U.S. Code Cong. & Ad. News at 192–97.

[69] *See* Senate Report, *supra* note 4, at 12–14 (1975) U.S. Code Cong. & Ad. News at 190–192; Conference Report, *supra* note 4, at 94–95 (1975) U.S. Code Cong. & Ad. News at 325–26.

[70] The Commission has included several criteria relating to assets and earnings for purposes of receiving comment as to the appropriateness of each of those criteria. However, the Commission specifically solicits comment as to whether certain of the criteria (*e.g.*, total assets and net tangible assets) may be in large part redundant and unnecessary for the limited purpose of identifying issuers of threshold size.

[71] *See* note 7 and text accompanying notes 6 and 7, *supra*.

[72] January Statement, *supra* note 16, at 45–46, 43 FR at 4360–61.

[73] Subparagraph (c)(1)(ii)(A) and (c)(2)(ii)(A).

[74] Subparagraph (c)(1)(ii) and (c)(2)(ii)(B). These subparagraphs define "publicly held shares" as: shares held by persons other than officers, directors, or persons owning of record or beneficially 10 per cent or more of the outstanding shares of the security or class of securities.

[75] Subparagraphs (c)(1)(iii)(A) and (c)(2)(iii)(A).

[76] Subparagraph (c)(1)(iii)(B) and (c)(2)(iii)(B).

[77] Subparagraphs (c)(1)(iii)(C) and (c)(2)(iii)(c).

[78] Both Amex and NYSE have separate, less stringent, listing standards for preferred stock and warrants. The Commission preliminarily believes that uniform standards should be applied to all types of securities.

[79] The NYSE does not use price per share as a criterion for determining eligibility for listing.

[80] In order to assist commentators in evaluating the alternative monthly share volume standards, the Commission has obtained data from the Amex, NASD and the NYSE concerning the average monthly trading volume during 1978 in securities listed on those exchanges or reported through NASDAQ. The chart below indicates approximately the number of Amex and NYSE listed and NASDAQ multiply traded securities which would meet these alternative standards.

Designation standard	NYSE listed	NASDAQ reported	Amex listed
600,000 shares	295	49	15
350,000	529	121	29
175,000 shares	868	319	72

While these results do not include securities listed solely on regional exchanges, it does not appear that this omission results in any significant understatement of the approximate number of exchange and OTC securities which would meet the three alternative tier 1 volume standards.

[81] The most stringent set of tier 2 "national investor interest" standards are equivalent to the Amex listing standards, with the addition of a

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(3) *Multiple Trading.* The existing facilities and rules and proposed initiatives designed to achieve a national market system primarily represent the application of new data processing and communications techniques to address major problems and communications techniques to address major problems arising from fragmentation and the institutionalization of the securities market.[82] In particular, the need to provide market linkages and neutral order routing mechanisms for a particular security arises only when a security is multiply traded. Accordingly, subparagraph (c)(1) would require as a prerequisite to automatic designation that at least three market centers have been disseminating quotations for that security on at least 90 percent of the business days during the six months prior to designation.[83] Similarly, the proposed rule would require that tier 2 securities be traded in or by at least two market centers.

Proposed Rule 11Aa2–1 does not contain any requirement that there currently exist substantial dispersion of order flow in the market for a particular security. The Commission anticipates that as the national market system evolves it will provide enhanced opportunities for competition between market centers and generally promote the initiation of multiple market trading. Accordingly, the Commission preliminarily believes that it would be premature to exclude securities from designation as national market system securities because of the lack of meaningful competition for order flow in a security between market centers in a non-national market system environment.

Comment is requested as to the appropriateness of requiring multiple market interest as a prerequisite to designation.[84] Commentators who believe that the proposed rule should contain such a requirement, should address whether the differing requirements of trading in three market centers for tier 1 securities and two market centers for tier 2 securities is an appropriate test.[85] Finally, commentators who beieve that no security should be designated a national market system security unless there already exists substantial dispersion of order flow in that security between two or more market centers should explain why they believe such a requirement is necessary and specifically suggest the threshold level of order dispersion which should be required.

IV. Timing of Inclusion of OTC Securities in National Market System Disclosure Facilities

A. *Introduction.* Paragraph (b)(3) of Proposed Rule 11Aa2–1 provides that any security which has been designated a national market system security "shall be qualified for trading in the national market system or any facility thereof." However, the timing or manner of inclusion of those securities in specific national market system facilities is not addressed. Thus, while Proposed Rule 11Aa2–1 defines those securities qualified for trading in a national market system, the proposed rule does not specifically provide a date when those securities will be included in national market system facilities and made subject to the rules of a national market system.

In the January Statement, the Commission stated its intention, upon completion of its rulemaking with respect to designation of national market system securities, to require inclusion of OTC national market system securities in the consolidated system and to apply Rule 11Ac1–1 to those securities. In addition, the Commission indicated that ultimately OTC national market system securities would be included in all other facilities which might be developed in the future to realize national market system objectives.[86]

The Commission continues to believe that no security may be properly regarded as trading in the national market system unless investors in that security receive the benefits and protections inherent in the system as a whole. Therefore, OTC national market system securities will eventually participate in all aspects of a national market system.[87] However, as a preliminary matter, the Commission believes that the trading markets for tier 1 securities would benefit from immediate inclusion of these securities in the disclosure facilities of the national market system. Therefore, the Commission proposes to amend Rule 17a–15 (or Proposed Rule 11Aa3–1, if adopted) to require inclusion of all tier 1 securities in the consolidated transaction reporting system and the consolidated quotation system[88] within two months after the effective date of a designation plan filed pursuant to Proposed Rule 11Aa2–1.

The Commission recognizes that some commentators believe that, because of inherent differences between OTC and exchange markets, the inclusion of OTC securities in existing disclosure systems, prior to further evolution of the national market system, may adversely affect the markets for those securities.[89] In addition, inclusion of less active OTC securities in the national market system may impose cost burdens on some OTC market centers which may be inappropriate. Therefore, the Commission requests public comment on whether, at the present time, inclusion of either tier 1 OTC securities or all OTC national market system securities in the existing disclosure facilities comprising and rules governing a national market system is necessary and appropriate in light of the objectives of the Exchange Act.

B. *Legislative History.* The legislative history of Section 11A(a)(2) of the Exchange Act indicates a Congressional

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minimum monthly share volume requirement. Based upon data supplied from the Amex, NASD and NYSE, the chart below indicates approximately the number of AMEX and NYSE listed and NASDAQ multiply traded securities (including those securities which would also meet the tier 1 share volume standards) which would meet the alternative tier 2 share volume standards:

Designation standards	NYSE listed	NASDAQ reported	Amex listed
100,000 shares	1183	565	96
50,000 shares	1449	923	145
15,000 shares	1750	1672	180

[82] *See, e.g.*, Senate Report, *supra* note 4, at 3, (1975) U.S. Code Cong. & Ad. News 181–82.

[83] Comment is requested as to whether this standard will accurately reflect multiple market interest.

[84] It may be that there are market centers, which do not currently trade a particular security because they are unable to compete in the present market structure environment, who would be interested in trading that security if it were included in the national market system. Accordingly, the Commission solicits comment as to whether the multiple market interest requirements in Proposed Rule 11Aa2–1 should be revised to include market centers which indicate that they will make markets in a particular security if it is designated a national market system security. *See also* note 34, *supra*.

[85] No security may be initially authorized for NASDAQ unless two or more brokers or dealers have indicated that they are willing and able to disseminate quotations in that security or class of securities in NASDAQ on a regular and continuous basis. *See* NASD By-laws Art. XVI, Section 1 and Art. XVI, Section 3, Schedule D. Accordingly, the tier 2 requirement that a security be traded in two or more market centers will eliminate few, if any, OTC securities.

[86] January Statement, *supra* note 16, at 46, 43 FR at 4361.

[87] Paragraph (b)(2) of Proposed Rule Aa2–1 provides that all national market system securities are "qualified for trading in the national market system or any facility thereof."

[88] The reporting requirements of Rule 11Ac1–1 are applicable to "any equity security as to which last sale information is reported in the consolidated system." Accordingly, if the Commission does determine to amend Rule 17a–15 (or Proposed Rule 11Aa3–1, if adopted) to require inclusion of all tier 1 securities in the consolidated system, those securities will simultaneously become subject to Rule 11Ac1–1.

[89] *But see* text accompanying notes 94–98, *infra*.

belief that OTC securities with appropriate trading characteristics should be included in the national market system so that they might be traded in an environment which limits the problems arising from fragmentation and provides auction-trading type protections.[90] Furthermore, Congress believed that timely, accurate and complete transaction and quotation information were essential foundations for that system.[91] For example, the Senate Committee stated:

> In the securities markets, as in most other active markets, it is critical for those who trade to have access to accurate, up-to-the second information as to the prices at which transactions in particular securities are taking place (*i.e.*, last sale reports) and the prices at which other traders have expressed their willingness to buy or sell (*i.e.*, quotations). For this reason, communications systems designed to provide automated dissemination of last sale and quotation information with respect to securities will form the heart of the national market system.[92]

Consistent with its general approach, Congress did not provide either in the statute or the legislative history a timetable for inclusion of OTC securities in these disclosure systems. Instead, Congress generally provided the Commission with "maximum flexibility" in facilitating the establishment of a national market system which meets the objectives set forth in section 11A.[93] Accordingly, the Commission may use its discretion to require prior inclusion of some or all OTC national market system securities in any existing national market system facility or application of any national market system rule if it determines that, by doing so, it may best facilitate the establishment of a national market system.

C. *Discussion.* As a preliminary matter, the Commission believes that immediate inclusion of certain OTC national market system securities in the consolidated system and application of Rule 11Acl–l might further the achievement of a number of statutory goals. The inclusion of those securities in reporting systems may expedite the creation of a national market system by alleviating the technical and practical problems associated with simultaneous inclusion in a number of facilities. Moreover, requiring prior inclusion of certain OTC securities in the consolidated system and improved quotation information would give the participants in the markets for OTC securities an opportunity to adapt to changes in the trading environment in those securities, resulting from fuller disclosure, prior to participation in other national market system facilities and rules which may also have significant effects.[94] Additionally, immediate inclusion of certain OTC securities in national market system disclosure systems will provide both the Commission and OTC market participants with an opportunity to monitor and assess the effects of increased disclosure on the quality of the markets for those securities, prior to inclusion of other OTC securities in those facilities and the inclusion of any OTC securities in additional national market system facilities and rules which are dependent on such disclosure.

Even more significantly, prior inclusion of certain OTC secutities in the consolidated system and application of Rule 11Acl–l would achieve the important objectives of real-time last sale reporting and improved quotation reporting without making them dependent on any delays which may occur before achievement of other national market system goals. The availability of this information should enhance the ability of brokers to find the best markets for their customers' orders and improve upon the execution of those orders.[95] In fact, the availability of increased disclosure information should generally improve the efficiency of the market for OTC national market system securities by permitting all market participants to better assess the current market interest for those securities.

Finally, transaction reporting and firm quotation reporting with size might generally improve the fairness of the markets for OTC national market system securities. This disclosure will provide the Commission and the NASD with information which will improve their respective abilities to surveil on a real-time basis for violations of the anti-manipulative and disclosure provisions of the Exchange Act, the rules thereunder and self-regulatory organization rules.[96] Enhanced disclosure should also provide investors in OTC national market system securities with greater opportunities to police both overreaching[97] by OTC market makers and the efforts of their broker to obtain best execution of their orders.[98]

While prior inclusion of OTC national market system securities in the consolidated system and application of Rule 11Ac1–1 might further a number of statutory objectives, it has been argued that it might adversely affect the liquidity in the markets for those securities.[99] For example, the NASD and OTC traders have in the past suggested that real-time last sale reporting of transactions in OTC securities might discourage certain dealers from continuing to make markets in those securities. This argument appears to be premised on two assertions.[100] The first

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[90] *See* text accompanying notes 6–7, *supra.*

[91] Section 11A(1)(c) sets forth an express Congressional finding that: It is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure * * * (iii) the availability to brokers, dealers and investors of information with respect to quotations for and transactions in securities * * *.

[92] Senate Report, *supra* note 4 at 9, [1975] U.S. Code Cong. & Ad. News at 187. *See also* Conference Report, *supra* note 4, at 93, (1975) U.S. Code Cong. & Ad. News at 324.

[93] *See* text accompanying notes 2–7, *supra.*

[94] *See* text accompanying notes 106–121, *infra.*

[95] *See, e.g.*, Securities Exchange Act Release No. 14415 (January 26, 1978) at 36–37, 43 FR 4342, 4347.

[96] *See* text accompanying note 63, *supra.*

[97] The term "overreaching" refers to the possibility that broker-dealer firms may take advantage of their customers, by not providing the same quality of execution as they would if they had acted as agent, when those firms effect transactions with their customers as principal. *See* Securities Exchange Act Release No. 15769, at 12 n. 20, (April 26, 1979), 44 FR 26688, 26690 n.20.

[98] Public investors in the OTC market generally have access only to NASDAQ Level 1 service which currently does not display actual quotations of specified market makers. Instead Level 1 service displays, for each security quoted in the NASDAQ system, as single "representative bid and ask." However, the Commission has recently expressed its belief that "it is only feasible for a customer to police his broker's efforts to obtain best execution if he receives information as to the best bid or offer available at the time he places an order to buy or sell a NASDAQ-quoted security." Securities Exchange Act Release No. 15251 (October 20, 1978), at 44, 43 FR 50615, 50622. As a result of its concerns the Commission proposed Rule 11Acl–2 which would require that every interrogation device providing quotation information with respect to OTC equity securities display, at a minimum, the highest bid and lowest offer for that security. *Id.* Consistent with this concern, it may be that investors in OTC national market system securities would be better able to monitor their brokers' activities if last sale information and firm quotations with size were provided for those securities.

[99] *See, e.g.*, Appearance of Gordon S. Macklin, President, NASD, et. al. on behalf of the NASD, Transcript of Hearings, *In re* Off-Board Trading Rules (August 16, 1977) at 978–79, contained in File No. 4–160.

[100] Although this argument has been advanced in a number of different forms, the testimony of Gordon Macklin, President of the NASD, during the August 1977 hearings on off-board trading rules is representative. Mr. Macklin stated:

> Part of our argument is based on economics and our market-makers are saying that the requirement to report last sale in over-the-counter market making is a strong disincentive to market making and if we would move forward in the NASDAQ market with 2800 stocks, we could severely impact the market. * * *
>
> It is primarily a matter of disclosing what you are doing to your competitors, that is a big risk. There are some internal costs that are also affected. The arguments rated in order are the additive risk it puts into the business and then second the added cost. * * *
>
> [It] is an economic incentive to a market-maker, to not have to tell his competitior, what he just did. You know that doesn't hold true, won't hold true in these tape reported securities.

Transcript of Hearings, *In re* Off-Board Trading Rules (August 16, 1977) (unedited) at 978–79.

is that real-time reporting of transactions would add some direct internal costs to market makers in OTC securities, therby reducing the profitability of their market making activities.[101] The second is that a reporting requirement would make the trading positions of a market maker more visible to his competitors.[102] While it is not contemplated that the individual market maker executing a transaction in a national market system security would be identified on either moving ticker displays or on vendor interrogation devices,[103] a market maker's competitors, once alerted to a large trade, may be able to detemine who participated in the transaction by observing changes in market maker quotations or by calling other market participants. Because a market maker's competitors would thus be aware of any substantial inventory position taken by that market maker, it has been argued that it would be more difficult to reduce inventory positions at a favorable price. As a result OTC market makers may become unwilling to provide liquidity to the market by absorbing substantial imbalances in supply or demand. Although exchange market makers have adapted quite well to such disclosure, it is possible that because of both inherent differences between competitive over-the-counter dealer markets and exchange auction markets and the relativiely low public investor activity in the markets for many OTC securities, transaction reporting might affect the desire of certain OTC market makers to continue to engage in active market making in such securities.[104]

As a preliminary matter, the Commission believes that, with respect to tier 1 securities, the concerns raised by these commentators are outweighed by the positive benefits of real-time disclosure of last sale information and improved quotation reporting. Moreover, because tier 1 securities would be characterized by wide public investor interest and active trading,[105] OTC market makers in those securities will have an opportunity to adjust their trading positions in those securities relatively easily, thereby eliminating or ameliorating many of the concerns raised by these commentators. Because the inclusion of tier 1 OTC securities in the disclosure systems of the national market system would not appear to result in significant disincentives to market making in those securities, the Commission proposes to amend Rule 17a–15 (or Rule 11Aa3–1, if adopted) to include tier 1 OTC securities in the consolidated transaction reporting and quotation systems within two months after the effective date of a designation plan.

Comment is requested regarding the effects of transaction reporting and increased quotation reporting on OTC national market system securities. Commentators should specifically discuss whether the enhanced disclosure and surveillance capability obtained will result in fairer and more orderly markets for those securities. Furthermore, commentators should discuss whether those perceived enhancements outweigh any adverse effects increased disclosure may have on the willingness of market makers to commit their capital to make markets in tier 1 OTC securities or in all OTC national market system securities. Commentators who believe that last sale reporting and firm quotations with size should not be required for either tier 2 or for any OTC national market system security at this time should also discuss at what point in the evolution of a national market system such inclusion would be appropriate.

V. Achievement of Nationwide Price Protection for OTC National Market System Securities

In the Status Report, the Commission set as a near-term goal the achievement of "nation-wide price protection of limit orders against executions at inferior prices,"[106] and subsequently published for comment proposed Rule 11Ac1–3 under the Exchange Act (17 CFR 240.11Ac1–3) which, if adopted, would require intermarket price protection for all displayed public limit orders in certain securities.[107] In both the Status Report and the release proposing Rule 11Ac1–3 the Commission suggested that nation-wide limit order protection was only an interim step toward the ultimate achievement of nation-wide price protection for all displayed quotations.[108] This section will discuss and request comment on what facilities are necessary for the achievement of nation-wide price protection, initially for limit, and eventually for all orders, for (a) OTC national market system securities and (b) securities traded in an integrated environment both on

[101] Third market makers are currently required by NASD rules to report transactions in reported securities on a real-time basis. To facilitate this reporting obligation, the NASD has modified its NASDAQ terminals to permit direct reporting through those terminals. Because the basic programing effort has already been made, the Commission questions whether the costs of comparably modifying the terminals of market makers in OTC national market system securities would be substantial.

[102] The NASD has also suggested on at least one occasion that real-time last sale reporting for OTC securities might "create public confusion" because of the differing ways in which transactions effected on an exchange and over-the-counter are reported in the consolidated system. *See* Letter from Gordon S. Macklin, President, NASD, to George A. Fitzsimmons, Secretary, S.E.C., dated March 18, 1978, contained in File No. S7–744. Transactions effected on an exchange are reported on a "gross" basis (*i.e.*, exclusive of any commission which may be charged to the broker effecting the trade or to the actual customer in connection with a transaction). Transactions effected over-the-counter are similarly reported excluding any commission, commission equivalent or differential. However, NASD rules and the joint industry plan governing the operation of the consolidated system require over-the-counter market makers effecting retail transactions with customers to include in the price reported in the consolidated system any retail mark-up charged the customers. Since a retail mark-up acts as the economic equivalent of a commission, the Commission will have to consider whether it is appropriate to require, with respect to OTC national market system securities, that the joint industry plan and NASD rules be amended to require that all transactions be reported exclusive of any commission, commission equivalent, differential or retail mark-up.

[103] While market identifiers are currently provided in consolidated displays of transaction reports available through interrogation devices, they only indicate whether the transaction occurred in the third market. In other words, the individual third market maker involved in the transaction is not identified. The Commission has proposed Rule 11Ac1–2 which, among other things, would, if adopted as proposed, eliminate use of market identifiers for those consolidated displays. Securities Exchange Act Release No. 15251 (October 20, 1978), 43 FR 50615.

[104] In addition, it might be argued that the application of Rule 11Ac1–1 to OTC national market securities will also affect the liquidity of the markets for those securities. However, the Commission preliminarily believes that the application of Rule 11Ac1–1 to OTC national market system securities would not act as a significant disincentive to market making in those securities. OTC market makers in NASDAQ securities are already reporting quotations through the NASDAQ system. While NASDAQ does not permit market makers to disseminate quotation sizes, NASD rules generally require NASDAQ quotations to be "firm" for a minimum unit of trading. However, the NSTA has suggested that general dissemination of the best bid and asked quotations to public investors would, in itself, act as a disincentive to market making by forcing OTC market makers to match the "inside market" on orders in excess of 100 shares or be faced with substantial customer dissatisfaction. Letter from J. DaPuzzo, Chairman, and Morton N. Weiss, President, NSTA, to George A. Fitzsimmons, Secretary, S.E.C., dated December 21, 1978, contained in File No. S7–759. *But see* note 98, *supra*.

[105] *See* text accompanying at notes 71–81, *supra*.

[106] Status Report, *supra* note 27, at 14, 44 FR at 20367.

[107] Rule 11Ac1–3 would apply to all reported securities which are included in a market linkage system implemented or operated in accordance with a plan approved by the Commission pursuant to section 11A(a)(3)(B) of the Exchange Act. Rule 11Ac1–3(b). *See* Securities Exchange Act Release No. 15770 (April 26, 1979), 44 FR 26692.

[108] In the Status Report the Commission stated that: "if nationwide price protection is to be accomplished in a fair manner consistent with the purposes of the (Exchange Act), it ultimately should encompass protection for all buying and selling interest displayed by a particular market center as part of its current bid or offer * * *." Status Report, *supra* note 27, at 29, 44 FR at 20364.

exchanges and in the OTC markets, without application of existing exchange off-board trading restrictions ("integrated trading").[109]

Market Linkage Facilities

Market makers in OTC securities currently are linked with each other and other market participants only by telephone. However, many brokers and market makers in NASDAQ securities have developed highly efficient "open line" telephone networks which provide quick and assured access to each other. Orders for such securities are generally routed (*i.e.*, telephoned) by brokers to market makers and among market makers on the basis of quotations displayed in NASDAQ. While these "open line" networks appear adequate to handle order inquiries and transactions for present trading in OTC securities, the Commission requests comment regarding whether they will prove sufficient to achieve nation-wide price protection for public limit orders or all displayed quotations.[110]

Discussions are currently in progress between participants of the ITS [111] and the NASD regarding linking third market dealers through ITS.[112] The Commission understands that these discussions anticipate that linkage of the third market will be initially achieved by providing an ITS interface only with the NASD and that the NASD will provide the interface with all interested third market makers. At least at this preliminary stage, the Commission understands that the contemplated linkage will involve a manual link (through open telephone lines) between the NASD and participating third market makers. The Commission believes that this approach, which would continue to depend on telephone interconnections between the NASD and OTC market centers, will prove to be too slow and cumbersome to provide a mechanism for the routing of orders and other messages for securities which are the subject of integrated trading, at least where OTC market makers are significant competitors for order flow in a particular security. The Commission noted in the Status Report that the exigencies of active trading will ultimately require systems enhancements in ITS which would reduce response times for commitments sent through ITS to "significantly less than one minute." [113] The Commission understands that the NASD recognizes the need to significantly enhance the linkage between OTC market centers and exchange market centers and is currently studying the various methods by which it may provide such an enhanced capability.

The Commission believes that it would be technologically possible to link all OTC market centers with each other and directly with the exchanges by means of an interface between ITS and an enhanced NASDAQ system. Such a direct NASDAQ/ITS linkage between each OTC market maker and each exchange would appear to be a substantially more efficient linkage than the current telephone facilities or the proposed manual ITS–NASD interface. The NASD has proposed that NASDAQ could be enhanced to provide a national order routing system ("NORS") which would link all exchanges and OTC market centers with each other and with any broker-dealer desiring to send or receive messages throughout the system and would permit the routing of designated orders to a specific market center or undesignated orders on the basis of the best machine displayed quotation.[114] The NASD further indicated that NORS could have the capability of both receiving commitments to trade and providing for automatic execution of orders exposed to the system (if a particular market center wished to offer that option).[115]

Because most market makers for OTC national market system securities currently participate in NASDAQ, a limited version of NORS, in which the NASDAQ system was electronically interfaced with ITS and the NASD acted as a concentrator for all OTC orders routed through that system to an exchange, might provide an efficient and inexpensive linkage system for those securities.[116] Additionally, because executions could be automatically

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[109] While no market center will be required to trade a security simply because it has been designated a national market system security, the Commission anticipates approving, pursuant to Section 12(f) of the Exchange Act, exchange applications for unlisted trading privileges for OTC national market system securities. However, the Commission has previously stated that it will only approve such applications if off-board trading restrictions are removed with respect to those securities (*See* January Statement, *supra* note 16, at 46, n. 63, 43 FR at 4361 n. 63). Furthermore, the Commission has recently announced the commencement of a proceeding to consider the amendment of rules of national securities exchanges which limit or condition the ability of members to effect transactions off-board in securities traded on an exchange to preclude their application to securities which are, or at any time in the future become, exclusively traded in the over-the-counter market. If the Commission determines to require such amendments to exchange off-board trading rules, securities which list in the future may also be subject to integrated trading. *See* Securities Exchange Act Release No. 15789 (April 26, 1979), 44 FR 26688.

[110] If the current telephone interconnections continue to be employed as the only order routing linkage between OTC market makers, there may be significant limitations on the ability of the NASD and the Commission to surveil for executions at prices inferior to displayed public limit orders and quotations in national market system securities which are traded over-the-counter. For example, the transaction reporting process would continue to be initiated on a manual basis and thus subject to timing errors caused by the reporting market maker, who, if improper activity were to occur, would be interested in assuring such inaccuracy. Accordingly, it may be difficult to determine if transaction reports for OTC national market system securities are properly sequenced. If such reports are out of sequence it may be difficult, if not impossible, to determine if a transaction was executed at a price inferior to a displayed quotation. Accordingly, comment is requested regarding whether the current OTC trading environment would provide sufficient and verifiable information to permit surveillance of a price protection requirement initially for limit orders, and eventually for all orders. Commentators who believe that surveillance difficulties will arise because of improper sequencing of reported transactions should discuss whether this improper sequencing may also hinder the ability of the NASD and the Commission to surveil OTC market makers in national market system securities for overreaching and manipulative activities.

[111] In the January Statement, the Commission called for the prompt development of market linkage systems to permit orders in securities qualified for trading in a national market system to be promptly and efficiently transmitted from one qualified market center to another. January Statement, *supra* note 16, at 28–33, 43 FR at 4358. On March 9, 1978, the Amex, BSE, NYSE, PSE and Phlx jointly filed with the Commission a "Plan for the Purpose of Creating and Operating an Intermarket Communication Linkage." On April 14, 1978, the Commission issued a temporary order pursuant to Section 11A(a)(3)(B) of the Act approving the implementation of the ITS for a period of 120 days and, on August 11, 1978, the Commission extended that approval for an additional year. Securities Exchange Act Release Nos. 14661 (April 14, 1978) and 15058 (August 11, 1978), 43 FR 17419 and 36732.

[112] The members of the ITS have stated that ITS can be used to provide nation-wide limit order protection for reported securities through an enhanced ITS. Status Report, *supra* note 27, at 25–26, 44 FR at 20363–64. Although the Commission indicated that ITS participants should be given an opportunity to enhance the ITS to achieve this goal, it also indicated that it was "prepared to explore alternative mechanisms for reaching this goal," if ITS does not "adequately meet the needs of market professionals in an environment characterized by an affirmative obligation to provide inter-market price protection for public limit orders * * *." Status Report, *supra* note 27 at 26, 44 FR at 20363–64.

[113] Status Report, *supra* note 27, at 22, 44 FR at 20363 (footnote omitted).

[114] NASD, Technical Plan for the Development of a National Market System (May 1, 1978) at 8–9, contained in File No. S7–735–A.

[115] It should be noted that the NASD has stated that it believes that: "an order routing system with the capability for computer assisted execution that's accessible to all broker/dealers must be in place prior to the inclusion of over-the-counter securities in the qualified category. Off-board market makers must have the necessary technical facilities in place in order to allow them to fairly compete with exchange market makers and to insure that no market maker or market place has a mechanical advantage in the system." NASD June Letter, *supra* note 21, at 2.

[116] With respect to communications between OTC market makers, however, such a system might prove to be a slower, less efficient means of linkage than the existing system of telephone interconnections. Communication by telephone permits two geographically separate market makers to execute a transaction through one communication as opposed to the two or more messages required through ITS.

reported through NORS, transaction report sequencing concerns would be eliminated, enhancing the NASD and the Commission surveillance capabilities.[117] Furthermore, because of the current widespread use of NASDAQ terminals, adaption of NASDAQ into an order routing system may be the most efficient means to permit all broker-dealers to easily access all NASDAQ market makers without significant delays.[118]

The Commission is interested in commentators' views as to whether NASDAQ and ITS can be adapted to provide a cost effective linkage between OTC and exchange market centers which will permit the achievement of nation-wide price protection, initially for limit, and eventually for all orders for securities subject to integrated trading, without resulting in substantial trading anomalies.[119]

If commentators conclude that nation-wide price protection for OTC national market system securities and securities subject to integrated trading cannot be achieved through the combination of an enhanced NASDAQ system and ITS discussed above, they should specifically discuss alternative mechanisms for reaching this goal for OTC and integrated national market system securities. For example, limit orders from varying locations could be entered into an electronic trading facility, modeled after the Cincinnati Stock Exchange, Inc. ("CSE") System.[120] Similarly a central limit order file ("Central File") of the type described in the January Statement,[121] modified to eliminate time priority for orders stored in the File over other orders in the various market centers, might provide an efficient and effective means for assuring nation-wide limit order protection for securities traded solely or predominantly in the OTC market.

VI. Effects on Competition

Section 23(a)(2) of the Exchange Act [122] requires the Commission, in adopting rules under the Exchange Act, to consider the anti-competitive effects of such regulation and to balance any anti-competitive impact against the regulatory benefits gained in terms of furthering the purposes of the Exchange Act. The Commission has examined Proposed Rule 11Aa2–1 in light of the standards cited in Section 23(a) and is unable to conclude, as an initial matter, that adoption of the proposed rule would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Commission is aware of the view that inclusion of OTC securities in certain national market system facilities may result in a disincentive to market making, which, in turn, may effect the capital-raising capacities of the issuers of those securities. While the Commission has requested public comment with regard to the accuracy of these arguments, it believes, as a preliminary matter, that any such effect is outweighed by the substantial benefits provided by disclosure of transaction and quotation information [123] and the possibility that designation as a national market system security will assure a greater opportunity for competition among market centers with respect to those securities. However, comment is requested on this as well as any other effects on competition which might result from the adoption of the proposed rule.

VII. Text of Proposed Rule

The Securities and Exchange Commission hereby proposes Rule 11Aa2–1 (17 CFR 240.11Aa2–1) pursuant to its authority under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)), and particularly Sections 2, 3, 6, 10, 11, 11A, 15, 17 and 23 thereof (15 U.S.C. 78b, 78c, 78f, 78j, 78k, 78k–1, 78o, 78q and 78w). The text of the proposed rule is as follows:

§ 240.11Aa2–1 Designation of qualified securities.

(a) *Definitions.* For purposes of this section:

(1) The term "national market system security" shall mean any equity security which is qualified for trading in the national market system or any facility or subsystem thereof by virtue of designation in accordance with a designation plan filed with, and approved by, the Commission pursuant to paragraphs (d) and (e) of this section:; *Provided, however,* That any such security shall cease to be a national market system security if its desgination has been revoked, or during any period its designation has been suspended, in

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[117] *See* text accompanying note 63, *supra.*

[118] The Commission noted in the Status Report that "the availability of a neutral order routing mechanism which would permit a firm easily to shift its order flow from one market center to another" would facilitate compliance by broker-dealers with their fiduciary obligation of best execution with respect to retail orders and, additionally, that "development of order routing facilities which facilitate the routing of orders to any market center also will contribute to establishment of an environment satisfying the statutory objective of assuring fair competition among brokers and dealers and among markets." Status Report, *supra* note 27, at 39–40, 44 FR at 20366 (footnote omitted).

[119] The Commission has previously noted that: "Delays in the transmission and execution of orders between markets may disrupt trading on both sending and receiving markets. Those delays may prevent the completion of transactions on the sending market pending receipt of execution reports and may create sequencing difficulties on the receiving market. For example, if a broker desires to execute a block on a regional exchange at 19¾ (a price away from the current market), nation-wide price protection for public limit orders would require the broker to delay execution of that part of the block which might be off-set by displayed public limit orders at a better price pending receipt of an execution or rejection with respect to those orders. Thus, if another market is then displaying a public limit order to buy 200 shares at 19⅞, the broker handling the block would be required to send a 200 share order for execution on the other market. If execution of the 200 share order were delayed, due to the inefficiency of the sending and execution mechanism, there would be an increased likelihood that additional public limit orders (for example, an order to buy 100 shares at 20) would be placed on the specialist's book prior to execution of the 200 share order. In this event, presumably the 200 share order at 19⅞ would be executed, notwithstanding the normal priority of the 100 share order at 20, since only those orders displayed at the moment of transmission would be entitled to protection." Status Report, *supra* note 27, at 22–23 n. 28, 44 FR 20363 n. 28.

[120] The CSE System, through an electronic communications network maintained by the CSE, enables CSE members, without the necessity of maintaining a presence on the floor of the CSE or any other exchange, to participate in a market conducted in accordance with certain auction-type trading principles by entering bids and offers for securities for their own account and as agents for their customers' accounts. In addition, CSE rules permit a specialist on any national securities exchange, without becoming a member of the CSE, to enter bids and offers in the system as principal or as agent in any security in which that specialist is registered on another exchange. Orders entered into the CSE System are stored in the CSE's computer facilities and queued for execution as follows: priority is governed first by price (*i.e.*, the highest bid and lowest offer) and second, as between orders at the same price, by time of entry. However, public agency orders as defined in the CSE's rules, regardless of time of entry, are granted priority over other orders at the same price. *See* Securities Exchange Act Release No. 14674 (April 18, 1978), 43 FR 17894.

[121] The Commission proposed, in the January Statement, the development of a Central File into which public agency limit orders could be entered and queued for execution in accordance with auction trading principles of price and time priority. January Statement, *supra* note 16 at 34–35, 43 FR at 4359. Subsequently, in the Status Report, the Commission noted that a number of commentators had asserted that a "preference for public limit orders" would create "a disincentive to [the] commitment of market making capital" by exchange market makers "and would eventually lead to the elimination of exchange trading floors by inexorably forcing all trading into a fully automated trading system." Status Report, *supra* note 27, at 17–18, 44 FR at 20362. (footnote omitted). The Commission, while noting that it could not predict accurately the consequences of implementing the Central File as proposed, recognized "the possibility that introduction of a system based upon the absolute time priority concept could have a radical and potentially disruptive impact on the trading process as it exists today," and stated that industry and Commission efforts should be concentrated on the achievement of nationwide price protection for all public limit orders. *Id.* at 19, 44 FR at 20362.

[122] 15 U.S.C. 78w(a)(2).

[123] *See* text accompanying notes 94–98, *supra.*

accordance with such a designation plan.

(2) The term "listed equity security" shall mean any equity security listed or admitted to unlisted trading privileges on a national securities exchange ("exchange").

(3) The term "reported security" shall mean any equity security for which transaction reports are collected, processed and made available pusuant to § 240.11Aa3–1 (Rule 11Aa3–1 under the Act).

(4) The term "NASDAQ security" shall mean an equity security for which quotation information is disseminated in the NASDAQ electronic inter-dealer quotation system ("NASDAQ").

(5) The term "registered security" shall mean any security which is (i) registered pursuant to section 12(b) or 12(g) of the Act, (ii) issued by an insurance company meeting the conditions of section 12(g)(2)(G) of the Act, or (iii) registered under the Securities Act of 1933 and is issued by a closed-end management investment company registered under section 8 of the Investment Company Act of 1940.

(6) The term "market center," when used with respect to a particular equity security, shall mean

(i) Any exchange on which such security is listed or admitted to unlisted trading privileges and for which such exchange communicates quotations on a regular and continuous basis pursuant to § 240.11Ac1–1 (Rule 11Ac1–1 under the Act), and

(ii) Any over-the-counter market maker who acts in that capacity with respect to such security.

(7) The term "propsective market center," when used with respect to a particular equity security, shall mean

(i) An exchange which represents that it will

(A) Apply for unlisted trading privileges for such security if that security is designated as a national market system security, and (B) if such unlisted trading privileges are granted, assign a market maker registered on that exchange as such who will communicate quotations for that security on a regular and continuous basis for a period of at least six months following such grant, or

(ii) Any over-the-counter market maker which represents that, if that security is designated as a national market system security, it will act in the capacity of an over-the-counter market maker with respect to that security on a regular and continuous basis for a period of at least six months following such designation.

(8) The term "over-the-counter market maker," when used with respect to a particular equity security, shall mean any broker or dealer (other than a person making markets exclusively in odd-lots) which holds itself out as being willing to buy and sell that security for its own account on a regular and continous basis otherwise than on an exchange in amounts of less than block size and which

(i) Communicates quotations for that security to the National Association of Securites Dealers, Inc. ("NASD") on a regular and continuous basis pursuant to § 240.11Ac1–1 (Rule 11Ac1–1 under the Act), or

(ii) Is authorized to disseminate its quotations for that security in NASDAQ and makes such quotations available through that system on a regular and continuous basis.

(9) The term "price per share" for any particular business day shall mean

(i) In the case of a listed equity security which is a reported security on that day, the price contained in the final transaction report for that security made available on that day pursuant to an effective transaction reporting plan;

(ii) In the case of a listed equity security which is not a reported security on that day, the price of the closing transaction for that day on the principal exchange market for that security, or in the event there are no transactions on that day for the security on the principal exchange market, the closing bid price on such exchange: *Provided, however,* That if that security is a NASDAQ security on that day and if during the twelve calendar months preceeding the month of the business day involved, the aggregate share volume for that security reported to the NASD pursuant to Schedule D of its by-laws as having been executed otherwise than on an exchange exceeds the aggregate share volume in all exchange markets, as measured by the number of round lots executed in all such markets, the "price per share" for that business day shall be the highest bid price displayed on Level 2 of NASDAQ at 4:00 p.m. Eastern time; or

(iii) In the case of a security which, on that day, is not a listed equity security but is a NASDAQ security, the highest bid price displayed on Level 2 of NASDAQ at 4:00 p.m. Eastern time.

(10) The term "designation plan" shall mean any plan for establishing (i) procedures for designating equity securities as national market system securities in accordance with the standards set forth in paragraph (c) of this section, (ii) maintenance standards for equity securities so designated, and (iii) procedures for revoking or suspending the designation of an equity security as a national market system security upon failure to meet established maintenance standards or upon other specified criteria.

(11) The term "effective designation plan" shall mean any designation plan approved by the Commission pursuant to this section.

(12) The term "designating body" shall mean any person authorized to implement or administer any designation plan on behalf of persons acting jointly in accordance with paragraphs (d) and (e) of this section.

(13) The terms "transaction report" and "effective transaction reporting plan" shall have the meaning provided in § 240.11A3–1 (Ruled 11Aa3–1 under the Act).

(14) The terms "quotation" and "quotation information" shall have the meaning provided in § 240.11Ac1–2 (Rule 11Ac1–2 under the Act).

(b) *Terms of Designation.* (1) Any registered equity security (other than an exempted security, a debenture or a put option or call option issued by the Options Clearing Corporation) which meets each standard set forth in paragraph (c)(1) of this section ("Tier 1 Security") shall be designated as a national market system security without application.

(2) Any registered equity security not described in paragraph (b)(1) of this section (other than an exempted security, a debenture or a put option or call option issued by the Options Clearing Corporation) which substantially meets the standards set forth in paragraph (c)(2) of this section ("Tier 2 Security") shall be eligible for designation as a national market system security upon application of the issuer or two or more market centers which are active or prospective market centers with respect to such security.

(3) Determinations that particular securities are Tier 1 or Tier 2 Securities, and designation of such securities as national market system securities following such determination, shall be made in accordance with the terms of an effective designation plan filed with, and approved by, the Commission pursuant to paragraphs (d) and (e) of this section. Any security which has been designated as a national market system security pursuant to this section shall be qualified for trading in the national market system or any facility or subsystem thereof: *Provided, however,* That any such security shall cease to be so qualified if its designation has been revoked, or during any period its designation has been suspended, in accordance with the terms of an effective designation plan.

(c) *Standards for Designation.* The following standards shall be used in determining Tier 1 and Tier 2 Securities:

(1) *Tier 1 Standards.* (i) Standards relating to assets and earning power of the issuer of the security. All values (except where otherwise indicated) are to be taken from the issuer's most recent annual report or Form 10–K (§249.310 of this chapter) filed with the Commission pursuant to section 13 or 15(d) of the Act.

(A) Total assets of at least ($2,000,000, $1,750,000, $1,000,000);

(B) Net tangible assets of at least ($2,000,000, $1,500,000, $1,000,000);

(C) Capital and surplus of at least ($500,000, $250,000, $200,000); and

(D) Earnings after taxes of at least ($250,000, $200,000, $100,000) for the most recent fiscal year and ($500,000, $250,000, $100,000) for each of the two preceding fiscal years.

(ii) Standards relating to distribution of the security. All values are to be computed as of a date established in accordance with the terms of an effective designation plan filed with, and approved by, the Commission pursuant to paragraphs (d) and (e) of this section. Determination of beneficial ownership shall be made in accordance with §240.13d–3 (Rule 13d–3 under the Act).

(A) At least (2,000, 500) holders of record of 100 shares or more; and

(B) At least (1,000,000 400,000) shares held by persons other than officers, directors, or persons owning of record or beneficially 10 per cent or more of the outstanding shares of the security ("publicly held shares").

(iii) Standards relating to market activity. All values are to be computed as of a date established in accordance with the terms of the effective designation plan filed with, and approved by, the Commission pursuant to paragraphs (d) and (e) of this section.

(A) Market value of publicly held shares of at least ($18,000,000, $13,000,000)

(B) Price per share of at least ($10, $5) and

(C) Average share volume of trading per month for at least six consecutive months of (600,000, 350,000, 175,000).

(iv) Standard relating to multiple market interest. At least three market centers for that security or class of securities on at least 90 percent of the business days during the six months prior to designation.

(2) *Tier 2 Standards.* (i) Standards relating to assets and earning power of the issuer of the security. All values (except where otherwise indicated) are to be taken from the issuer's most recent annual report or Form 10–K (§ 249.310 of this chapter) filed with the Commission pursuant to section 13 or 15(d) of the Act.

(A) Total assets of at least ($2,000,000, $1,750,000, $1,000,000);

(B) Net tangible assets of at least ($2,000,000, $1,500,000, $1,000,000);

(C) Capital and surplus of at least ($500,000, $250,000, $200,000); and

(D) Earnings after taxes of at least ($250,000, $200,000, $100,000) for the most recent fiscal year and ($500,000, $250,000, $100,000) for each of the two preceding fiscal years.

(ii) Standards relating to distribution of the security. All values are to be computed as of a date established in accordance with the terms of an effective designation plan filed with, and approved by, the Commission pursuant to paragraphs (d) and (e) of this section and in accordance with 17 CFR Part 210. Determination of beneficial ownership shall be made in accordance with § 240.13d–3 (Rule 13d–3 under the Act).

(A) At least (500, 450, 400) holders of record of 100 shares or more; and

(B) At least (400,000, 300,000, 200,000) publicly held shares.

(iii) Standards relating to market activity. All values are to be computed as of a date established in accordance with the terms of an effective designation plan filed with, and approved by, the Commission pursuant to paragraphs (d) and (e) of this section.

(A) Market value of publicly held shares of at least ($3,000,000, $1,000,000, $500,000);

(B) Price per share of at least ($5, $3) and

(C) Average share volume of trading per month for at least six consecutive months of (100,000, 50,000, 15,0000).

(iv) Standard relating to multiple market interest. At least two market centers for that security or class of securities, on at least 90 percent of the business days during the six month prior to designation.

(d) *Filing of designation plan.* (1) On or before December 31, 1979, every exchange which collects, processes and makes available transaction reports with respect to transactions effected through its facilities in accordance with § 240.11Aa3–1 (Rule 11Aa3–1 under the Act), and every national securities association ("association") which has one or more members who transmit to it transaction reports in accordance with § 240.11Aa3–1 (Rule 11Aa3–1 under the Act) shall act jointly in filing with the Commission a designation plan.

(2) Any designation plan filed pursuant to this section shall include copies of all governing or constitutent documents relating to any designation body which may be established to implement or administer the plan and shall specify, at a minimum:

(i) Procedures for determining whether particular securities are Tier 1 or Tier 2 Securities and for designating such securities as national market system securities following such determinations;

(ii) Criteria for determining whether securities substantially meet the standards set forth in paragraph (c)(2) of this section and for evaluating whether particular Tier 2 Securities should be designated as national market system securities. Evaluation of Tier 2 Securities may include, in addition to the standards set forth in paragraph (c)(2) of this section, any comments of the issuer and the possible effects designation may have on the quality of markets for such security;

(iii) Appropriate maintenance standards for securities designated pursuant to this section;

(iv) Procedures for resolving or suspending the designation of a security in accordance with the maintenance standards established in the designation plan;

(v) Maximum time limits for designation of Tier 1 Securities and for action with respect to applications for designation of Tier 2 Securities filed by issuers, market centers or prospective market centers; and

(vi) Procedures and mechanisms for providing, from time to time, to brokers, dealers, self-regulatory organizations, investors and the Commission a list of those securities designated as national market system securities pursuant to this section and for updating that list as necessary.

(3) Any designation plan filed with the Commission pursuant to this section shall provide that it shall not become operational with respect to either Tier 1 Securities or Tier 2 Securities prior to the adoption by the Commission of amendments to § 240.11Aa3–1 (Rule 11Aa3–1 under the Act) to require that transaction reports with respect to transactions in such securities be made available pursuant to that section.

(4) The persons who have filed a designation plan which has been approved by the Commission pursuant to this section may jointly propose an amendment to such plan by filing the form of such proposed amendment with the Commission, together with a statement of the purpose of, and the basis under the Act for, such amendment.

(e) *Effectiveness of designation plan.* (1) The Commission shall publish notice of the filing of any designation plan, or any proposed amendment to any effective designation plan ("proposed amendment"), together with the terms of substance in the filing or a description of the subjects and issues involved, and shall provide interested persons an opportunity to submit written comments.

(2) No designation plan filed pursuant to this section, or amendment to an effective designation plan, shall be come effective unless the Commission, having due regard for the public interest, the protection of investors, the maintenance of fair and orderly markets, and the need to remove impediments to, and perfect the mechanisms of, a national market system shall, after appropriate notice and opportunity for comment, by order, approve such conditions as the Commission may deem necessary or appropriate.

(3) Notwithstanding the provisions of paragraph (e)(2) of this section, a proposed amendment may be put into effect upon publication of notice of such amendment, on a temporary basis not to exceed 120 days, if the Commission finds that (i) such action is necessary or appropriate in the public interest, for the protection of investors or the maintenance of fair and orderly markets, to facilitate the establishment of a national market system or otherwise in furtherance of the purposes of the Act, or (ii) the proposed amendment involves only technical or ministerial matters.

(f) *Appeals.* The Commission may entertain appeals in connection with the operation of any effective designation plan as follows:

(1) Any action taken or failure to act by any person in connection with an effective designation plan regarding either the designation of a security, or the revocation or suspension of any such designation, shall be subject to review by the Commission, on its own motion or upon application by any person aggrieved thereby (including but not limited to exchanges, associations, brokers, dealers, and issuers), filed within 30 days after such action or failure to act or within such longer period as the Commission may determine.

(2) Application to the Commission for review, or the institution to the Commission on its own motion, shall not operate as a stay of any such action unless the Commission determines otherwise, after notice and opportunity for hearing on the question of a stay (which hearing may consist only of affidavits or oral arguments).

(3) In any proceedings for review, if the Commission after appropriate notice and opportunity for hearing (which hearing may consist solely of consideration of the record of any proceedings conducted in connection with such action or failure to act and an opportunity for the presentation of reasons supporting or opposing such action or failure to act), upon consideration of such other evidence as it deems relevant, determines that the action or failure to act is in accord with the applicable provisions of such plan and that the applicable provisions are, and were, applied in a manner consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanisms of, a national market system, the Commission shall, by order, dismiss the proceeding. If the Commission does not make any such finding, or if it finds that such action or failure to act imposes any burden on competition not necessary or appropriate in furtherance of the public interest, the protection of investors, the maintenance of fair and orderly markets or the removal of impediments to, and perfection of the mechanisms of, a national market system, the Commission shall, by order, set aside such action and/or require such action with respect to the matter reviewed as the Commission deems appropriate in accordance with the public interest and the protection of investors, the maintenance of fair and orderly markets, and the removal of impediments to, and perfection of the mechanisms of, a national market system.

(g) *Exemptions.* The Commission may exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any exchange, association, or security if the Commission determines that such exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanism of, a national market system.

(Secs. 2, 3, 6, 10, 11, 11A, 15, 17, 23, 48 Stat. 881, 882, 885, 891, 895, 897, 901, as amended by secs. 2, 3, 4, 6, 11, 14, 18, Pub. L. 94–29, 89 Stat. 97, 104, 110, 121, 137, 155 (15 U.S.C. 78b, 78c, 78k, 78*o*, 78q, 78w, as amended by Pub. L. 94–29 (June 4, 1975)]; sec. 10, Pub. L. 78–291, 48 Stat. 89 (15 U.S.C. 78j); sec. 7, Pub. L. 94–29, 89 Stat. III (15 U.S.C. 78k–l))

Interested persons are invited to submit written presentations of views, data and arguments concerning Proposed Rule 11Aa2–1 under the Exchange Act, the proposed amendments to Rule 17a–15 under the Exchange Act (or Proposed Rule 11Aa3–1, if adopted) and the issues discussed above, including any impact on competition which would result from the adoption of the proposed regulatory initiatives. Persons wishing to make such submissions should file ten copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, not later than August 15, 1979. All submissions should refer to File No. S7–787 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C.

By the Commission.

George A. Fitzsimmons,

Secretary.

June 15, 1979.

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