

Federal Register

Wednesday
February 13, 1980

Highlights

- 9727 State Planning Council on Radioactive Waste Management** Executive order
- 9755 Health Education Risk** HEW/CDC and PHS propose to establish and administer grants programs to discourage children and youth from smoking and alcohol use
- 9770 Educational Data Acquisition** HEW summarizes various Federal plans to collect information from educational agencies and institutions for school year 1980-81
- 9794, 9795 Education Appeal** HEW/OE list applications for review, those accepted for hearing and summaries of three decisions (2 documents)
- 9801, 9802 Cooperative Research and Travel Only Grants** ICA's U.S.-Spanish Joint Committee for Educational and Cultural Affairs announces application periods for academic year 1980-81 (2 documents)
- 9830 Prevention of Delinquency Through Alternative Education** Justice/LEAA publishes final program guidelines and responses to draft guidelines
- 9768 Nuclear Power Plant Sites** FEMA and NRC signed a memorandum of understanding aimed at immediate improvement in radiological emergency planning and preparedness

CONTINUED INSIDE



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Highlights

- 9766 Fuel Additives** EPA publishes chemical composition; petitions by 5-13-80
 - 9748 Housing** HUD/FHC proposes to amend the definition of the word "borrower" within Section 202 loans for the elderly or handicapped
 - 9732 Life Insurance** VA issues changes to its regulations which allow National Service Life Insurance to be payable in one sum; effective 2-7-80
 - 9758 Voting** Commerce/Census releases table estimating age of population 18 years of age or over for 7-1-79 for specific areas
 - 9848 Farm Loans** USDA/FmHA amends Emergency Loan program regulations; effective 2-13-80 (Part II of this issue)
 - 9729 Public Records; Freedom of Information** NRC makes present procedure permanent which allows persons denied fee waiver or reduction of fees under the Act to resubmit request; effective 2-13-80
 - 9743 Improving Government Regulations** Treasury/Comptroller publishes semiannual agenda
 - 9843 Treasury Bonds** Treasury/Sec'y announces interest rate on Bonds of 2005-2010
 - 9756 Historic Properties** Advisory Council on Historic Preservation gives supplementary guidance on accessibility of sites to the handicapped
 - 9798 Federal Land Management** Interior/BLM summarizes status of wilderness review of public land
 - 9732 Postal Shipment, Supplies and Equipment** PS announces revised policies and procedures for selection of transportation methods; effective 2-14-80
 - 9881 Quota Cheeses** USDA/FAS sets forth a final rule on price-undercutting of domestic cheese; effective 2-14-80 (Part III of this issue)
 - 9839 Advisory Committees** NFAH issues notice on public disclosure of information and activities
 - 9844 Sunshine Act Meetings**
- Separate Parts of This Issue**
- 9848 Part II, USDA/FmHA**
 - 9882 Part III, USDA/FAS**

Contents

Federal Register

Vol. 45, No. 31

Wednesday, February 13, 1980

The President

EXECUTIVE ORDERS

- 9727 Radioactive Waste Management, State Planning Council (EO 12192)

Executive Agencies

Agriculture Department

See Farmers Home Administration; Foreign Agricultural Service.

Arts and Humanities, National Foundation

NOTICES

- 9839 Advisory committee review; information and activities, public disclosure

Census Bureau

NOTICES

- 9758 Population censuses, special; 1979 voting age population estimates

Center for Disease Control

PROPOSED RULES

Grants:

- 9755 Health education-risk reduction; prevention of smoking and alcohol use by children and youth; decision to develop regulations

Civil Aeronautics Board

PROPOSED RULES

- 9747 International air cargo rate changes; policy statement; extension of time

NOTICES

Committees; establishment, renewals, terminations, etc.:

- 9758 Senior Executive Service; Performance Review Board

Hearings, etc.:

- 9758 Palm Beach environmental study

- 9844 Meetings; Sunshine Act

Commerce Department

See Census Bureau; Foreign-Trade Zones Board; International Trade Administration; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission

NOTICES

- 9845 Meetings; Sunshine Act

Community Planning and Development, Office of Assistant Secretary

RULES

Community development block grants:

- 9730 Performances report and related revisions; interim rule

Comptroller of Currency

PROPOSED RULES

Improving Government regulations:

- 9743 Regulatory agenda

Defense Department

See also Engineers Corps.

NOTICES

Meetings:

- 9763 Defense Systems Management College Board of Visitors
9763 Women in Services Advisory Committee

Education Office

NOTICES

Education Appeals Board:

- 9795 Applications
9794 Decisions
9793 Federal Impact Aid Program Review Commission; evidence gathering; hearing location change
Meetings:
9795 Adult Education National Advisory Council

Energy Department

See also Federal Energy Regulatory Commission.

NOTICES

Consent orders:

- 9764 Union Oil Co. of California
9765 Radioactive wastes, defense high-level; long-term management; research and development program for immobilization; Savannah River Plant, S.C.

Engineers Corps

NOTICES

Environmental statements; availability, etc.:

- 9762 Mississippi River, Baton Rouge to Gulf of Mexico, La.; deep draft navigation channel

Environmental Protection Agency

RULES

Air quality implementation plans; approval and promulgation; various States, etc.:

- 9733 Oklahoma
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:

- 9742 Chlorpyrifos

PROPOSED RULES

Air pollution control; new motor vehicles and engines:

- 9753 High-altitude emission standards and performance adjustment instructions; light-duty vehicles; 1982, 1983, 1984, and later model years; hearings

Air quality implementation plans; approval and promulgation; various States, etc.:

- 9750 Connecticut; advance notice
9752 Michigan
9750 New Hampshire
9749 Ohio; extension of time
9749 South Carolina

Waste management, solid:

- 9755 Hazardous waste and hazardous waste management; environmental and economic impact reports; availability; extension of time

NOTICES

Air pollution control, new motor vehicles and engines:

- 9767 Control of oxides of nitrogen from motor vehicles; waiver of 1981 NO_x emission standards for diesel engine technology; hearing
- 9766 Air programs; fuel and fuel additives: Oxygenated hydrocarbon fuel additive; disclosure of chemical composition
- Air quality implementation plans; approval and promulgation:
- 9765 Prevention of significant air quality deterioration (PSD); permit approvals
- Health assessments; external review drafts:
- 9766 Tetrachloroethylene (Perchloroethylene)
- Pesticides; experimental use permit applications:
- 9765 Rohm and Haas Co.
- Pesticides; temporary tolerances:
- 9766 Shell Chemical Co.

Environmental Quality Office, Housing and Urban Development Department

NOTICES

- 9796 Environmental statements; availability, etc.: Pima Ranch, Maricopa County, Ariz., et al.

Farmers Home Administration

RULES

- Loan and grant making:
- 9848 Emergency loans; insured loan program modified and guaranteed loan program authority suspended

Federal Communications Commission

PROPOSED RULES

- Radio stations; table of assignments:
- 9755 California

NOTICES

- 9845 Meetings; Sunshine Act

Federal Emergency Management Agency

NOTICES

- Disaster and emergency areas:
- 9768 California
- 9768 Radiological emergency planning and preparedness; memorandum of understanding with NRC; interim guidance and acceptance criteria

Federal Energy Regulatory Commission

RULES

- Public Utility Regulatory Policies Act:
- 9729 Interlocking positions, reporting requirements; correction

NOTICES

- 9846 Meetings; Sunshine Act

Federal Reserve System

NOTICES

- Applications, etc.:
- 9769 County Bancshares, Inc.
- 9769 Oklahoma State Bancshares, Inc.
- 9769 Security Pacific Corp.

Foreign Agricultural Service

RULES

- 9881 Price-undercutting of domestic cheese by quota cheese

Foreign-Trade Zones Board

NOTICES

- Applications, etc.:
- 9760 San Jose, Calif.

Health, Education, and Welfare Department

See also Center for Disease Control; Education Office; Health Care Financing Administration; Public Health Service.

NOTICES

- 9770 Information collection and data acquisition activity, description; inquiry

Health Care Financing Administration

NOTICES**Meetings:**

- 9769 National Professional Standards Review Council

Historic Preservation, Advisory Council

NOTICES**Handicapped:**

- 9756 Access to historic properties; supplementary guidance

Housing and Urban Development

See also Community Planning and Development, Office of Assistant Secretary; Environmental Quality Office, Housing and Urban Development Department.

PROPOSED RULES**Low income housing:**

- 9748 Elderly or handicapped housing loans (section 202); borrower requirements, etc.

Interior Department

See Land Management Bureau; Surface Mining Office.

International Communication Agency

NOTICES

- 9801 Cooperative research grants, U.S. and Spain; applications
- 9802 Travel only grants, U.S. and Spain; applications

International Trade Administration

NOTICES**Meetings:**

- 9761 President's Export Council
- 9761 Semiconductor Technical Advisory Committee

International Trade Commission

NOTICES

- 9828 Harmonized commodity description and coding system; draft
- Import investigations:
- 9829 Electric golf cars from Poland
- 9828 Plastic-molding apparatus and components

Interstate Commerce Commission

NOTICES**Motor carriers:**

- 9804 Finance applications
- 9804 Fuel costs recovery, expedited procedures
- 9805, Operating rights applications (2 documents)
- 9807
- 9808 Released rates applications (2 documents)
- 9809 Temporary authority applications

- Petitions filed:
 9806 Interstate truck traffic through Medina, Ohio; denial
 Rail carriers:
 9803 Abandonment of railroad lines; public use condition

Justice Department

See Law Enforcement Assistance Administration.

Land Management Bureau**NOTICES**

- Applications, etc.:
 9800 Wyoming
 Meetings:
 9800 Safford District Grazing Advisory Board
 9800 Mineral rights, Federal, in northern Minnesota; BLM maps availability
 Wilderness areas; characteristics, inventories, etc.:
 9798 Arizona et al.

Law Enforcement Assistance Administration**NOTICES**

- Discretionary grant programs guide, 1980 FY:
 9830 Juvenile delinquency prevention through alternative education

Legal Services Corporation**NOTICES**

- 9837- Grants and contracts; applications (11 documents)
 9839

National Oceanic and Atmospheric Administration**NOTICES**

- Marine mammal permit applications, etc.:
 9762 Air Force Department

Nuclear Regulatory Commission**RULES**

- 9729 Freedom of information; implementation; fee waiver or reduction; resubmission of requests
NOTICES
 Applications, etc.:

- 9840 Northeast Nuclear Energy Co. et al.
 9841 Portland General Electric Co. (2 documents)
 9842 Public Service Electric & Gas Co.
 9842 Rochester Gas & Electric Corp.
 9842 Tennessee Valley Authority
 9768 Radiological emergency planning and preparedness; memorandum of understanding with FEMA; interim guidance and acceptance criteria

Oceans and Atmosphere, National Advisory Committee**NOTICES**

- 9839 Meetings

Postal Service**RULES**

- Procurement of property and services:
 9732 Postal Contracting Manual; selection of transportation methods for shipment of supplies and equipment, etc.

Public Health Service**RULES**

- Fellowships, internships, training:
 9742 National Research Service awards; technical amendments; correction

NOTICES

- Meetings:
 9793 Advisory committees; February; Vital and Health Statistics National Committee

Small Business Administration**NOTICES**

- Disaster areas:
 9843 California

Small Business Conference Commission**NOTICES**

- 9843 White House Conference on Small Business; meetings

State Department**NOTICES**

- Meetings:
 9843 Shipping Coordinating Committee

Surface Mining Office**NOTICES**

- Permanent program submission; various States:
 9800 Montana

Treasury Department

See also Comptroller of Currency.

NOTICES

- Bonds, Treasury:
 9843 2005-2010 series

Veterans Administration**RULES**

- 9732 National Service Life Insurance; lump sum payment

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT

International Trade Administration—

- 9761 Export Promotion Subcommittee of the President's Export Council, 3-3-80
 9761 Semiconductor Technical Advisory Committee, 2-28-80

DEFENSE DEPARTMENT

Office of the Secretary—

- 9763 Defense Advisory Committee on Women in the Services (DACOWITS), 3-17 and 3-18-80
 9763 Defense Systems Management College, Board of Visitors, 3-26-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Health Care Financing Administration—

- 9769 National Professional Standards Review Council,
3-10 and 3-11-80

Office of Assistant Secretary for Health—

- 9793 Vital and Health Statistics National Committee,
Environmental Health Statistics Subcommittee,
2-29-80

INTERIOR DEPARTMENT

Land Management Bureau—

- 9800 Safford (Ariz.) District Grazing Advisory Board,
3-21-80

SMALL BUSINESS CONFERENCE COMMISSION

- 9843 White House Conference on Small Business,
2-25-80

STATE DEPARTMENT

- 9843 Shipping Coordinating Committee, Subcommittee
on Safety of Life at Sea, 2-25-80

CHANGED MEETING**OCEANS AND ATMOSPHERE, NATIONAL ADVISORY
COMMITTEE**

- 9839 Meeting agenda changed, 2-14 and 2-15-80

RESCHEDULED MEETING**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

Office of Education—

- 9795 Adult Education National Advisory Council,
Program Effectiveness and Evaluation Committee,
3-5 and 3-6-80 rescheduled to 3-6 and 3-7-80

HEARINGS**ENVIRONMENTAL PROTECTION AGENCY**

- 9753 Control of Air Pollution from Motor Vehicles and
New Motor Vehicle Engines, 3-5, 3-6 and 3-7-80
- 9767 Control of Oxides of Nitrogen from Motor Vehicles;
Waiver of 1981 NO_x Emission Standards for Diesel
Engine Technology, 2-27-80

CHANGED HEARING**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

Office of Education—

- 9793 Commission on the Review of the Federal Impact
Aid Program, 3-7-80

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR**Executive Orders:**

12192..... 9727

7 CFR

6..... 9881

1945..... 9848

1980..... 9848

10 CFR

9..... 9729

12 CFR**Proposed Rules:**

Ch. I..... 9743

14 CFR**Proposed Rules:**

399..... 9747

18 CFR

46..... 9729

24 CFR

570..... 9730

Proposed Rules:

885..... 9748

38 CFR

8..... 9732

39 CFR

601..... 9732

40 CFR

52..... 9733

180..... 9742

Proposed Rules:

52 (5 documents)..... 9749,

9750, 9752

86..... 9753

250..... 9755

42 CFR

66..... 9742

Proposed Rules:

51g..... 9755

47 CFR**Proposed Rules:**

73..... 9755

Presidential Documents

Title 3—**Executive Order 12192 of February 12, 1980****The President****The State Planning Council on Radioactive Waste Management**

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to create, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), an advisory committee on radioactive waste management, it is hereby ordered as follows:

1-1. Establishment.

1-101. There is established the State Planning Council on Radioactive Waste Management.

1-102. The Council shall be composed of eighteen members as follows:

(a) Fourteen members designated by the President as follows:

(1) Eight Governors of the various states.

(2) Five state and local elected government officials other than governors.

(3) One tribal government representative.

(b) The heads of the following Executive agencies:

(1) Department of the Interior.

(2) Department of Transportation.

(3) Department of Energy.

(4) Environmental Protection Agency.

(c) The Chairman of the Nuclear Regulatory Commission is invited to participate in the activities of the Council; representatives of other departments and of United States territories and the Trust Territory of the Pacific Islands are invited to take part in the activities of the Council when matters affecting them are considered.

1-103. The President shall designate a Chairman from among the members of the Council.

1-2. Functions.

1-201. The Council shall provide advice and recommendations to the President and the Secretary of Energy on nuclear waste management (including interim management of spent fuel). In particular, the Council shall:

(a) Recommend procedural mechanisms for reviewing nuclear waste management plans and programs in such a way to ensure timely and effective State and local involvement. Such mechanisms should include a consultation and concurrence process designed to achieve Federal, State, and local agreement which accommodates the interests of all the parties.

(b) Review the development of comprehensive nuclear waste management plans including planning activities for transportation, storage, and disposal of all categories of nuclear waste. Provide recommendations to ensure that these plans adequately address the needs of the State and local areas affected.

(c) Advise on all aspects of siting facilities for storage and disposal of nuclear wastes, including the review of recommended criteria for site selection and

site suitability, guidelines for regional siting, and procedures for site characterization and selection.

(d) Advise on an appropriate role for State and local governments in the licensing process for nuclear waste repositories.

(e) Advise on proposed Federal regulations, standards, and criteria related to nuclear waste management programs.

(f) Identify and make recommendations on other matters related to the transportation, storage, and disposal of nuclear waste that the Council believes are important.

1-202. Within one year after the Council's first organizational meeting, but in any event not later than seventeen months after the issuance of this Order, the Council shall prepare and submit to the President a public report on its functions set forth in Section 1-201.

1-3. *Administrative Provisions.*

1-301. Subcommittees of the Council may be established in accordance with the provisions of the Federal Advisory Committee Act, as amended.

1-302. The members of the Council, including the members of its subcommittees, who are not otherwise paid a salary by the Federal Government, shall receive no compensation from the United States by virtue of their service on the Council, but all members may receive the transportation and travel expenses, including per diem in lieu of subsistence, authorized by law (5 U.S.C. 5702 and 5703).

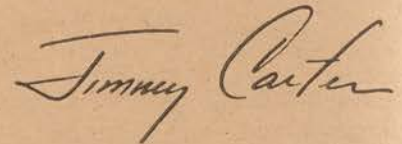
1-303. To the extent permitted by law, and subject to the availability of funds, the Secretary of Energy shall provide the Council, including any subcommittees, with necessary facilities, support, and services, including staff and an executive director.

1-4. *General Provisions.*

1-401. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), except that of reporting annually to the Congress, that are applicable to the Council, shall be performed by the Secretary of Energy in accordance with guidelines and procedures established by the Administrator of General Services.

1-402. The Council shall terminate thirty days after it transmits its final report to the President, but in no event shall it terminate later than eighteen months after the effective date of this Order.

THE WHITE HOUSE,
February 12, 1980.



Editorial Note: The President's message to the Congress, dated Feb. 12, 1980, on establishing the council, is printed in the Weekly Compilation of Presidential Documents (vol. 16, no. 7).

Rules and Regulations

Federal Register

Vol. 45, No. 31

Wednesday, February 13, 1980

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 9

Procedure for Resubmitting Requests for Waiver or Reduction of Fees Under the Freedom of Information Act

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is issuing an amendment to 10 CFR Part 9, "Public Records". The amendment revises "Subpart A—Freedom of Information Act Regulations" to make permanent the present procedure which allows persons who have been denied a fee waiver or reduction of fees under the Freedom of Information Act to resubmit requests for such a waiver or reduction following receipt of the documents. The Commission has determined, based on the experience of the six-month trial period, that the procedure for resubmitting requests for fee waiver or reduction is not an undue burden on the staff, is in the public interest, and should be retained permanently.

EFFECTIVE DATE: February 13, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (Telephone: 301-492-7211).

SUPPLEMENTARY INFORMATION: On March 16, 1979, the Commission published amendments to 10 CFR Part 9 on the waiver or reduction of fees under the Freedom of Information Act (44 FR 15998). Those amendments contained a new paragraph 9.14b(d) which states:

In those cases where a waiver of fees was requested and denied and the requester has agreed to bear the estimated cost, the

requester may within 30 days of receipt of the requested documents resubmit a request for a waiver or reduction of fees if the receipt of documents has materially changed the information originally furnished by the requester pursuant to 9.14a(c). This paragraph (d) will become ineffective after December 17, 1979 such that no requests for reconsideration submitted after this date will be reviewed unless the Commission takes action to extend or make permanent this provision.

The Commission has determined, based on the experience of the six-month trial period, that the procedure for resubmitting requests for fee waiver or reduction is not an undue burden on the staff, is in the public interest, and should be retained permanently. The amendment provided below removes the final sentence of 10 CFR 9.14(d), thus removing the expiration date of the paragraph, and retains in force the procedure for resubmittals of requests for fee waiver or reduction.

The Commission finds that because the present rule is of a relieving nature, it is in the public interest to issue this rule without public comment, and good cause exists to make the rule effective immediately upon publication.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 9 is published as a document subject to codification.

PART 9—PUBLIC RECORDS

1. Paragraph (d) of § 9.14b is revised to read as follows:

§ 9.14b Processing of requests for a waiver or reduction of fees.

* * * * *

(d) In those cases where a waiver of fees was requested and denied and the requester has agreed to bear the estimated cost, the requester may within 30 days of receipt of the requested documents resubmit a request for a waiver or reduction of fees if the receipt of documents has materially changed the information originally furnished by the requester pursuant to 9.14a(c).

(Sec. 161, Pub. Law 83-703, 68 Stat 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. Law 94-79, 89 Stat 413 (42 U.S.C. 5841); and 5 U.S.C. 552)

Dated at Washington, DC this 6th day of February 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-4528 Filed 2-12-80; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 46

[Docket No. RM80-9; Order No. 67]

Public Utility Filing Requirements Under Section 211 of the Public Utility Regulatory Policies Act of 1978

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Correction.

SUMMARY: This notice contains corrections to § 46.2 (a) and (c) of Part 46 of the Commission's regulations specifying reporting requirements concerning certain interlocking directorates in the public utility industry. These reporting requirements were published as FR Doc. 80-1649, in the Federal Register for Friday, January 18, 1980.

FOR FURTHER INFORMATION CONTACT: Colette K. Bohatch, Office of the General Counsel, Federal Energy Regulatory Commission, Room 3335, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8608.

SUPPLEMENTARY INFORMATION:

Introduction

This Errata Notice includes two corrections to the final rule issued in Order No. 67 on January 11, 1980, 45 FR 3568 (January 18, 1980). The first correction adds a statutory clause to the definition of "public utility", in § 46.2(a), which was incomplete as set forth in the final rule. The Commission intended that the definition in the rule track the statutory provision for "public utility" in section 305(c)(3)(A) but the statutory clause, "which includes a registered holding company," was inadvertently deleted from § 46.2(a).

The second correction adds an exclusion for Federal government agencies and instrumentalities to the definition of "purchaser," in § 46.2(c). A careful reading of this section indicates

that it already excludes government agencies within the meaning of "corporation" and "municipality" in section 3 of the Federal Power Act. It is clear from the preamble, page 3 of the final rule, that the Commission fully intended to exclude all government agencies including Federal agencies and instrumentalities from this definition, but through inadvertence and technical error it failed to clearly incorporate language to fully effect this intent. This error may have resulted in some public utilities' filing purchaser lists, in accordance with the final rule, which include Federal government agencies of instrumentalities as purchasers. Any public utility which filed by January 31, 1980 a purchaser list including these purchasers must revise its list by March 1, 1980. Such public utilities should delete the Federal government agencies and instrumentalities included on the purchaser lists should reinspect their records to determine those purchasers who are appropriate for inclusion on the list.

Corrections

The Final Rule issued in Order No. 67 on January 11, 1980 should be corrected by inserting the phrase "which includes a registered holding company," in § 46.2(a) between words "holding company system" and "unless". Section 46.2(c) should also be corrected by adding the following sentence to the end thereof: "Such term does not include the United States or any agency or instrumentality of the United States."

For the convenience of the reader the full text of §§ 46.2(a) and 46.2(c) is set forth below.

§ 46.2 Definitions.

For the purpose of this part:

(a) "Public utility" has the same meaning as when used in section 201(e) of the Federal Power Act and further includes any company which is part of a holding company system which includes a registered holding company, unless no company in such system is an electric utility within the meaning of section 3 of the Federal Power Act.

(c) "Purchaser" means any individual or corporation (within the meaning of section 3 of the Federal Power Act) who purchases electric energy from a public utility. Such term does not include the United States or any agency or instrumentality of the United States.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-4573 Filed 2-12-80; 8:45 am]

BILLING CODE 8450-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-80-757]

Community Development Block Grants; Performance Report and Related Revisions; Interim Rule

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

ACTION: Interim rule.

SUMMARY: The Department of Housing and Urban Development is publishing interim regulations regarding its community development grants. This rule revises the requirements for the receipt of entitlement and small city grants recipients on the availability of documents for citizen review, the timing of performance hearings, the contents of the report, and the timing of submission to HUD of performance reports.

EFFECTIVE DATE: March 14, 1980.

COMMENT DUE DATES: April 14, 1980.

ADDRESS: Send comments to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Richard K. Fromm, Entitlement Cities Division, Office of Block Grant Assistance, Department of HUD, 451 Seventh Street, S.W., Washington, D.C., (202) 755-6306. (This is not a toll free number.)

Availability of Documents for Citizens Review

Subparagraph (vi) has been added to § 570.303(i)(2) to require recipients to maintain copies of written citizen comments or complaints on the applicant's community development performance, the applicant's assessment of the comments or complaints, and the applicant's description of any actions taken in response to the comments or complaints.

Timing of Performance Hearing

Paragraph (j)(2) of § 570.303 has been revised to emphasize that metropolitan city and urban county recipients are required to hold a *separate* public hearing or hearings to review program progress and performance, and to provide more flexibility in the timing of such public hearings. This revision permits performance hearings to be scheduled anytime within three months

before or three months after the beginning of each program year. Hold-harmless phase-out grantees are not included in this provision. Small city grantees' performance hearings will continue to be held prior to the submission of the GPR to HUD.

Performance Report

Paragraph (a)(1) of § 570.906 has been revised to require metropolitan city an urban county entitlement recipients, which receive a subsequent entitlement grant, to submit performance reports no later than the end of the second month of each program year. The decision to shift the timing of the GPR was based on several factors. First, the new timing will allow the report to be more effectively integrated into HUD Area Offices' monitoring of entitlement grantees for early identification of any program progress or compliance problems; HUD will then be better able to work with such grantees to resolve any identified problems. Second, the new timing will cover a full program year of progress. Third, the new timing will allow more time for grantees and HUD to prepare and review the GPR at a time in the annual cycle which does not conflict with the preparation and review of entitlement applications. Fourth, the new timing will provide citizens an opportunity to assess and comment on the grantee's performance.

The effective date of the changes in paragraph (a)(1) of this section has been keyed to twelve months after the beginning of program year 1979. Therefore, the existing GPR requirement, which requires submission of the report no later than the eighth month of the program year, will remain in effect during program year 1979.

Paragraph (a)(2) of this section has been revised to require entitlement recipients which have not received a subsequent entitlement grant to submit annually a performance report to HUD until all of the recipient's projects and activities which were previously funded with entitlement funds have been reported as complete in a GPR. The annual due date for submission of the GPR is sixty days after the anniversary date of the start of the last funded entitlement program year. For example, a hold-harmless phase-out recipient which received its last entitlement grant in program year 1979 will be required to annually submit a performance report sixty days after the anniversary date of the start of its 1979 entitlement program year until all of its entitlement funded projects and activities have been reported as complete in a GPR.

Furthermore, paragraph (b) of § 570.906 has been revised so that it no

longer specifies the content of the performance report. Instead paragraphs (a)(1) and (2) of this section include a provision that the performance report shall contain completed copies of the forms and narratives prescribed by the Secretary to be included therein.

Paragraph (b) of § 570.906 now sets forth the performance report requirements for small cities and other discretionary recipients, previously contained in § 570.400(h). Accordingly, § 570.400(h) has been revised to reference § 570.906(b).

Because this rule is technical in nature, making changes to conform the regulations to the new GPR, and because extensive public comments were received and taken into consideration in preparing the new GPR itself, the Secretary has determined that it is unnecessary to invite public comment on this rule before its effective date. However, interested persons are invited to participate in this rulemaking by filing data, comments and suggestions with the Rules Docket Clerk at the above address, on or before the comment due date. Each comment should include the commentator's name and address, and must refer to the docket number indicated in the heading to this document. All relevant comments will be considered before adoption of a final rule and copies of all comments received will be available for copying and inspection in the Office of the Rules Docket Clerk at the above address.

A Finding of No Significant Impact respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the above address.

Accordingly, the Department is amending Part 570 by:

1. Revising 570.303, Citizen participation requirements, of Subpart D, Entitlement Grants, by revising paragraph (i)(2) through (i)(2)(v) and by adding a new subparagraph (vi) and by revising paragraph (j)(2) as follows:

§ 570.303 Citizen participation requirements.

(i) *Adequate information.*

(2) The applicant shall provide for full and timely disclosure of its program records and information consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality. Documents relevant to the program shall be made available at the applicant's

office during normal working hours for citizen review upon request (either written or oral). Such documents include the following:

- (i) All mailings and promotional material,
- (ii) Records of hearings,
- (iii) All key documents, including all prior applications, letters of approval, grant agreements, the citizen participation plan, performance reports, evaluation reports, other reports required by HUD, and the proposed and approved application for the current year,
- (iv) Copies of the regulations and issuances governing the program,
- (v) Documents regarding other important program requirements, such as contracting procedures, environmental policies, fair housing and other equal opportunity requirements, relocation provisions, and the A-95 review process, and
- (vi) A copy of each written citizen comment or complaint on the applicant's community development performance, the applicant's assessment of the comment or complaint, and the applicant's description of any actions taken and any written response made to the comment or complaint, if any, as required to be submitted to HUD by paragraph (d)(3) of this section.

(j) *Public hearing.*

(2) *Performance Hearings.*

(i) All metropolitan city and urban county entitlement applicants shall hold a public hearing or hearings to review program progress and performance within three months before or three months after the beginning of each annual community development program year. The hearing(s) shall be separate from those hearings required under paragraph (j)(1) of this section.

(ii) All small city comprehensive grantees shall hold a separate public hearing or hearings to review program progress and performance prior to submission of the performance report to HUD.

§ 570.400 [Amended]

2. Revising § 570.400(h), General, of Subpart E, Secretary's Fund, as follows:

(h) *Performance report.* Each discretionary grant recipient shall submit a performance report in accordance with the requirements of § 570.906(b).

3. Revising § 570.906, Performance report, of Subpart O, Program Management, as follows:

§ 570.906 Performance report.

(a) *Entitlement recipients.* (1) (Effective twelve months after the beginning of each metropolitan city's and urban county's 1979 CDBG entitlement program year.) Each metropolitan city or urban county entitlement recipient, which receives a subsequent entitlement grant, shall submit a performance report to HUD which contains completed copies of all forms and narratives prescribed by the Secretary to be included therein no later than the end of the second month of each program year, except that no such recipient shall be required to submit a performance report covering all of program year 1979 prior to June 1, 1980.

(2) (For entitlement recipients which received their last entitlement grant in program year 1979, this subparagraph is effective twelve months after the beginning of the recipient's 1979 program year. For all other entitlement recipients not receiving a subsequent entitlement grant, this subparagraph is effective immediately.) Each entitlement recipient which does not receive a subsequent entitlement grant shall annually submit a performance report to HUD which contains completed copies of all forms and narratives prescribed by the Secretary to be included therein. The performance report shall be submitted until all projects and activities previously funded with entitlement grant funds have been reported as completed. The report shall be submitted no later than sixty days after the anniversary date of the start of the program year for which the last entitlement grant was received, except that no such recipient shall be required to submit a performance report covering all of program year 1979 prior to June 1, 1980.

(3) The recipient shall include in its submission of the performance report to HUD copies of any citizen comments received concerning the recipient's community development performance in accordance with § 570.303(d)(3).

(4) A copy of this report shall be submitted to each appropriate A-95 State and areawide clearinghouse for information purposes at the time it is submitted to HUD.

(5) The recipient shall make the report available to citizens at no charge and shall make public notice of the report at the time it is submitted to HUD.

(b) *Small cities and other discretionary recipients.* Except for new communities and innovative projects, each discretionary recipient shall, upon completion of the activities carried out with the discretionary grant or upon submission of a subsequent

discretionary grant application, whichever is earlier, submit a performance report containing completed copies of all forms and narratives prescribed by the Secretary to be included therein, and shall meet the requirements of paragraphs (a) (3), (4) and (5) of this section.

The legislative review provisions of Section 7(o) of the Department of Housing and Urban Development Act have been complied with.

Issued at Washington, D.C., December 19, 1979.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 80-4790 Filed 2-12-80; 8:45 am]

BILLING CODE 4210-01-M

VETERANS ADMINISTRATION

38 CFR Part 8

National Service Life Insurance; Insurance Payable in One Sum

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: These amendments will allow National Service Life Insurance to be payable in one sum when selected by the insured in his or her last will and testament. They will be in addition to the present portion of the regulations which allow the insurance to be payable in one sum only when selected by the insured. These amendments will eliminate hardships to beneficiaries who are limited to installment options selected by the insured many years prior to his or her death.

EFFECTIVE DATE: February 7, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Murray Zuckerman, Veterans Administration Center (290B), P.O. Box 8079, Philadelphia, PA 19101 (215-951-5733).

SUPPLEMENTARY INFORMATION: On page 65995 of the Federal Register of November 16, 1979, there was published a proposal to amend regulations which will allow National Service Life Insurance to be payable in one sum when selected by the insured in his or her last will and testament. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Approved: February 7, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

§ 8.77 [Amended]

1. Section 8.77 is amended by adding the words "or her" after the word "his" in the second sentence of paragraph (b)(1).

2. In § 8.79, Option 1 is revised to read as follows:

§ 8.79 Optional settlements on participating National Service Life Insurance and nonparticipating insurance issued under section 602(c)(2) of the National Service Life Insurance Act, as amended, on which the requirements of good health were waived.

* * * * *

Option 1; insurance payable in one sum. Settlement under this option will be made only when selected by the insured during his or her lifetime or by his or her last will and testament. When such selection has been made, the face amount (less any indebtedness) will be payable in one sum upon the death of the insured. (38 U.S.C. 717)

* * * * *

3. In § 8.80, Option 1 is revised to read as follows:

§ 8.80 Optional settlements on insurance issued under the provisions of section 620 or 621 of the National Service Life Insurance Act, as amended, and section 722(a) of Title 38, United States Code.

* * * * *

Option 1; insurance payable in one sum. Settlement under this option will be made only when selected by the insured during his or her lifetime or by his or her last will and testament. When such election has been made, the face amount (less any indebtedness) will be payable in one sum upon the death of the insured. (38 U.S.C. 717)

4. In § 8.80c, Option 1 is revised to read as follows:

§ 8.80c Optional settlements on insurance issued under the provisions of section 723(b) of Title 38, United States Code.

* * * * *

Option 1; insurance payable in one sum. Settlement under this option will be made only when selected by the insured during his or her lifetime or by his or her last will and testament. When such election has been made, the face amount (less any indebtedness) will be payable in one sum upon the death of the insured. (38 U.S.C. 717)

* * * * *

5. In § 8.81, Option 1 is revised to read as follows:

§ 8.81 Optional settlements on insurance issued under the provisions of section 725 of Title 38, United States Code.

* * * * *

Option 1; insurance payable in one sum. Settlement under this option will be made only when selected by the insured during his or her lifetime or by his or her last will and testament. When such election has been made, the face amount (less any indebtedness) will be payable in one sum upon the death of the insured. (38 U.S.C. 717)

* * * * *

(38 U.S.C. 210(c))

[FR Doc. 80-4600 Filed 2-12-80; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Amendments to the Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service announces revised policies and procedures for selection of transportation methods for shipment of supplies and equipment. In addition, the term "official mail indicia" has been changed to "permit imprint labels", and the policies and procedures for furnishing permit imprint labels to contractors have been updated.

EFFECTIVE DATE: February 14, 1980.

FOR FURTHER INFORMATION CONTACT:

William J. Jones, (202) 245-4603.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the Federal Register (see 39 CFR 601.100), has been amended by the issuance of Transmittal Letter 31, dated January 15, 1980.

In accordance with 39 CFR 601.105, notices of these changes is hereby published in the Federal Register as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers of the basic Manual will receive these amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Description of these amendments to the Postal Contracting Manual follows:

1. Sections 6, 16, and 26 have been revised to update the policies and procedures for selection of transportation modes for shipment of supplies and equipment.

2. Paragraph 26-402.3 has been revised to change the term "official mail

indicia" to "permit imprint labels", and to update the policies and procedures for furnishing these labels to contractors.

In consideration of the foregoing, 39 CFR 601 is amended by adding the following to § 601.105:

§ 601.105 Amendments to the Postal Contracting Manual.

Transmittal letter	Dated	FEDERAL REGISTER publication
* * * * *		
31	Jan. 15, 1980	45 FR

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411, 2008)

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

[FR Doc. 80-4646 Filed 2-12-80; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1411-7]

Approval and Promulgation of Implementation Plans; Oklahoma Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under this notice, EPA today announces its approval of portions of the State Implementation Plan (SIP) revisions for Oklahoma which were submitted by the Governor on April 2, 1979, pursuant to the requirements of Part D of Title 1 of the Clean Air Act, as amended in 1977, with regard to nonattainment areas. In addition, EPA is taking final action to conditionally approve certain elements of Oklahoma's plan.

On July 31, 1979, EPA proposed approval of Regulation No. 15, Regulation No. 17, the particulate matter control strategy and Regulation No. 9, and Regulation No. 14 conditioned on the State submitting additional information and/or revisions within a specified time frame. However, the State is unable to meet the proposed time frame and EPA is, today, promulgating new deadlines for the submittal of supplemental revisions. Since these deadlines extend beyond the date of this notice EPA must issue conditional approval, rather than full approval at this time.

In this notice, issues resulting in SIP approval, conditional approval and EPA's responses to relevant comments received on its notice of proposed rulemaking are included. It should be noted that only the requirements with respect to Part D of the Act are addressed under this notice.

EFFECTIVE DATE: February 13, 1980.

FOR FURTHER INFORMATION CONTACT:

Jerry M. Stubberfield, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION:

Introduction

On July 31, 1979 (at 44 FR 44912), EPA published a notice of proposed rulemaking on the revisions to the Oklahoma State Implementation Plan (SIP) which had been submitted by the Governor on April 2, 1979, for the purpose of fulfilling the requirements of Part D of Title 1 of the Clean Air Act, as amended in 1977 (the Act), with regard to nonattainment areas. Under that notice and its companion report, "EPA Review of Oklahoma State Implementation Plan Revision" (June 1979), the Agency discussed the SIP in detail, and outlined the deficiencies of the SIP pursuant to Part D of the Act and the General Preamble, which was published in the April 4, 1979, issue of the *Federal Register* (at 44 FR 20372).

EPA has reviewed Part D revision and the comments in light of the Clean Air Act, EPA regulations and additional guidance. The criteria used in this review were detailed in the general preamble published in the April 4, 1979 *Federal Register* (44 FR 20372), supplemented on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182).

In response to that notice, the State submitted comments on EPA's proposed actions on August 22, 1979, which included clarification or committed to corrective action on certain of the previously outlined deficiencies.

The remainder of today's notice briefly summarizes the actions proposed in EPA's July 31, 1979, notice, discusses the corrective action either taken or committed to by the State, and EPA's resulting action on the SIP. In addition, this notice includes EPA's response to all public comments received during the public comment period. Where possible, the format of this notice follows that of the notice of proposed rulemaking, and reference is made to indicate such.

A discussion of conditional approval and its practical effect appears in two supplements to the General Preamble, 44 FR 38583 (July 2, 1979) and 44 FR 67182 (November 23, 1979). The conditional approval requires the State to submit additional materials by the deadlines specified in today's notice. There will be no extensions of conditional approval deadlines which are being promulgated today. EPA will follow the procedures described below when determining if the State has satisfied the conditions.

1. If the State submits the required additional documentation according to schedule, EPA will publish a notice in the *Federal Register* announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the State's submission to determine if the condition is fully met. After review is complete, a *Federal Register* notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved, the Section 110(a)(2)(I) restrictions on construction will be in effect. Certain funds may also be withheld, conditioned or restricted if the plan is disapproved. See CAA § 316(b).

3. If the State fails to timely submit the required materials needed to meet a condition, EPA will publish a *Federal Register* notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect. Certain funds may also be withheld, conditioned or restricted if the plan is disapproved. See CAA § 316(b).

Certain deadlines for satisfying conditions are being promulgated today without prior notice and comment. EPA finds that for good cause notice and comment on these deadlines are unnecessary. See 5 U.S.C. Section 553(b)(3) (the Administrative Procedure Act). The State is the party responsible for meeting the deadlines and has demonstrated that the amount of time allowed to meet the conditions is necessary considering the State's procedural requirements for adopting the regulatory measures. In addition, the public has had an opportunity to comment generally on the concept of conditional approval and on what deadlines should apply for these conditions. 44 FR 38583 (July 2, 1979) and 44 FR 44912 (July 31, 1979).

Ozone

In the March 3, 1978, Federal Register at 43 FR 9037, EPA identified three counties in the State of Oklahoma, Tulsa, Oklahoma, and Cleveland, which were not attaining the National Ambient Air Quality Standards (NAAQS) for photochemical oxidants. Subsequent to these designations, EPA promulgated certain revisions to that standard (at 44 FR 8218, February 8, 1979). As noted in the July 31, 1979, proposed rulemaking, the State reevaluated the air quality data for these three nonattainment areas and determined that concentrations in Cleveland County no longer exceeded the new standard. Therefore, the plan did not address Cleveland County. EPA notified the State that a formal request for redesignation must be submitted and approved by EPA before the State can be relieved of the requirement to submit a SIP for this area, and the State has committed to do so. Therefore, EPA will take no action in this area at this time.

In the July 31, 1979, proposed rulemaking, under the subsection entitled "Rule and Regulations" (see 44 FR 41913), EPA noted that the State had not submitted legally enforceable regulations for, or certification verifying the lack of any major source in the following sources categories for which EPA had published a Control Technique Guideline (CTG) document by January 1, 1978: large appliance manufacture; magnet wire insulation; metal furniture manufacture, and surface coating of cans, coils, paper, fabric, automobiles and light-duty trucks. On August 22, 1979, the State submitted certification that there are no major stationary sources in the above named source categories. Therefore, EPA approves this portion of the SIP.

In addition, under this subsection of the proposed rulemaking, EPA identified eight points, on which the State's Regulation No. 15 entitled "Control of Emissions of Organic Materials," was not supported by the information in the CTGs, and for which the State did not provide adequate justification. (See 44 FR 41913 col. 2 through 41914 col. 1). In their comments of August 22, 1979, the State submitted further clarification or committed to corrective action, as follows.

1. The State has specified that while its definition of "volatile organic compound" (VOC) as specified in Subsection 15.12.C, differs from that which appears in the CTGs, it is no less stringent. The State has elected to use the term "organic materials" to be all encompassing and then subdivides this into a VOC class and an organic material class. Therefore, the State feels

that between the two categories their definition is in substantial alignment with EPA's definition. In addition, should it be determined that under their definition, control is not being applied where required, the State has specified that it will justify non-control or take remedial action. Therefore EPA accepts the State's definition of VOC.

2. Subsection 15.12.D includes a provision which exempts methyl chloroform (1,1,1 trichloroethane) and/or methylene chloride. These volatile organic compounds (VOC), while not appreciably affecting ambient ozone levels, are potentially harmful. Both methyl chloroform and methylene chloride have been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possibility of human mutagenicity and/or carcinogenicity.

Furthermore, methyl chloroform is considered one of the slower reacting VOCs which eventually migrates to the stratosphere where it is suspected of contributing to the depletion of the ozone layer. Since stratosphere ozone is the principal absorber of ultraviolet light (UV), the depletion could lead to an increase of UV penetration resulting in a worldwide increase in skin cancer.

With the exemption of these compounds, some sources, particularly existing degreasers, will be encouraged to utilize methyl chloroform in place of more photochemically reactive degreasing solvents. Such substitution has already resulted in the use of methyl chloroform in amounts in far exceeding that of other solvents. Endorsing the use of methyl chloroform by exempting it in the SIP can only further aggravate the problem by increasing the emissions produced by existing primary degreasers and other sources.

The Agency is concerned that the State has chosen this course of action without full consideration of the total environmental and health implications. The Agency does not intend to disapprove the State SIP submittal if, after due consideration, the State chooses to maintain these exemptions. However, we are concerned that this policy not be interpreted as encouraging the increased use of these compounds nor compliance by substitution. The Agency does not endorse such approaches. Furthermore, State officials and sources should be advised that there is a strong possibility of future regulatory action to control these compounds. Sources which choose to comply by substitution may well be required to install control systems as a consequence of these future regulatory actions.

3. In regard to Subsection 15.30, the State has certified that there are no major coating sources in the nonattainment areas in their comments of August 22, 1979. While the emission limitations specified in this subsection are not equivalent to RACT, the State has verified that there are no applicable sources and they are thereby relieved of the requirement to develop emission limitations consistent with RACT.

4. In their correspondence of August 22, 1979, the State indicated that to revise Subsection 15.50 in the manner suggested in the July 31, 1979 notice of proposed rulemaking, would in the State's opinion constitute a delegation of the Commissioner's authority to EPA. However, the State has agreed that all subsequent designations will be submitted to EPA for approval and promulgation, and the subsection will be revised.

5. With regard to EPA's interpretation of Subsections 15.522 and 15.523, the State has indicated that they concur with it, and Subsection 15.523 overrides Subsection 15.522 for loading facilities with aggregate throughputs greater than 20,000 gallons per day.

6. With regard to Subsection 15.53, the State has agreed with EPA that the exemption for wastewater separators receiving less than 100 gallons of VOC per day is unjustifiable and committed to revise the regulation accordingly.

7. Under Subsection 15.53, the State has committed to revise the regulation so as to remove the words "if necessary" and thereby clarify their intent to require control of vapors from hot wells and accumulators.

8. In regard to Subsection 15.563, in their correspondence of August 22, 1979, the State submitted certification that no conveyerized degreasers, located at a single source and which collectively would emit more than 100 tons per year, were situated in the two ozone nonattainment areas. Therefore, the State indicated that there is no need to revise the regulation to include Control System B.

EPA concurs with the State's findings and actions on each of these eight points, and has determined that such action will be sufficient for the removal of the noted deficiencies. Therefore, EPA conditionally approves the revisions to Regulation No. 15 provided that the State adopt and submit the regulation, revised in accordance with the points enumerated above, by April 30, 1980. EPA is promulgating this deadline without prior notice and comment for reasons stated elsewhere in this notice.

As noted in the General Preamble for Proposed Rulemaking on Approval of

Plan Revisions for Nonattainment Areas, 44 FR 20376 (April 4, 1979), the minimum acceptable level of stationary source control for ozone SIPs, such as Oklahoma's, includes RACT requirements for VOC sources covered by CTGs the EPA issued by January 1978 and schedules to adopt and submit by each future January additional RACT requirements for sources covered by CTGs issued by the previous January. The submittal date for the first set of additional RACT regulations was revised from January 1, 1980 to July 1, 1980 by Federal Register notice of August 28, 1979 (44 FR 50371). Today's approval of the ozone portion of the Oklahoma plan is contingent on the submittal of the additional RACT regulations which are due July 1, 1980 (for CTGs published between January 1978 and January 1979). In addition, by each subsequent January beginning January 1, 1981, RACT requirements for sources covered by CTGs published by the preceding January must be adopted and submitted to EPA. The above requirements are set forth in the "Approval Status" section of the final rule. If RACT requirements are not adopted and submitted to EPA according to the time frame set forth in the rule, EPA will promptly take appropriate remedial action. While EPA proposed to conditionally approve the ozone portion of the SIP based on the above requirements, today's action in adding the requirements to the "Approval Status" section of the rule provides similar assurance that the regulations will be submitted in the specified time frame.

Carbon Monoxide

In the July 31, 1979, notice of proposed rulemaking, EPA identified the area designated as nonattainment for carbon monoxide (CO), discussed the proposed control strategy in regard to its adequacy, and reviewed and evaluated Regulation No. 17 which deals with the control of emissions of CO. Two minor problems were identified with this regulation (see 44 FR 44914, col. 3). Through negotiation, the State has committed to the following corrective actions on these two points.

1. In regard to Subsection 17.2.a., the State has committed to define the term "significant impact." The inclusion of the definition will require a revision to Regulation No. 3 entitled "Defining Terms Used in Oklahoma Air Pollution Control Regulations."

2. In regard to the above referenced subsection, the State has also agreed that all subsequent designations will be submitted to EPA for promulgation, and the regulation will be revised.

EPA has determined that the State's actions on these points will be sufficient for the removal of the deficiencies. Therefore, EPA conditionally approves the revisions to Regulation No. 17 with the State's commitment that these changes will be made and the revised regulation is submitted to EPA by April 30, 1980.

Particulate Matter

As noted in the July 31, 1979 notice of proposed rulemaking, the State proposed to achieve attainment of the particulate matter (TSP) standards, in the areas designated as nonattainment, through the implementation of revisions to Regulation No. 9, which are intended to delineate the specific measures that will be required in order to minimize fugitive dust emissions. While EPA did not dispute the fact that the control techniques specified in the regulation would constitute reasonable available control technology (RACT), the Agency did question the ability of Regulation No. 9 to achieve the reductions predicted by the State. Therefore in that notice, EPA proposed approval of that portion of the SIP on the condition that the State revise the regulation to reflect the manner in which the reductions were to be achieved.

Through negotiations with the State, the Air Quality Service (AQS) indicated that they were, at that time, unable to comply with the conditions proposed in the July 31, 1979 notice, due to the fact that they felt additional monitoring was needed to further determine the actual percentage of reduction required for each of the measures specified in Regulation No. 9; in relation to the applicable sources identified in each nonattainment area. Once such a study were completed, the State would be in a position to comply with the conditions, contingent upon the results of the study. In addition, in their comments of August 22, 1979, the State specified that, in their judgement, the plan complied with the requirements of the Administrator's memorandum defining the criteria to be used in determining approvability of SIPs, (published at 43 FR 21673, May 19, 1978) in that the plan contained an assessment of the impact of fugitive dust sources and a schedule for controlling these sources, if the results of an additional study indicated the need.

EPA has reevaluated the conditions for approval specified in the July 31, 1979 notice, in light of the State's objections, and has determined that a revision to the conditions of approval for the TSP portion of the plan is appropriate due to the State's determination that additional study is needed, and their commitment to revise

their control measure accordingly. EPA concurs with the State that such a study should serve to identify specific problems and appropriate measures to be applied in each of the nonattainment areas, and result in long-term benefits rather than relying only on application of measures required under Regulation No. 9. Therefore, EPA is conditionally approving this portion of the SIP, provided that the State comply with the following provisions.

1. The State revise their schedule to include specific dates indicating major elements in the overall program. The detailed schedule must contain dates by which the following major elements are completed; determination of results of additional monitoring, selection of potential measures for study, development of study design for assessing the effectiveness of potential measures, determination of measures for actual implementation, and development of revisions to Regulation No. 9.

2. The State submit the revised schedule to EPA by March 1, 1980.

It should be noted that in accordance with the General Preamble's statement concerning the relaxation or revocation of existing requirements, the old requirement will remain in effect and enforceable until full approval is issued to this portion of the SIP.

New Source Review

In the proposed rulemaking, EPA reviewed the provisions of Regulation No. 14, "Air Resources Management," which was revised by the State to incorporate the requirements of Section 173 of the Act into its permit system. In that notice, (see 44 FR 44915, col. 3 through 44916, col. 1) EPA noted three issues on which the State's regulation deviated from the provisions of Section 173. In their correspondence of August 22, 1979, the State committed to the following corrective actions.

1. In regard to Subsection 14.313, the State has committed to revise the regulation to specify that major modifications are also subject to the review.

2. The State has committed to revise Subsection 14.313(b) to specify that all applicable emission limitations and standards under the Federal Clean Air Act are met.

3. In regard to Subsection 14.313(c)(i), the State has committed to revise the regulation to reflect that minor as well as major new sources will be accounted for when determining the amount of growth allowance that would be used by a proposed new or modified source.

EPA considers the corrective actions committed to by the State to be

sufficient for the removal of the noted deficiencies. Therefore, EPA is conditionally approving the revisions to Regulation No. 14, provided that the State adopt and submit the regulation, revised in the manner committed to by the State, by April 30, 1980.

Public Comments

This section discusses the relevant comments received on the notices of availability and proposed rulemaking, and EPA's response to them.

Numerous comments were received from the Tulsa City-County Health Department (TCCHD). The comments were submitted in the form of a report which delineated a number of reasons why the commentor felt that the SIP, submitted by the State, did not meet the needs of Tulsa County. Since the report contains extensive comments, some of a highly technical nature, the issues raised will be addressed point by point.

Comment: With regard to the TSP portion of the plan, the TCCHD stated that based on high volume filter analyses for the Tulsa area, industries have the greatest impact on air quality rather than fugitive dust. Therefore, even though Regulation No. 9 will be a beneficial method of control, the TCCHD feels that more stringent controls on the major point sources will be needed in the eastern part of Tulsa County to meet and maintain the federal TSP standard.

Response: According to Agency policy, TSP control strategies need only to apply the degree of control necessary to demonstrate attainment of the standards, and States may develop whatever mix of control measures they deem appropriate, provided that they have been officially submitted and are legally enforceable. Therefore, EPA will accept a control strategy based on the control of fugitive dust sources, even if there are significant point sources in the area provided that the State can demonstrate that control of only fugitive dust sources will, indeed, result in attainment of the standards.

Comment: The TCCHD stated that under Regulation No. 15 which deals with the control of hydrocarbon emissions, Subsection 15.55 should include that hot wells and accumulators be covered, and vapors incinerated in order to achieve the overall reduction claimed by the State.

Response: EPA concurs with the TCCHD and has noted this deficiency in the July 31, 1979 Federal Register notice of proposed rulemaking at 44 FR 44914. The State has indicated, in their correspondence of August 22, 1979, that it will revise this subsection by removing the phrase "if necessary" for

the purpose of requiring that hot wells and accumulators will be controlled.

Comment: The TCCHD objected to the exemption under Subsection 15.54(d) which allows process unit turnarounds to be accomplished without the controls specified in the previous subparts during the non-oxidant season, since they feel that this will result in all turnarounds occurring during the non-oxidant season.

Response: The Agency feels that the inclusion of such an exemption will not result in all process unit turnarounds occurring during the non-oxidant season since the Commissioner must be notified and approval given prior to the scheduled turnaround.

Comment: The commentor noted that the State's definition of VOC would preclude from control, wastewater separators located at the two refineries in Tulsa County.

Response: In a comment addressed above, EPA has responded concerning the State's definition of VOC, and noted the State's commitment that use of this definition would not result in less stringent control of VOC emissions. EPA notes that the CTG covering wastewater separators does not establish a vapor pressure definition for VOCs, and that actual emissions would depend on VOC solubility, vapor pressure, surface conditions, and current refiner practice. EPA does not have sufficient information concerning the volatility of wastewater at these facilities to find that this technical definition of the basis for avoiding VOC control comparable to the CTG, or use of controls less stringent than RACT.

Comment: The TCCHD commented on Subsection 15.24 which deals with emissions from new pumps and compressors, and the lack of control measures for miscellaneous refinery fugitive leaks.

Response: Since these control measures, in the former case, are applicable to new sources and therefore not pertinent to the application of RACT as specified under Part D of the Act, and in the latter case not required to be in place until July 1, 1980, EPA will address the comments concerning Subsection 15.24 in a separate Federal Register notice dealing with the non-Part D items, to be published at a later date.

Comment: The TCCHD stated that the State had overestimated the reductions that would be achieved from the application of RACT to bulk gasoline terminals. Under Subsection 15.523, the State requires a minimum of 90 percent efficiency on control equipment for such facilities. In projecting emissions to 1982, the State took credit for an overall reduction of 90 percent. In order to

achieve an overall reduction of 90 percent, the TCCHD feels that the efficiency of the control equipment must be very high, and therefore believes that 232 tons per year is a more reasonable 1982 emission level, rather than the 136 tons per year as predicted by the State. The TCCHD's figure represents an overall reduction of approximately 83 percent.

Response: EPA concurs that, taking into account downtime equipment malfunction, etc., 83 percent is, in all probability, a more realistic overall reduction for bulk gasoline terminals. However, increasing the total projected emissions for 1982 by the amount recommended by the TCCHD, reduces the percentage of reduction achieved by less than one-half of one percent. Therefore, even with this increase in the projected emissions for 1982, the control strategy developed by the State is still adequate to demonstrate attainment by December 31, 1982.

Comment: The TCCHD stated that they felt that the State had taken a provincial view of environmental protection in exempting 1,1,1-Trichloroethane, trichlorotrifluoroethane, and methylene chloride.

Response: EPA concurs with the TCCHD's statement and has addressed this issue in a previous section. However, the State is not required to control these compounds at this time.

The remainder of the report submitted by the TCCHD consisted of a comparison of the percentages of reduction required using the modified rollback method and the Empirical Kinetic Modeling Approach (EKMA) model employing both the city specific and default values for the nonmethane hydrocarbon/oxides of nitrogen (NMHC/NO_x) ratios. According to the TCCHD, these techniques result in 29.3 percent, 57.6 percent, and 51 percent respectively as compared to the 29 percent required reduction predicted by the State using the traditional rollback method. The TCCHD expressed concern that controls applied in Tulsa County may be ineffective unless controls are applied to sources in the prevailing upwind (southerly) direction and urged that proposed and existing sources be controlled in order to ensure that the impact of such sources do not negate the present efforts being undertaken for attainment and maintenance of the standards.

EPA agrees that the use of more sophisticated models results in better defined reduction requirements, as compared to the traditional or modified rollback models. It is for this reason that Agency guidance has specified that for

SIPs with attainment dates before the end of 1982 that do not use photochemical dispersion modeling, the State must apply RACT to all major sources covered by each CTG (i.e. Set I and Set II). EPA also believes that the State's new source review program, in conjunction with Regulation No. 15 and the growth allowance provisions should adequately maintain the standards.

Comments were also received from the Dayton Tire and Rubber Company and the Firestone Tire and Rubber Company regarding the requirement that the State must adopt and submit legally enforceable RACT regulations for the pneumatic rubber tire manufacturing industry comparable to the control measures discussed in the CTG document for this source category. In particular, they objected to the need for adopting these additional control measures in light of the fact that the State demonstrated by using the rollback method that Oklahoma County would attain the standards by December 31, 1982. They also commented on the economics and feasibility of applying the control measures.

EPA has addressed the issue of the need for the adoption and submittal of legally enforceable regulations for the second set of CTGs in the general preamble and the September 17, 1979 (44 FR 53761) supplement to the general preamble. Because of the lack of precision in the rollback method and the Act's requirement of minimum levels of control, EPA requires RACT regulations for sources for which CTGs have been published. Ozone SIPs being revised now must include adopted RACT requirements for VOC sources covered by CTGs the EPA issued before January 1978. EPA requires adoption of RACT regulations for the next set of CTG sources (those covered by CTGs published between January 1978 and January 1979), including the rubber tire manufacturing sources, by July of 1980.

In regard to the commentor's objections to the economics and technical feasibility of applying controls to rubber tire manufacturing sources, EPA has consistently stated that RACT is determined on a case-by-case basis. The CTGs contain EPA's recommendation of RACT or the "presumptive norm" based on the agency's evaluation of the capabilities and problems general to the industry. However, the presumptive norm does not take into account the unique circumstances of the individual facilities. Therefore, the States are free to develop case-by-case determinations of RACT independent of the CTG recommendations. The State, however,

must support its determination that the regulations are RACT.

Extensive comments were submitted by the Oklahoma State Department of Health, Air Quality Service (AQS), which addressed both general and technical issues. Several of the comments are identical to those submitted by the Honorable Wes Watkins, member of Congress of the United States, 3d District, Oklahoma. These issues will be referenced and addressed as presented in the AQS's correspondence.

General Comment: The AQS objected to the fact that criteria for approval of the SIP was not issued until April 4, 1979 (44 FR 20372) and June 28, 1979 (at 44 FR 37679). Furthermore, the AQS objected that the plan must address additional requirements (i.e. the requirement for the adoption of regulations concerning those source categories covered by a CTG document published by January 1, 1979) regardless of whether or not the State's plan is adequate to demonstrate attainment by December 31, 1982.

Response: In regard to the SIP approval criteria, the April 4, 1979 Federal Register publication was a summary of the principal requirements specified in the Administrator's memorandum (published May 19, 1978 at 44 FR 21673) and was to be used by the public as an aid in formulating public comments. The requirements, themselves, are contained in the Act, in the regulations, and in additional guidance, and were available to the State long before the plan was due.

The June 28, 1979 addendum to the General Preamble (at 44 FR 37679) does not address the criteria for approvability of SIPs; rather, it is a statement of Agency policy regarding the applicability and timing of sanctions.

In regard to requiring additional RACT, EPA has addressed this issue in detail in response to a previous comment.

Technical Comment 1: The AQS objected to the implication in the Proposed Rulemaking of July 31, 1979 that the April 4, 1979 General Preamble had been incorporated into the Oklahoma SIP by reference since this material had not been exposed to, nor met, the requirements of the Federal Administrative Procedure Act.

Response: The general preamble was issued to supplement EPA's proposal on each Part D SIP revision, including Oklahoma's, and is not a part of the Oklahoma SIP. The general preamble identifies the major considerations guiding EPA's evaluation of the submittals and was issued to assist the public in commenting on the approvability of the submittals.

Moreover, the public has a full opportunity to comment on the general preamble with each Part D revision proposal.

Technical Comment 2: The AQS objected to the provision specified in subparagraph C under the section entitled "Ozone" in the July 31, 1979 notice of proposed rulemaking, for the following reasons: (1) the State does not acknowledge EPA's right or propriety of issuing conditional approvals; (2) the State objects to the inference that CTGs establish RACT; and (3) the State questions EPA's authority to require routine revisions to the SIP under the Act.

Response: Under the above referenced subparagraph, EPA described the control strategy developed by the State and proposed conditional approval provided that the State adopt additional VOC control measures representing RACT for sources covered by CTGs published after January 1, 1978 (see 44 FR 44913).

In regard to the AQS's first objection, the inherent authority of federal agencies to grant conditional approvals has been established. In *McManus v. Civil Aeronautics Board*, 286 F.2d 414, 419 (2d Cir. 1961), the court expressly upheld the power of the Board to conditionally approve certain agreements, saying:

Nor is the Board bound to approve or disapprove agreements in their entirety * * *. [T]he power to condition its approval on the incorporation of certain amendments is necessary for flexible administrative action and is inherent in the power to approve or disapprove.

Id. See also *National Air Carrier Association v. Civil Aeronautics Board*, 436 F.2d 185, 190 (D.C. Cir. 1970) (applying the holding in *McManus* to "closely parallel" situation). Similarly, in *Friends of the Earth v. EPA*, 499 F.2d 1118, 1124 (2d Cir. 1974), the court upheld EPA's procedure of approving transportation control plans which lacked detailed regulations in cases where EPA had been furnished assurances that the regulations would subsequently be submitted. The Second Circuit found such a procedure, which resembles conditional approval, to be a reasonable method of carrying out a "difficult and complex job." 499 F.2d at 1124.

EPA feels that the nature of conditional approvals is appropriate to the SIPs for the following reason. A fundamental purpose of Part D of the Act was to permit reasonable economic growth in nonattainment areas at the same time that reasonable further progress is being made toward attainment by the required deadlines.

Where a state plan substantially satisfied the Part D requirements but lacks minor portions that can be readily supplied or corrected, it would be contrary to the intent of Congress to impose the sanctions specified in the Act. Thus, conditional approval prevents the unnecessarily harsh application of the sanctions in states which have made good faith efforts and submitted plans which have only minor deficiencies. Therefore, the concept of conditional approval is consistent with the intent of the 1977 amendments, as well as being within the inherent authority of the Agency.

In regard to the AQS's second objection, EPA will defer response here, since this issue is dealt with in greater detail under Technical Comment 4.

In regard to the AQS's third objection, under Section 110(a)(2)(H) of the Act, EPA has statutory authority to require revisions to the SIP.

Technical Comment 3: The AQS objected to the 150-day schedule for the adoption and submittal of legally enforceable RACT regulations for those CTG source categories not addressed in the Oklahoma SIP, and the 30-day schedule for submitting certification that there are no major sources in those CTG source categories.

Response: Under the July 31, 1979 notice of proposed rulemaking, EPA specifically stated that it was soliciting comments on the deadlines proposed in that notice. EPA recognizes the fact that the State agency is precluded by state law from adopting regulations when the Legislature is not in session, absent on emergency; and, due to the legislature's schedule, the agency would be precluded from revising or adopting regulations prior to January 1980. Therefore, EPA acknowledges that the State cannot meet the 150-day deadline specified in the notice of proposed rulemaking, and inasmuch as no other comments were received on this issue, EPA is today promulgating a new deadline date of April 30, 1980, for adoption and submittal of all regulation revisions required to fulfill the conditions of approval.

In regard to the 30-day deadline for submittal of all certifications, EPA concurs with the AQS that this was in error, since the proposed rulemaking was subjected to a 60-day public comment period. However, the State submitted all necessary certifications in its correspondence of August 22, 1979.

Technical Comment 4: The AQS objected to EPA's statement in the proposed rulemaking, that certain portions of the State's regulation (i.e. Regulation No. 15) were not supported by information in the CTGs and that the

State must demonstrate that its regulations represent RACT. The AQS stated that the State has primary responsibility for determining RACT, and that EPA must bear the burden of proving that the State's action is less than RACT. The AQS also objected to the implication that, in order to have an approvable SIP, the State must accomplish "rubber stamp" adoption of the CTGs.

Response: EPA has noted, in a previous response that the CTGs contain the "presumptive norm", based on the Agency's current evaluation of the capabilities and problems general to the industry, and that they do not take into account the unique circumstances of individual facilities. EPA does not endorse a "rubber stamp" approach, since RACT for a particular source should be determined on a case-by-case basis, taking into account the technological and economic circumstances of the individual source. However, if states should submit emission limitations which result in less stringent control than recommended in the CTG, EPA policy has been that, in order for the Agency to evaluate the State's approach, the State must submit adequate justification to support its determination. EPA has fully addressed this issue in the September 17, 1979 Supplement to the General Preamble (see 44 FR 53761).

Technical Comment 4A: The AQS objected to EPA's statement concerning the State's definition of VOC being less restrictive than EPA's.

Comment: EPA has addressed this issue in a previous section of this notice and accepts the State's definition.

Technical Comment 4B: The AQS objected to EPA's statement in the proposed rulemaking concerning the State's exemption of methyl chloroform and methylene chloride.

Response: EPA has addressed this issue in detail elsewhere in this notice, under the section entitled "Ozone."

Technical Comment 4C: The AQS objected to EPA's statement concerning the State establishing regulations consistent with RACT for the various coating operations on the basis that the State has traditionally written pollutant-specific rather than industry-specific regulations.

Response: EPA does not object to pollutant-specific regulations in lieu of industry-specific regulations, provided that the regulation imposes controls which constitute RACT. Even though the limitations established by the State were based on Oklahoma's paint manufacturing industry's presentation of the current state of paint manufacturing technology, this does not automatically

imply that it constitutes RACT. The State should include justification for its determination. However, EPA believes this issue to be moot, since the State certified that there are no major coating sources in the nonattainment counties.

Technical Comments 4D, 4E, 4F, and 4G: These comments address specific issues in regard to EPA's evaluation of Regulation No. 15 in the July 31, 1979 notice of proposed rulemaking, and some of the comments contain commitments to corrective action on certain of these issues. Therefore, a discussion of the nature of these comments and the Agency's response to them is contained, under this notice, in the section dealing with EPA's final action on Regulation No. 15.

Technical Comment 4H: The AQS objected to EPA's statement concerning Subsection 15.563 of Regulation No. 15, for which EPA stated that the subsection must be revised to reflect that conveyorized degreasers should be subject to Control System B, as defined in the CTG on degreasing. Their objection was based on their belief, that the CTGs are not sacrosanct, and that EPA should bear the burden of proving that the State's regulation is less than RACT.

Response: EPA has responded to this comment under the response to Technical Comment 4A. In addition, EPA agrees with the AQS that this is a moot point since the State has certified that there are no known conveyorized degreasers in the nonattainment counties.

Comments on the TSP Plan: The AQS objected to the conditions for proposing approval of the TSP control strategy and Regulation No. 9, as specified at 44 FR 44915 (col. 1 through col. 3) in the July 31, 1979 notice on the basis that the State feels that they have satisfied all the requirements for plans which address nontraditional sources, as specified in the May 19, 1978 Criteria for Proposing Approval of Revision to Plans for Nonattainment Areas (44 FR 21673).

Response: A complete discussion of EPA's rationale for granting conditional approval is given in this notice under the section dealing with EPA's final action on the TSP plan.

The remainder of the comments from the AQS are specific to EPA's review of Regulation No. 14 concerning new source review, and contain commitments to corrective action commensurate with EPA's conditions for approval. Therefore, a complete discussion of these comments is contained in this notice, under the section dealing with EPA's final action on this regulation.

One commentator submitted extensive comments and requested that they be considered part of the record for each state plan. Each of the points raised by the commentator and EPA's response follow. Although some of the issues raised are not relevant to provisions in Oklahoma's submission, EPA is notifying the public of its response to these comments at this time.

1. The commentator asked that their comments, previously submitted on the Emission Offset Interpretative Ruling as revised on January 16, 1979 (44 FR 3274), be incorporated by reference as part of their comments on each state plan. EPA will respond to those comments in its response to comments on Offset Ruling.

2. The commentator objected to general policy guidance issued by EPA, on grounds that EPA's guidance is more stringent than required by the Act. Such a general comment concerning EPA's guidance is not relevant to EPA's decision to approve or disapprove a SIP revision since that decision rests on whether the revision satisfies the requirements of Section 110(a)(2). However, EPA has considered the comment and concluded that its guidance conforms to the statutory requirements.

3. The commentator noted that the recent court decision on EPA's regulations for prevention of significant deterioration (PSD) of air quality affects EPA's new source review (NSR) requirements for Part D plans as well. (The decision is *Alabama Power Co. vs. Costle*, 13 ERC 1225 (D.C. Cir., June 18, 1979). In the commentator's view, the court's rulings on the definition of "source," "modification," and "potential to emit" should apply to Part D as well as PSD programs. In addition, the commentator believes that the court decision precludes EPA from requiring Part D review of sources located in designated clean areas.

The preamble to the Emission Offset Interpretative Ruling, as revised January 16, 1979, explains that the interpretations in the Ruling of the terms "source," "major modification," and "potential to emit," and the areas in which NSR applies, govern State plans under Part D. (44 FR 3275 col. 3 through 3276 col. 1, January 16, 1979.) In proposed rules published in the *Federal Register* on September 5, 1979, (44 FR 51924), EPA explained its views on how the *Alabama Power* decision affects NSR requirements for State Part D plans. The September 5, 1979 proposal addressed some of the issues raised by the commentator. To the extent necessary, EPA will respond in greater detail to the commentators' concerns in its response to comments on the September 5, 1979,

proposal and/or its response to comments on the Offset Ruling.

As part of the September 5, 1979 proposal, EPA proposed regulations for Part D plans in section 40 CFR 51.18(j). EPA also proposed, for now, to approve an SIP revision if it satisfies either existing EPA requirements, or the proposed regulations. Prior to promulgation of final regulations, EPA proposed to approve State-submitted relaxations of previously submitted SIPs, so long as the revised SIP meets all proposed EPA requirements. To the extent EPA's final regulations are more stringent than the existing proposed requirements, States will have nine months, as provided in Section 406(d) of the Act, to submit revisions after EPA promulgates the final regulations.

In some instances, EPA's approval of a State's NSR provisions, as revised to be consistent with EPA's proposed or final regulations, may create the need for the State to revise its growth projections and provide for additional emission reductions. States will be allowed additional time for such revisions after the new NSR provisions are approved by EPA.

4. The commentator questioned EPA's alternative emission reduction options policy (the "bubble" policy). As the commentator noted, EPA has set forth its proposed bubble policy in a separate *Federal Register* publication. 44 FR 3720 (January 18, 1979). EPA will respond to the comments on the "bubble" approach in the final "bubble" policy statement.

5. The commentator questioned EPA's requirement for a demonstration that application of all reasonably available control measures (RACM) would not result in attainment any faster than application of less than all RACM. In EPA's view, the statutory deadline is that date by which attainment can be achieved as expeditiously as practicable. If application of all RACM results in attainment more expeditiously than application of less than all RACM, the statutory deadline is the earlier date. While there is no requirement to apply more RACM than is necessary for attainment, there is a requirement to apply controls which will ensure attainment as soon as possible. Consequently, the State must select the mix of control measures that will achieve the standards most expeditiously, as well as assure reasonable further progress.

The commentator also suggested that all RACM may not be "practicable." By definition, RACM are only those measures which are reasonable. If a measure is impracticable, it would not constitute a reasonably available control measure.

6. The commentator found the discussion in the General Preamble of RACT for VOC sources covered by CTGs to be confusing in that it appeared to equate RACT with the guidance in the CTGs. EPA did not intend to equate RACT with the CTGs. The CTGs provide recommendations to the States for determining RACT, but and serve as a "presumptive norm" for RACT, are not intended to define RACT. Although EPA believes its earlier guidance was clear on this point, the Agency has issued a supplement to the General Preamble clarifying the role of the CTGs in plan development. See 44 FR 53761 (September 17, 1979).

7. The commentator suggested that the revision of the ozone standard justified an extension of the schedule for submission of Part D plans. This issue has been addressed in the General Preamble, 44 FR 20377 (April 4, 1979).

8. The commentator questioned EPA's authority to require States to consider transfers of technology from one source type to another as part of LAER determinations. EPA's response to this comment will be included in its response to comments on the revised Emission Offset Interpretative Ruling.

9. The commentator suggested that if a State fails to submit a Part D plan, or the submitted plan is disapproved, EPA must promulgate a plan under Section 110(c), which may include restrictions on construction as provided in Section 110(a)(2)(I). In the commentator's view, the Section 110(a)(2)(I) restrictions cannot be imposed without such a federal promulgation. EPA has promulgated regulations which impose restrictions on construction in any nonattainment area for which a State fails to submit an approvable Part D plan. See 44 FR 38583 (July 2, 1979). Section 110(a)(2)(I) does not require a complete federally promulgated SIP before the restrictions may go into effect.

Another commentator, a national environmental group, stated that the requirements for an adequate permit fee system (Section 110(a)(2)(K) of the Act), and proper composition of State boards (Sections 110(a)(2)(F)(vi) and 128 of the Act) must be satisfied to assure that permit programs for nonattainment areas are implemented successfully. Therefore, while expressing support for the concept of conditional approval, the commentators urged that restrictions on construction under Section 110(a)(2)(I) of the Act must apply.

Response: To be fully approved under Section 110(a)(2) of the Act, a State plan must satisfy the requirements for State boards and permit fees for all areas, including nonattainment areas. Several States have adopted provisions

satisfying these requirements, and EPA is working with other States to assist them in developing the required programs. However, EPA does not believe these programs are needed to satisfy the requirements of Part D. Congress placed neither the permit fee nor the State board provision in Part D. While legislative history states that their provisions should apply in nonattainment areas, there is no legislative history indicating that they should be treated as Part D requirements. Therefore, EPA does not believe that failure to satisfy these requirements is grounds for conditional approval under Part D, or for application of the construction restriction under Section 110(a)(2)(I) of the Act.

Comments were also received from the Asphalt Emulsion Manufacturers Association (AEMA) concerning the availability of emulsified asphalts with low solvent content for all applications in all regions of the country. Although some of the issues raised are not relevant to the Oklahoma plan, EPA is notifying the public of its response to these comments at this time. AEMA's main point is that no general rule regarding solvent content of emulsified asphalt for the nation is possible because of varying conditions. AEMA urges that EPA accept each State's emulsion specification as RACT. AEMA also incorrectly concludes that EPA has been using a figure of 5 percent as nationwide RACT for maximum solvent content in emulsified asphalt.

EPA recognizes that varying conditions may require different solvent content asphalts. RACT for asphalt should be determined on a case-by-case basis in order to take varying conditions into account. Therefore, EPA has not set a nationwide standard for the solvent content of emulsified asphalt. However, EPA has accepted a 5 percent maximum solvent content regulation where a state has chosen to submit an across-the-board regulation for emulsified asphalt, rather than develop case-by-case RACT. The intent of EPA guidance has been for states to specify in the regulations, and justify, those emulsions and/or applications where addition of solvent is necessary. Since RACT can be determined on a case-by-case basis, states are free to specify necessary solvent contents on the basis of application or asphalt grade. Where a state demonstrates that these are RACT, EPA will approve the regulations. The following maximum solvent contents for specific emulsified asphalt applications have appeared in EPA guidance and are based on ASTM, AASHTO, and state specifications and on information

recently received from the Asphalt Institute.

Use	Maximum solvent content (percent)
Seal coats in early spring or late fall.....	3
Chip seals when dusty or dirty aggregate is used.....	3
Mixing w/open graded aggregate that is not well washed.....	8
Mixing w/dense graded aggregate.....	12

Attainment Dates

The 1978 edition of 40 CFR Part 52 lists in the subpart for Oklahoma the applicable deadlines for attainment ambient standards (attainment dates) required by Section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on Oklahoma's attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements, and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements as well as with the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were

not generally authorized or intended under part D.

(123 Cong. Rec. H 11958, daily ed. November 1, 1977).

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977

Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.¹

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements only if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

EPA finds that good cause exists for making this action immediately effective. EPA has a responsibility to take final action on these revisions as soon as possible in order to lift growth sanctions in those areas for which the state has submitted adequate plans in accordance with Part D requirements.

Under Executive Order 10244 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of final rulemaking is issued under the authority of Sections 110 and 172 of the Clean Air Act, as amended.

Date: February 6, 1980.

Barbara Blum,
Acting Administrator.

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

Subpart LL—Oklahoma

1. In § 52.1920, paragraph (c) is amended by adding subparagraph (14) as follows:

¹ See General Preamble for Proposed Rulemaking, 44 FR 20373-4 (April 4, 1979).

§ 52.1920 Identification of plan.

* * * * *

(c) * * *

(14) Revisions to the plan for attainment of standards for ozone, carbon monoxide, and particulate matter (Part D requirements) were submitted by the Governor on April 2, 1979.

§ 52.1921 [Amended].

2. Section 52.1921 is amended by changing the heading "photochemical oxidants (hydrocarbons)" to "ozone."

3. Section 52.1922 is revised to read as follows:

§ 52.1922 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Oklahoma's plan for the attainment and maintenance of the national standards under Section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

4. Subpart LL is amended by adding § 52.1923 as follows:

§ 52.1923 Control strategy and regulations: carbon monoxide.

(a) *Part D Conditional Approval.* The Oklahoma plan for carbon monoxide for the designated area in Tulsa County is conditionally approved until the following conditions are satisfied:

(1) The State define the term "significant impact," as used in Regulation No. 17 and that the definition be comparable to the term as defined in EPA's Interpretative Ruling of January 16, 1979. This definition must be adopted and submitted to EPA by April 30, 1980.

(2) The State revise Regulation No. 17 to reflect that all subsequent designations will be submitted to EPA for concurrence and promulgation and submit the revision to EPA by April 30, 1980.

5. In § 51.1924, paragraphs (a) and (b) are revoked and a new paragraph (a) is added as follows:

§ 52.1924 Review of new sources and modifications.

(a) *Part D Conditional Approval.* Regulation No. 14 is conditionally

approved until the following conditions are satisfied:

(1) The State revise Subsection 14.313 to state that major modifications are subject to review, and submit the revision to EPA by April 30, 1980.

(2) The State revise Subsection 14.313(b) to reflect that all applicable emission limitations and standards under the Federal Clean Air Act are met, and submit the revision to EPA by April 30, 1979.

(3) The State revise Subsection 14.313(c)(i) to reflect that new minor sources are accounted for when

determining the amount of growth allowance that would be used by a proposed new or modified source, and submit the revision to EPA by April 30, 1979.

6. Section 52.1925 is revised as follows:

§ 52.1925 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Oklahoma's plan, except where noted.

Air quality control region	Pollutant					
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide
	Primary	Secondary	Primary	Secondary		Ozone
Central Oklahoma Intrastate (except Oklahoma and Cleveland Counties).	a	a	c	c	c	c
Oklahoma County.....	*d	a	c	c	c	c
Cleveland County.....	a	a	c	c	c	c
Northeastern Oklahoma Intrastate (except Mayes and Tulsa Counties).	a	a	c	c	c	c
Tulsa County.....	*d	a	c	c	c	d
Mayes County.....	*d	a	c	c	c	c
Southeastern Oklahoma Interstate.....	c	c	c	c	c	c
North Central Oklahoma Intrastate.....	c	c	c	c	c	c
Southwestern Oklahoma Intrastate.....	c	c	c	c	c	c
Northwestern Oklahoma Intrastate.....	c	c	c	c	c	c
Metropolitan Fort Smith Interstate.....	b	a	c	c	c	c
Shreveport-Texarkana Tyler Interstate.....	b	a	c	c	c	c

a. July 1975.

b. Air quality levels presently below primary standards.

c. Air quality levels presently below secondary standards.

d. December 31, 1982.

* Designated area only (see 43 FR 9027, March 3, 1978).

NOTE.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date.

NOTE.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR Part 52.1925 (1978).

7. Subpart LL is amended by adding § 52.1930 as follows:

§ 52.1930 Control strategy and regulations: total suspended particulate.

(a) *Part D Conditional Approval.* The Oklahoma plan for total suspended particulate (TSP) in the designated nonattainment areas in Oklahoma, Tulsa and Mayes Counties is conditionally approved until the following conditions are satisfied:

(1) The State revise their schedule to include specific dates indicating major elements in the overall program. The detailed schedule must contain dates by which the following major elements are completed; determination of results of additional monitoring, selection of potential measures for study; development of study design for assessing the effectiveness of potential measures; determination of measures for actual implementation and;

development of revisions to Regulation No. 9.

(2) The State submit the revised schedule to EPA by March 1, 1980.

8. Section 52.1932 is revised by revising the title, revoking paragraphs (a) and (c), reordering paragraph (b) as (a), and adding a new paragraph (b) as follows:

§ 52.1932 Control strategy and regulations: ozone.

(a) Subsection 15.27c of Revised Regulations 15 (effective date of December 31, 1974) is disapproved.

(b) *Part D Conditional Approval.* The Oklahoma plan for ozone for Tulsa and Oklahoma Counties is conditionally approved until the following conditions are satisfied:

(1) The State revise Subsection 15.50 in such a manner as to reflect that subsequent designations will be

submitted to EPA for approval and promulgation, and submit the revised subsection to EPA by April 30, 1980.

(2) The State revise Subsection 15.53 to remove the exemption for wastewater separators receiving less than 100 gallons of VOC per day, and submit the revision to EPA by April 30, 1980.

(3) The State revised Subsection 15.53, to remove the words "if necessary" in order to require control of vapors from hot wells and accumulators, and submit the revised subsection to EPA by April 30, 1980.

[FR Doc. 80-4666 Filed 2-12-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[PP 8E2092/R230; FRL 1411-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Chlorpyrifos

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide chlorpyrifos on tomatoes at 0.5 part per million (ppm). The regulation was requested by Dow Chemical Co. This rule establishes a maximum permissible level for residues of the insecticide chlorpyrifos on tomatoes.

EFFECTIVE DATE: Effective on February 13, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Charles T. Mitchell, Acting Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington DC (202/426-2635).

SUPPLEMENTARY INFORMATION: On December 10, 1979, the EPA published a notice of proposed rulemaking in the Federal Register (44 FR 70777) in response to a pesticide petition (pp 8E2092) submitted to the Agency by Dow Chemical Co., PO Box 1706, Midland, MI 48640. This petition proposed that 40 CFR 180.342 be amended by the establishment of a tolerance for combined residues of the insecticide chlorpyrifos (*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodity tomatoes imported from Israel and Mexico at 0.5 ppm. No comments or requests for referral to an advisory committee were

received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.342 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before March 14, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on February 13, 1980, Part 180, Subpart C, § 180.342 is amended by adding a tolerance for residues of chlorpyrifos on tomatoes at 0.5 ppm as set forth below.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)])

Dated: February 4, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.342 be amended by alphabetically inserting tomatoes at 0.5 ppm in the table to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

Commodity:	Parts per million
* * *	
* * *	
tomatoes	0.5
* * *	

[FR Doc. 80-4570 Filed 2-12-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Part 66

National Research Service Awards

Correction

AGENCY: Public Health Service, HEW

ACTION: Final rule; Corrections.

SUMMARY: On January 8, 1980, final rules concerning National Research Service Awards were adopted (45 FR 1822). This notice corrects typographical errors which appeared in that document. On page 1824, Column 3, § 66.111(c)(3), the word "personnal" should be "personal." On page 1825, Column 2, § 66.204(b)(6) the term "period of support" should read "project period." On page 1825, Column 3, § 66.205(b), the letter "c" after § 66.106 should be "d." On page 1826, Column 1, § 66.207, "45 CFR Part 50" should read "42 CFR Part 50."

FOR FURTHER INFORMATION CONTACT Lowell D. Peart, Chief, Management Operations Branch, DMP, National Institutes of Health, Bethesda, Maryland 20205 (301) 496-4606.

Dated February 7, 1980.

Donald S. Fredrickson

Director, National Institute of Health.

[FR Doc. 80-4595 Filed 2-12-80; 8:45 am]

BILLING CODE 4110-08-M

Proposed Rules

Federal Register

Vol. 45, No. 31

Wednesday, February 13, 1980

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

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Comptroller of the Currency, Department of the Treasury.

ACTION: Semiannual agenda.

SUMMARY: The Semiannual agenda, implementing the President's Executive Order 12044 to improve government regulations, provides notice to the public of the Comptroller of the Currency's regulatory actions since August 1, 1979, including projects initiated or acted upon since that date, and projects on which action is expected during the next six months. The principal functions of the Comptroller of the Currency are the chartering, examining, supervising and regulating of national banks.

ADDRESS: Public comments are invited and may be directed to Alan Herlands, Director, Regulations Analysis Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219. Comments on specific projects listed may also be directed to knowledgeable officials identified in connection with projects set forth below. Suggestions for additional projects should be submitted to Mr. Herlands.

FOR FURTHER INFORMATION CONTACT:

Alan Herlands, Director, Regulations Analysis Division. Telephone (202) 447-1177.

SUPPLEMENTARY INFORMATION: This agenda is divided into two sections. Section I discusses regulations on which the Comptroller expects some action or review to take place during the next six months. Section II discusses regulations which have been issued or amended in final form in the past six months.

Regulations listed in Section I include the following

- 12 CFR Part 1—Investment securities regulation.
- 12 CFR Part 2—Disposition of credit life insurance income.
- 12 CFR Part 4—Description of office, procedures, public information.
- 12 CFR Part 5—Supplemental application procedures.¹
- 12 CFR Part 7—Interpretive rulings.
- 12 CFR Part 9—Fiduciary powers of national banks and collective investment funds.
- 12 CFR Part 11—Securities Exchange Act disclosure rules.
- 12 CFR Part 13—Employee stock option and stock purchase plans.¹
- 12 CFR Part 14—Changes in capital structure.¹
- 12 CFR Part 15—Change in bank control.
- 12 CFR Part 16—Securities offering disclosure rules.
- 12 CFR Part 17—Required notification to nominate bank directors.
- 12 CFR Part 20—International operations regulation.
- 12 CFR Part 21—Minimum security devices and procedures for national and District banks.
- 12 CFR Part 25—Community Reinvestment Act regulation.
- 12 CFR Part 26—Management official interlocks.

Regulations listed in Section II include the following

- 12 CFR Part 1—Investment securities regulation.
- 12 CFR Part 4—Description of office, procedures, public information.
- 12 CFR Part 5—Supplemental application procedures.
- 12 CFR Part 7—Interpretive rulings.
- 12 CFR Part 11—Securities Exchange Act disclosure rules.
- 12 CFR Part 12—Recordkeeping and confirmation requirements for certain transactions effected by national banks.
- 12 CFR Part 18—Annual financial disclosures to shareholders.
- 12 CFR Part 23—Annual reports of national bank ownership and insider indebtedness to national bank and its correspondent banks.

Section I: Action Expected

12 CFR Part 1—Investment Securities Regulation

On December 26, 1979, the Comptroller announced that individual rulings under this regulation over the last seventeen years would be reviewed for the purpose of developing a general set of principles with respect to

decisions concerning a national bank's ability to purchase, deal in, underwrite or hold securities (44 FR 76263). The purpose of this project is to decrease the need for individual banks to seek specific rulings and to decrease the need for attorneys to provide individual banks with detailed legal research. Proposed guidelines are expected to be published in the *Federal Register*. An advance notice of proposed rulemaking was issued on January 28, 1980 (45 FR 6407).

For further information, contact Radcliffe Park, Assistant Director, or Raija Bettauer, Attorney, Legal Advisory Services Division. Telephone (202) 447-1880.

12 CFR Part 2—Disposition of Credit Life Insurance Income

On January 4, 1980, the Federal Financial Institutions Examination Council (FFIEC) on behalf of its member agencies issued a joint notice of a proposed policy statement on this subject. Comments are due by March 31, 1980. The proposed policy differs somewhat from the Comptroller's present regulation. The Comptroller may review the regulation after consideration by the FFIEC (45 FR 1152).

For further information, contact Ford Barrett, Assistant Chief Counsel. Telephone (202) 447-1896.

12 CFR Part 4—Description of Office Procedures, Public Information

Office organization. This Part describes, among other matters, the office organization and departmental responsibilities. An amendment is expected to incorporate recent organizational changes to provide current and accurate information to the public. For further information, contact Barbara M. Yadley, Attorney. Telephone (202) 447-1880.

Forms. This Part also contains a listing of forms used by the Comptroller. The list will be reviewed and obsolete listings deleted. For further information, contact Jonathan Levin, Senior Attorney. Telephone (202) 447-1177.

Applications: policies and procedures. The Comptroller has undertaken a long-term project to review the regulations, policy statements, procedures and forms governing corporate applications. Proposals on a number of specific subjects are expected within the next six months.

¹Action expected is described under 12 CFR Part 4.

Part 4 contains basic information for the filing of applications for national bank charters, branches, conversions, mergers, changes in location, changes in title, changes in capital structure, fiduciary powers, domestic operating subsidiaries, voluntary liquidations, receiverships and conservatorships, and federal branches and agencies of foreign banks. The Comptroller's regulation 12 *CFR* Part 5—*Supplemental application procedures* describes procedures for giving notice of applications, opportunities for interested parties to be heard, and related matters concerning applications. The Comptroller's regulation 12 *CFR* Part 13—*Employee stock option and stock purchase plans* describes procedures and conditions for the Comptroller's approval of bank applications for such plans. The Comptroller's regulations 12 *CFR* Part 14—*Changes in capital structure* describes procedures and conditions for the Comptroller's approval of applications for authorized but unissued stock, stock dividends, preferred stock, subordinated notes and debentures, and other increases in common stock.

On November 1, 1976, the Comptroller issued policy statements applicable to applications for charters, branches, conversions, mergers, fiduciary powers, operating subsidiaries, title changes, relocations and changes in capital structure (41 *FR* 47964). The policies were not codified.

The Comptroller is reassessing these policies (and the need for policies on additional subjects) and the existing regulations, seeking appropriate improved substantive decision criteria and reductions in application processing times and barriers to entry. In addition, the advisability of combining the elements of the four regulations and the policy statements into one regulation is being considered.

For further information, contact Darrel W. Dochow, Deputy Director, Bank Organization and Structure Division. Telephone (202) 447-1184.

12 *CFR* Part 7—*Interpretive Rulings*

Definition of capital (7.1100). The Comptroller is reviewing this ruling to determine whether accounts other than shareholders' equity should continue to be included in the definition of capital for a variety of purposes. The amount of a bank's defined capital affects the maximum which it may lend to a single entity or group of related entities, the amount of investment securities of a single issuer it may hold, other borrowing and investment limits, and branching capabilities. A notice of proposed rulemaking should be issued shortly.

For further information, contact Edmund G. Zito, Assistant Chief National Bank Examiner. Telephone (202) 447-1684.

Application of lending limits to standby letters of credit (7.1160). This ruling states that standby letters of credit issued on account of one entity shall be combined with loans to that entity for the purposes of bank compliance with the statutory (12 USC 84) limits as to the amount a bank may lend to a single party unless any one of three listed exceptions is applicable. One of the exceptions applies where the bank has set aside sufficient funds in a segregated deposit account clearly earmarked to cover the bank's maximum liability under the standby letter of credit. The Comptroller expects to consider a formal amendment to this interpretation which would clarify the role, if any, which marketable securities may have in satisfying the "segregated deposit" requirement.

For further information, contact Ford Barrett, Assistant Chief Counsel. Telephone (202) 447-1896.

Other real estate owned (7.3025). This interpretation was amended in August, 1979, as described in Section II of this Semiannual Agenda. The Comptroller is reviewing the implementation of the revised ruling to determine if the changes have created unintended problems and if so, what additional revisions would be appropriate.

For further information, contact Edmund G. Zito, Assistant Chief National Bank Examiner. Telephone (202) 447-1684.

Investment in bank premises (7.3100). In January, 1978, the Comptroller issued for comment an amendment to this interpretive ruling in order to provide greater consistency with revisions to generally accepted accounting principles. This change should reduce the costs to national banks in preparing their financial statements and should make the financial statements more useful to the banks themselves, the Comptroller, and public users of national bank financial statements. A final interpretation is expected within three months.

For further information, contact Paul G. Nelson, Senior Attorney. Telephone (202) 447-1880.

Pension plans (7.5010). This interpretive ruling encourages national banks to provide pension plans for their employees and to make reasonable contributions thereto. It also discusses eligibility standards and the need for shareholder approval. In light of the many changes which have recently occurred in laws applicable to pension plans, the Comptroller intends to review

this interpretation and, if appropriate, propose an amendment thereto for public comment to update its provisions. A proposal should be forthcoming shortly.

For further information, contact Larry A. Mallinger, Attorney. Telephone (202) 447-1880.

Indemnification (7.5217). The Comptroller is reviewing this ruling which sets forth the conditions under which a national bank may indemnify bank officials. Alternatives to be considered include updating to reflect precedents occurring since the ruling was issued and greater consistency with State or model laws. An advance notice of proposed rulemaking was published on February 6, 1980, for a 60-day comment period (45 *FR* 8025).

For further information, contact Rajja Bettauer, Attorney. Telephone (202) 447-1880.

National bank as guarantor or surety on indemnity bond (7.7010). This ruling states that a bank may become a guarantor if, among other situations, it has a segregated "deposit" sufficient in amount to cover the bank's total potential liability. In response to individual bank inquiries, the Comptroller's staff has advised that a bank may become a guarantor if it has set aside cash or marketable securities, to cover the total potential liability. The Comptroller expects to consider a formal amendment to the interpretive ruling to clarify the role, if any, which marketable securities may have in the context of such guarantees.

For further information, contact Ford Barrett, Assistant Chief Counsel. Telephone (202) 447-1896.

Charitable foundations (7.7445). This ruling permits national banks to establish and contribute to charitable foundations. It does not provide for foundations to which a national bank grants, in effect, the right to receive the income for a specified period, from assets (commonly securities) owned by the bank, although the Comptroller has approved such foundations upon request under certain conditions. An amendment to the ruling is expected to be proposed to establish guidance in this area.

For further information, contact Fred Finke, National Bank Examiner, Commercial Examinations Division. Telephone (202) 447-1164.

Charitable contributions (7.7479). This ruling limits the amount which a national bank may contribute to charity on a semiannual basis to five percent of income as reported on call reports to the Comptroller. The Comptroller is reviewing this interpretation in connection with the review of charitable

foundations (7.7445) to determine whether any modifications or guidance are necessary. Subjects under consideration include defining the term charitable, the aggregation of contributions to charitable trusts and other charities, and the modification or removal of the five percent limitation.

For further information, contact Fred Finke, National Bank Examiner, Commercial Examinations Division. Telephone (202) 447-1164.

Bank Indebtedness—Leasing (7.7520). In January, 1978, the Comptroller issued for comment a proposed interpretive ruling to provide greater consistency with revised generally accepted accounting principles for national banks which lease their banking premises. A final interpretation should be issued within three months. This change should reduce the costs to national banks in preparing their financial statements and should make the financial statements more useful to the banks themselves, the Comptroller, and public users of national bank financial statements.

For further information, contact Paul G. Nelson, Senior Attorney. Telephone (202) 447-1880.

Single Premium Annuities. On July 27, 1979, the Comptroller published an Advance Notice of Proposed Rulemaking requesting comment concerning national bank participation in insurance company offerings of single premium annuity contracts which would utilize deposit accounts in national banks.

A preliminary review of the comments revealed significant legal issues regarding the permissibility of this activity for national banks. Further review and analysis is being undertaken to determine whether the rulemaking process will continue.

For further information, contact Howard Finkelstein, Attorney. Telephone (202) 447-1880.

12 CFR Part 9—Fiduciary Powers of National Banks and Collective Investment Funds

The Comptroller has under development a proposal to this regulation which would require national banks to prepare and make available a disclosure statement with respect to accounts over which investment discretion may be exercised. The statement would set forth policies and practices concerning commissions paid for effecting securities transactions. This proposal would be issued pursuant to Section 28(e) of the Securities Exchange Act of 1934, and follows the recent adoption of rules by the Securities and Exchange Commission. The Comptroller is also developing a possible

amendment to this regulation to clarify certain sections and incorporate interpretations previously to individual national banks upon request relating to collective investment funds. Such a proposal may also solicit public suggestions for other sections of Part 9 which should be reviewed or amended.

For further information, contact Dean E. Miller, Deputy Comptroller for Specialized Examinations. Telephone (202) 447-1731.

12 CFR Part 11—Securities Exchange Act Disclosure Rules

On June 4, 1979, the Comptroller announced a long-term project to clarify and simplify this regulation in stages. The first proposal, dealing with simplification of proxy rules, is expected to be issued during the summer of 1980.

This Part contains regulations substantially similar to those issued by the Securities and Exchange Commission (SEC). Periodically, the SEC revised its regulations, and the Comptroller subsequently proposes substantially similar amendments or reasons why such similarity is not appropriate.

For further information, contact Frederick R. Medero, Director, Securities Disclosure Division. Telephone (202) 447-1954.

12 CFR Part 15—Change in Bank Control

The Change in Bank Control Act of 1978 (Title VI of the Financial Institutions Regulatory and Interest Rate Control Act of 1978) requires that individuals seeking to acquire control of a national bank give the Comptroller 60 days advance notice, within which time the Comptroller may disapprove the acquisition. Effective March 10, 1979, the Comptroller amended this regulation in furtherance of the new statute, and issued an accompanying policy statement. The Comptroller is presently attempting to identify any problems that have developed with this new regulatory provision and welcomes comments from the public.

For further information, contact James V. Elliott, Director, Bank Organization and Structure Division. Telephone (202) 447-1184.

12 CFR Part 16—Offering Circular Requirements

This regulation presently requires new national banks raising their initial equity capital and national banks offering debt or equity securities to the public in excess of \$300,000 to use an offering circular declared effective by the Comptroller. Following changes by the Securities and Exchange Commission in

its regulations requiring similar documents, the Comptroller proposed for comment in June, 1979, to require an abbreviated offering circular for national banks offering less than \$1,000,000 in securities and a full-scope offering circular for larger offerings, both of which would require a declaration of effectiveness by the Comptroller prior to use. Final action should occur in early February, 1980 which is expected to include less burdensome requirements than those proposed.

For further information, contact Ralph Janvey, Attorney. Telephone (202) 447-1954.

12 CFR Part 17—Required Notification To Nominate Bank Directors

This regulation permits national banks to adopt bylaws or articles of association that required any person proposing to nominate a director file certain information in advance with the Comptroller and the bank. Particularly in light of amendments to the Change in Bank Control rules (12 CFR Part 15) discussed above, the Comptroller is considering a proposal to rescind this regulation. A proposal for comment is expected in February, 1980.

For further information, contact Larry Mallinger, Attorney. Telephone (202) 447-1880.

12 CFR Part 20—International Operations Regulation

This short regulation requires prior notifications and reports to the Comptroller of specified activities by national banks at locations outside the United States. These requirements will be reviewed.

For further information, contact William Ryback, Director, International Banking Activity Examinations Division. Telephone (202) 447-1747.

12 CFR Part 21—Minimum Security Devices and Procedures

The Comptroller's existing regulation requires several specific reports and records, refers to effective dates long past, overlaps with an interpretative ruling, and unnecessarily contains gender-specific terminology. The Comptroller is considering a proposal to eliminate most of the reporting and recordkeeping requirements, the now meaningless effective dates, and the gender-specific terminology. A proposed amendment or a more general advance notice of proposed rulemaking is expected to be issued for comment.

For further information, contact Richard C. Wanlin, National Bank Examiner. Telephone (202) 447-1574.

12 CFR Part 25—Community Reinvestment Act Regulations

This regulation and identical regulations of three other federal depository institutions regulators took effect in February, 1979. Now that one year's experience has been gained, the Comptroller anticipates reviewing this regulation with the other regulators to determine whether changes should be proposed. The review is expected to begin during the next six months.

For further information, contact Janice A. Booker, Customer Program Specialist, Telephone (202) 287-4169.

12 CFR Part 26—Management Official Interlocks

The Depository Institution Management Interlocks Act, Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, authorized the Comptroller to issue regulations to implement that Act's prohibitions and to permit service that would otherwise be prohibited under the Act. On July 19, 1979, the Comptroller issued this regulation to clarify the prohibitions and to grant certain exceptions to the prohibitions (44 FR 42152). Simultaneously, proposed amendments to the regulation were issued for comment with respect to the treatment of "grandfather rights" for certain management interlocks and the "change in circumstances" provision which causes grandfathered interlocks to become prohibited under the Act. Comment was also requested on proposals to clarify the Act's application to nondepository corporations and to situations where a "representative or nominee" acts as a management official. Action is expected shortly.

For further information, contact Gwenn Hibbs, Attorney or Howard J. Finkelstein, Attorney, Telephone (202) 447-1880.

Section II: Actions Taken

12 CFR Part 1—Investment Securities Regulation

On December 26, 1979, the Comptroller deleted from this part several hundred individual investment securities rulings issued from 1962 through 1978. The rulings had been issued to advise individual national banks on the application of the federal banking law and regulation to securities which they hold, or desire to purchase, deal in or underwrite. While individual rulings will no longer be codified in the Code of Federal Regulations, they will continue to be available from the Comptroller upon request (44 FR 76263).

For further information, contact Radcliffe Park, Assistant Director, Legal

Advisory Services Division, Telephone (202) 447-1880.

12 CFR Part 4—Description of Office, Procedures, Public, Information

On August 7, 1979, the Comptroller announced that increased delegated authority had been granted to Regional Administrators of National Banks to act on national bank applications for stock dividends, sales of additional common stock, cash dividends, investments in bank premises and certain operating subsidiaries. The purpose of the delegations is to decrease time delays in processing applications (44 FR 46264).

For further information contact Barbara M. Yadley, Staff Attorney, Telephone (202) 447-1880.

On August 17, the Comptroller adopted further amendments to this Part to provide for expedited processing of most national bank applications for domestic branches and changes in location or title. It is anticipated that expedited processing will apply to 75% of all applications received and will reduce average processing time by 20% (44 FR 48169).

For further information contact Barbara M. Yadley, Staff Attorney, Telephone (202) 447-1880.

On November 13, 1979, the Comptroller amended sections of this Part to provide for certain applications from Federal branches or agencies of foreign banks. The procedures adopted are the same as those for applications by national banks (44 FR 75379).

For further information, contact James V. Elliott, Director, Bank Organization and Structure Division, Telephone (202) 447-1184.

On January 2, 1980, the Comptroller eliminated the requirement that national banks administering one or more collective investment funds file detailed information on each fund. The Comptroller will slightly expand the Trust Department Annual Report to gather the limited data necessary for supervision of the approximately 3900 funds in existence (45 FR 12).

For further information, contact Alan Priest, Legal Advisory Services Division, Telephone (202) 447-1880.

Also on January 2, 1980, the Comptroller deleted one form and added two others to the list of forms currently in use as contained in this regulation. These changes related to changes made in Part 23, discussed later in this section.

12 CFR Part 5—Supplemental Application Procedures

On November 13, 1979, the Comptroller expanded this regulation to provide for notice of filing applications, written comments, and requests for

opportunities to be heard in connection with certain applications by foreign banks with respect to their Federal branches and agencies. The procedures adopted generally conform to those applicable to national banks. (44 FR 65380.)

For further information, contact James V. Elliott, Director, Bank Organization and Structure Division, Telephone (202) 447-1184.

12 CFR Part 7—Interpretive Rulings

Other real estate owned. On August 8, 1979, the Comptroller revised Interpretive Ruling 7.3025 to set forth the accounting method national banks must use to account for real property they own, other than real property used or reasonably expected to be used as banking premises. The accounting changes increased consistency with generally accepted accounting principles. The revision also contains provisions for accounting for certain sales by banks of real property acquired by foreclosure or like means. Further, the revision clarified the statutory time limit by which national banks must dispose of such property. Finally, the revision eliminated a previously required annual appraisal or certification of the value of low-valued properties (44 FR 46428).

For further information, contact Andrew J. Levinson, Attorney, Telephone (202) 447-1880.

Loans Secured by Real Estate. On September 5, 1979, the Comptroller adopted several interpretations on this subject to conform the interpretations with changes previously made in the statute under which national banks may make loans secured by real estate. The table below indicates the rulings affected and the nature of the action taken. (44 FR 51795).

For further information, contact Andrew J. Levinson, Attorney, Telephone (202) 447-1880.

Number, Title, and Action

7.2010, Loan-to-value ratios, Added
7.2015, Land acquisition and development loans
7.2020, Improved real estate, Deleted
7.2040, First liens, Revised
7.2400, Construction loans, Revised
7.2700, Nonconforming loans, Added

12 CFR Part 11—Securities Exchange Act Disclosure Rules

On December 4, 1979, the Comptroller announced amendments to this part to bring its requirements into conformity with recent changes in rules made by the Securities and Exchange Commission. The changes affected beneficial ownership, shareholder proposals, corporate governance,

management remuneration, and changes in independent accountants' and auditors' fees (44 FR 69614).

For further information, contact Ralph Janvey, Attorney. Telephone (202) 447-1954.

12 CFR Part 12—Recordkeeping and Confirmation Requirements for Certain Transactions Effected by National Banks

On December 31, 1979, the Comptroller adopted changes to this regulation to expand the number of national banks subject to lesser recordkeeping requirements and to reduce the reporting requirements on national bank employees involved in the bank's securities transactions (44 FR 77137).

For further information, contact Dean E. Miller, Deputy Comptroller for Specialized Examinations. Telephone (202) 447-1731.

12 CFR Part 18—Annual Financial Disclosures to Shareholders

On January 2, 1980, the Comptroller amended this regulation, which was previously titled Form and Content of Annual Reports to Shareholders. Prior to this amendment, the approximately 4000 national banks which had less than 500 shareholders and which were not wholly-owned by a bank holding company were required to send annual reports to shareholders in a prescribed format within a prescribed time period, and were required to file copies with the Comptroller at two locations. The amended regulation no longer requires the preparation, distribution or filing of annual reports to shareholders. However, national banks which do not otherwise send annual reports to shareholders must now notify shareholders, with the notice of annual shareholders' meetings, that certain basic financial information is available from the bank without charge (45 FR 15).

For further information, contact Rhoger H. Pugh, Director, Coordination Division. Telephone (202) 447-1587.

12 CFR Part 23—Annual Reports of National Bank Ownership and Insider Indebtedness to National Bank and Its Correspondent Banks

On January 2, 1980, the Comptroller announced the elimination of previously required reports from approximately 62,000 national bank directors and principal officers, and the adoption of the reports required by Titles VIII and IX of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 as implemented by Regulation O of the Board of Governors of the Federal Reserve System. The

comptroller also eliminated the form used to report under the previous requirements and adopted the two reporting forms recommended by the Federal Financial Institutions Examination Council (45 FR 13; see also 44 FR 67973 of November 2, 1979 for Regulation O).

For further information, contact Larry Raz, Attorney. Telephone (202) 447-1880.

12 CFR Part 27—Fair Housing Home Loan Data System

On November 2, 1979, the comptroller adopted this new regulation to provide a basis for a more effective fair housing monitoring program for home loans. The regulation established new recordkeeping and data collection and submission requirements. Data submission requirements are based on the number of home loan applications each bank receives, and subsequent on-site examination will be based on a computer-assisted analysis of the data submitted (44 FR 63084). A booklet describing the regulation was also distributed to all national banks. The booklet may be obtained for \$1.50 per copy from the Comptroller's Publications Control Unit.

For further information, contact Patrick Marr, Senior Compliance Fair Lending Examination Specialist or Coreen Arnold, Senior Compliance Examiner—Fair Lending. Telephone (202) 447-1800.

12 CFR Part 28—Federal Branches and Agencies of Foreign Banks

On November 13, 1979, the Comptroller adopted a regulation governing the supervision of foreign banks operating at Federal branches and agencies in the United States, including policy statements on the applicability of national banking laws generally and on the Community Reinvestment Act in particular. The regulation covers applications, limitations based on capital stock and surplus, capital equivalency deposits, reserves, federal deposit insurance, asset maintenance requirements, recordkeeping, service of process, obligations of management and regulation and supervision by the Comptroller (44 FR 65381).

For further information, contact William B. Glidden, Senior Attorney. Telephone (202) 447-1880.

Dated: February 6, 1980.

John G. Heimann,
Comptroller of the Currency by Direction of
the Secretary of the Treasury.

[FR Doc. 80-4670 Filed 2-12-80; 8:45 am]

BILLING CODE 4810-33-M

CIVIL AERONAUTICS BOARD

14 CFR Part 399

[Policy Statements: Docket: 37444; PS DR-65A; Dated: February 8, 1980]

Statements of General Policy

AGENCY: Civil Aeronautics Board.

ACTION: Extension of Comment Period.

SUMMARY: The CAB extends by 20 days the filing dates for comments and reply comments in a rulemaking proceeding proposing to adopt a policy for allowing international air cargo rate changes within a specified ceiling without review.

DATES: Comments by March 10, 1980; reply comments by March 20, 1980.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 37444, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Mark Frisbie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION: By notice of proposed rulemaking PS DR-65, 45 FR 3594, January 18, 1980, the Board proposed a new policy for evaluating international cargo rate proposals. The new policy would establish a ceiling in each market below which cargo rates would be presumed reasonable, and the Board would not ordinarily review proposed changes below that ceiling for economic reasonableness. The initial comment deadline was February 19, 1980, with reply comments due February 29, 1980. We provided a total of only 40, instead of the usual 60, days for comments because of the apparent need for quick implementation of a cargo flexibility policy to allow carriers to cope better with rising fuel costs.

We have received requests from Representatives Barry M. Goldwater, Jr. and Norman Y. Mineta to extend the comment period, as 30 days is apparently not enough time for all parties to develop their comments fully. The proposed policy promises to be strongly contested by certain shipper interests, and we have decided that a fuller opportunity for comments is more

important than the faster action we had originally hoped for. Therefore, we are extending each of the comment deadlines by 20 days. This provides a total of 60 days for comments, the period of time we normally allot and the period recommended in Executive Order 12044 on Improving Government Regulations.

Accordingly, under the authority delegated in 14 CFR 385.20(d), the time for filing comments is extended to March 10, 1980 and the time for reply comments is extended to March 20, 1980.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324.)

Richard B. Dyson,

Associate General Counsel, Rules and Legislation.

[FR Doc. 80-4645 Filed 2-12-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 885

[Docket No. R-80-758]

Section 202 Loans for Housing for the Elderly or Handicapped

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

ACTION: Proposed rule.

SUMMARY: This rule would require that the membership of the governing board of private nonprofit corporations or nonprofit consumer cooperatives who wish to obtain Section 202 loans for housing for the elderly or handicapped be selected in a manner to assure significant representation of the views of the community in which a project is to be located. Under this requirement at least thirty percent (30%) of the members of the Borrower's Board of Directors must reside in the community in which the project is to be located and may not be representatives of any national organization which is a sponsor of the project. The rule also would amend § 885.230 to reduce from eighteen to twelve months the length of time a fund reservation for a project could remain outstanding, unless a six-month extension is approved by the Assistant Secretary. Express provision is made for cancellation of Section 8 contract authority reserved for such projects.

COMMENTS DUE: April 14, 1980.

Interested persons may participate in this proposed rulemaking by submitting such written data, suggestions, or arguments as they may desire.

ADDRESS: Written comments should be submitted to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 755-7603 (this is not a toll-free number). Each person submitting a comment should include his or her name and address, refer to the document by the docket number indicated in the heading, and give reasons for any recommendation. Copies of all written comments received will be available for examination by interested persons during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

Mr. George O. Hipps, Jr., Director, Office of Multifamily Housing Development, Office of Housing, Department of Housing and Urban Development, Washington, D.C. 20410, telephone (202) 755-5720 (this is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Department is proposing to amend the definition of Borrower contained in § 885.5 to implement the requirements of Section 202(d)(3) of the Housing Act of 1959, as amended by the Housing and Community Development Amendments of 1978 that there be significant representation of the views of the community in which the project is located in the composition of the Borrower's governing board.

Since both the formation of the Borrower's corporation and evidence of site control are required prior to the filing of an application for fund reservation, the Department is proposing to amend Section 885.230 to reduce the duration of the fund reservation from eighteen to twelve months, with a provision for one extension of time, not to exceed six months, at the discretion of the Assistant Secretary. The related reservation of Section 8 contract authority would also be cancelled.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of the finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, Washington, D.C. 20410. The rule was listed on the Department's agenda of significant regulations which was published in the *Federal Register* on August 1, 1979.

Accordingly, the Department proposes to amend Title 24 CFR Part 885 as follows:

1. Section 885.5 is amended by revising the definition for "Borrower".

§ 885.5 Definitions.

* * * * *

Borrower means a private nonprofit corporation or a nonprofit consumer cooperative which may be established by the Sponsor, which will obtain a Section 202 loan and execute a mortgage in connection therewith as the legal owner of the project. The Borrower's governing board, which is responsible for the operation of the housing project, must include significant representation of the views of the community. This requirement shall be deemed to have been met if at least thirty percent (30%) of the members of the Board of Directors (a) reside in the community in which the project is to be located and (b) are not representatives of a national organization serving as the sponsor for the project. "Borrower" does not mean a public body or the instrumentality of any public body. The purposes of the Borrower must include the promotion of the welfare of the elderly and/or handicapped families. No part of the net earnings of the Borrower may inure to the benefit of any private shareholder, contributor or individual and the Borrower may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom.

* * * * *

2. Section 885.230 is revised to read as follows:

§ 885.230 Duration of Section 202 fund reservation.

The Field Office Manager, subject to the approval of the Assistant Secretary, may cancel a fund reservation at any time if it can be established that the Borrower is not making satisfactory progress toward the start of construction or shall cancel any reservations of Section 202 loan funds if construction or substantial rehabilitation is not commenced within the twelve-month period following issuance of the Notice of Section 202 fund reservation, unless an extension of time, not to exceed six months, is approved by the Assistant Secretary. Section 8 contract authority reserved in connection with any Section 202 fund reservation which is cancelled also shall be cancelled.

(Sec. 202(d)(3) of the Housing Act of 1959, as amended at Section 205 of the Housing and Community Development Amendments of 1978, 12 USC 1701q, Pub. L. 95-557, 92 Stat. 2080, et seq.; Sec. 7(d) of the Department of HUD Act, 42 USC 3535(d); Section 7(o) of the Department of HUD Act, 42 USC 3535(o).

Section 324 of the Housing and Community Development Amendments of 1978.)

[FR Doc. 80-4577 Filed 2-12-80; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1412-1]

Ohio; Approval and Promulgation of Implementation Plans: Extension of Comment Period

AGENCY: U.S. Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: On December 12, 1979 the U.S. Environmental Protection Agency proposed rules revising the sulfur dioxide emission limitations for Columbus and Southern Electric Company's Poston facility in Ohio (44 FR 71847). In response to several requests for an extension of time for the filing of comments, the comment period is extended to March 14, 1980.

DATES: Comments must be received on or before March 14, 1980.

ADDRESSES: Comments should be submitted to Steve Rothblatt, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Deborah Costello Marcantonio, Paralegal, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn, Chicago, Illinois 60604, (312) 886-6039.

Dated: January 31, 1980.

John McGuire,
Regional Administrator.

[FR Doc. 80-4566 Filed 2-12-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1412-2]

South Carolina; Variance for Particulate Emissions From Bowater Carolina Corp. and Amendment to Regulation 61-62

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On December 14, 1979, the State of South Carolina submitted to EPA, as a proposed implementation plan revision, a variance that has been proposed by the Department of Health and Environmental Control. This

variance will allow Bowater Carolina Corporation temporary relief by granting a higher particulate mass emission and opacity limits than presently permitted under South Carolina air pollution control regulations for particulate emissions. Variances cannot be issued under the present provisions of the South Carolina Pollution Control Act or the State's regulations. In order to provide express legal authority for this variance request and future requests, South Carolina intends to amend its air pollution control regulations and standards, Regulation 61-62.1, Section II, paragraph B, entitled "Operating Permit". EPA proposes to approve both the variance and the regulation change as plan revisions, provided the State adopts them as described in this notice. The public is invited to comment on the proposed actions.

DATES: To be considered, comments must be received on or before March 14, 1980.

ADDRESSES: Written comments should be addressed to Bill Wagner of EPA Region IV's Air Programs Branch (See EPA Region IV address below). Copies of the materials submitted by South Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308

Bureau of Air Quality Control, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT: Bill Wagner, EPA, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30308, 404/881-3286 (FTS 257-3286).

SUPPLEMENTAL INFORMATION: EPA is proposing this variance and regulation change concurrently with South Carolina's proceedings. EPA normally proposes action on a State Implementation Plan revision after formal State adoption and submittal to EPA. Because of the significant savings in oil that will result from EPA's approval of this revision, and because the revision applies only to a single, remote source, EPA is using a different procedure in this case. If this revision can be approved as set forth in this concurrent proposal, it is estimated that a savings of 80,000 barrels of oil will be realized. This represents the oil savings over a five month period, the additional time it would take to take action on this revision using normal procedures. South

Carolina expects to make formal submittal of both by mid-June, 1980. EPA is announcing these changes now so that the Agency's approval action will coincide as closely as possible with the State's expected adoption, provided that there are no changes in the State's submission. If changes are made, EPA will provide a new public notice and comment period on whether the changed variance or regulation enabling the variance, should be approved.

South Carolina presently lacks the necessary authority to grant variances to its regulations, and is at this time proposing, through a change in Regulation 61-62.1, Section II, to provide the legal authority to do so. This amendment provides for variances of limited duration to accommodate fuel switches. Any application of this provision will have to be treated as a state implementation plan (SIP) revision, and as such any application will have to be reviewed by EPA.

Regarding the variance proposed for Bowater, the existing mass emission limit for the York County facility's two combination process boilers is 0.6 pounds of particulate per million BTU's per hour of heat input; the boilers must also meet an opacity limit of 40%. While this facility is in compliance with the existing regulations, the proposed variance is anticipated to provide a significant savings on oil consumption. The company is now requesting that, due to an increase in use of wood waste as fuel, the company be allowed to emit up to 0.8 pounds per million BTU's, while meeting an opacity limit of 60%, until April 1, 1981. At that time an electrostatic precipitator will have been installed and made fully operational. Prior to January 6, 1975, the boilers were capable of accommodating wood waste as a fuel, so a Prevention of Significant Deterioration (PSD) review is not required (see 40 CFR 52.21(b)(2)(ii)(d)). This fuel conversion will result in a first year saving of 200,000 barrels of No. 6 fuel oil, increasing to 400,000 barrels a year after the precipitator is installed.

Air quality dispersion modeling results submitted by the State show that in no case will the National Ambient Air Quality Standards be violated nor will any prevention of significant deterioration increment be exceeded. There is no non-attainment area within 100 miles, therefore there will not be a significant impact on any non-attainment area. The air quality modeling indicates that the maximum impact of the increase on the annual and 24 hour PSD increments will be 1.0 $\mu\text{g}/\text{m}^3$ and 4.7 $\mu\text{g}/\text{m}^3$ respectively.

EPA is today proposing to approve the South Carolina revisions provided the

State adopts and submits the revisions in a form identical to that described and referenced in this notice.

The public is invited to participate in the rulemaking action by submitting written comments. After reviewing pertinent comments and all other information available to him, the Administrator will take final action on the South Carolina revisions once they are formally adopted and submitted.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: January 30, 1980.

John A. Little,

Deputy Regional Administrator.

[FR Doc. 80-4567 Filed 2-12-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1410-8]

Connecticut, Approval and Promulgation of Implementation Plans; Notice of Receipt

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Receipt and Advance Notice of Proposed Rulemaking.

SUMMARY: This Notice is to announce the receipt of additions to the State Implementation Plan (SIP) revisions for Connecticut which is available for public review and comment. Earlier revisions to the Connecticut SIP, which were received by EPA on June 27, 1979, were described in a Notice published in the *Federal Register* on July 10, 1979 (44 FR 40360).

A Notice of Proposed Rulemaking describing this and the prior submittal and EPA's intended approval or disapproval action will be published in the *Federal Register* at a later date.

DATES: See Supplementary Information.

ADDRESSES: Copies of the revisions are available for inspection at the following addresses: Environmental Protection Agency, Region I, Air Branch, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203; Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, DC 20460; and the Department of Environmental Protection, Air Compliance Unit, State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06115.

Written comments should be sent to: Frank J. Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 1903, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Frank J. Ciavattieri, Chief, Air Branch,

Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 1903, Boston, Massachusetts 02203, 617/223-6883.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), and on September 11, 1978 (43 FR 40412), pursuant to the requirements of Section 107 of the Clean Air Act, EPA designated areas in each state as non-attainment with respect to the criteria air pollutants. The non-attainment areas in Connecticut designated in those Notices were:

Connecticut

	TSP		CO	O ₃
	Primary	Secondary		
AQCR 41 ..			X	X
AQCR 42 ..	X		X	X
AQCR 43 ..	X		X	X
AQCR 44 ..	X			X

Part D of the Clean Air Act requires each state to revise its SIP to meet specific requirements in the non-attainment areas. These SIP revisions were due on January 1, 1979 and must demonstrate attainment of the NAAQS, as expeditiously as practicable, but no later than December 31, 1982, or in limited instances for carbon monoxide and ozone, no later than December 31, 1987.

On June 27, 1979, EPA received a revised SIP for Connecticut for areas designated as not attaining the NAAQS for certain pollutants and described in a Notice published in the *Federal Register* on July 10, 1979 (44 FR 40360). On December 28, 1979 EPA received additional material on the revisions which includes strategies to reduce ozone concentrations, and control of transportation-related pollutants. At the completion of EPA's review, a notice will be published in the *Federal Register* proposing approval or disapproval of the revisions.

All interested persons are advised that the proposed revisions are available for review at the locations listed, and are invited to comment on their approvability. A file of documents explaining EPA's criteria for approval is also available at EPA offices. The proposed notice referred to above will announce the last day for public comment. This public comment period will end not less than 60 days from this date and not less than 30 days from the published date of EPA's proposal for approval or disapproval.

Dated: January 29, 1980.

William R. Adams, Jr.,

Regional Administrator, Region I.

[FR Doc. 80-4568 Filed 2-12-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1412-8]

Approval and Promulgation of Implementation Plans—New Hampshire; TSP and SO₂ Attainment Plans for Berlin, N.H.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing to approve revisions to the New Hampshire State Implementation Plan (SIP) submitted by the Governor of New Hampshire on September 19, 1979. The revisions, which are designed to achieve the National Ambient Air Quality Standards (NAAQS) for total particulates (TSP) and sulfur dioxide (SO₂) in Berlin, New Hampshire, address the requirements of Part D of the Clean Air Act, as amended (42 USC 7401 et seq.). In a related action, EPA is withdrawing a previously proposed disapproval of a SIP revision to amend New Hampshire's sulfur in fuel regulations, and is proposing approval of the revision only with respect to Brown Company's Berlin plant.

DATES: Comments must be received on or before March 14, 1980.

ADDRESSES: Copies of the New Hampshire submittal are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; and New Hampshire Air Resources Agency, State of New Hampshire, Hazen Drive, Concord, New Hampshire 03301. Comments should be submitted to Frank Ciavattieri, Air Branch, Region I, Environmental Protection Agency, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Frank Ciavattieri, Chief, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5609.

SUPPLEMENTARY INFORMATION: on October 9, 1979 the Regional Administrator of EPA's Region I published a notice of proposed rulemaking in the *Federal Register* (44

FR 57942), discussing New Hampshire's Non-Attainment Plan SIP Revisions, required under Part D of the Clean Air Act as amended (the Act), and Attainment Status Designations, pursuant to Section 107 of the Act. The notice summarized EPA's requirements for approvable SIP revisions in areas which were designated in the March 3, 1978 Federal Register (43 FR 9013) as non-attainment with respect to the NAAQS. These requirements were presented in detail in Federal Register notices published on May 19, 1978 (43 FR 21673), and on April 4 (44 FR 20372), July 2 (44 FR 38584), August 28 (44 FR 50371), September 17 (44 FR 5376), and November 23, 1979 (44 FR 67182). The SIP revisions, which were submitted by the Governor of New Hampshire on May 29, 1979, include carbon monoxide and ozone attainment plans, as well as regulations for a new source preconstruction review and permit program to apply to areas which are non-attainment for any pollutant. In addition, attainment status designation changes were requested for several areas. EPA proposed action and requested public comment New Hampshire's May 29, 1979 SIP revision submittal, but stated that the TSP and SO₂ attainment plans for Berlin would be discussed in a separate Federal Register notice.

Berlin was designated on March 3, 1978 as a non-attainment area for TSP and SO₂ primary standards. On September 19, 1979, the Governor of New Hampshire submitted SIP revisions designed to attain the SO₂ primary NAAQS and the TSP primary and secondary NAAQS in Berlin by December 31, 1981. A public hearing on the control strategy was held in Berlin on July 25, 1979. On October 4, 1979, EPA published a notice in the Federal Register (44 FR 57117) that the SIP revisions for Berlin, New Hampshire were available for review and comment.

Violations of the TSP and SO₂ standards have been occurring in the Berlin metropolitan area. The State's submittal shows that the recorded TSP violations can be attributed to various operations of the Brown Company's pulp and paper manufacturing plant in Berlin and that the recorded SO₂ violations can be attributed to the plant's power boilers.

A detailed emissions inventory of particulate and SO₂ sources was prepared, and emissions/air quality relationships were evaluated through dispersion modeling studies; for particulates, microscopic and chemical analyses of TSP samples from the Berlin monitors, as well as dispersion

modeling, were relied on in the determination. The dispersion model was selected based on a study in which the model predictions were found to compare favorably to actual air quality measurements in the Berlin area. The Regional Administrator gave his approval of the use of the model in the Berlin area only, subject to several conditions, including use of on-site meteorological data and plant operating parameters. Because of reservations about some of the model's assumptions, however, the model was not accepted for general application on a routine basis.

The SO₂ attainment strategy consists of replacement of two of the existing steam plant boilers with a new combination bark/oil boiler, resulting in SO₂ emission reductions of 1866 tons per year (TPY), and construction and use of two new stacks at the steam plant, one to vent the new bark boiler and one for the remaining two existing boilers. The new stacks will be constructed to the heights necessary to avoid high pollutant concentrations due to structural downwash of the plumes.

These control measures are also part of the TSP attainment strategy, with particulate emission reductions of 49 TPY resulting from replacement of the older boilers with the new bark boiler. Other particulate control measures include construction and use of two replacement stacks in the recovery area of the plant, one to vent the two recovery boilers, the two dissolving tanks, and the two lime slakers, and the other for the two lime kilns. These stacks will be constructed to the heights necessary to avoid high pollutant concentrations due to structural downwash of the plumes. In addition, new air pollution control equipment is being installed on the lime slakers, which will reduce particulate emissions by 610 TPY. Finally, in order to eliminate and control airborne dust from several heavily used unpaved roads and work areas, a number of presently unpaved roads will be paved and a continuing dust control program will be implemented on unpaved working areas.

The control measures for TSP and SO₂ attainment have been specified as conditions in amended source permits issued by the New Hampshire Air Resources Agency to Brown Company. New Hampshire submitted the permits for inclusion in the Federally enforceable SIP. The State also committed to monitoring and enforcing the measures for controlling dust from unpaved areas, which are included in the terms of a consent decree entered into by the U.S. Department of Justice,

the State of New Hampshire, and the Brown Company on August 3, 1979 (*United States of America and the State of New Hampshire v. Brown Company*, Civil Action Number 79-233 in the U.S. District Court for the District of New Hampshire), since the dust control measures are not in the State permits.

New Hampshire's submittal also includes a schedule for TSP AND SO₂ emission reductions which represents reasonable further progress (RFP) towards attainment of the NAAQS. The RFP schedule shows attainment of all standards by December 31, 1981.

Financial and manpower resources to ensure implementation of the attainment measures are described in the State's submittal and satisfy Section 172(b)(7) of the Act.

New Hampshire's submittal identifies the health, welfare, social, economic, and energy effects of the Berlin attainment plans, as required by Section 172(b)(9). The public participation provisions of the overall SIP, discussed in the October 9, 1979 proposal, will also be applicable in Berlin.

EPA is proposing to approve New Hampshire's TSP and SO₂ attainment plans for Berlin as satisfying the requirements of Part D of the Act. Approval of the attainment plans would make it unnecessary for EPA to finalize its proposal in the February 28, 1978 Federal Register (43 FR 8161) to disapprove a previously submitted SIP revision which relaxes the sulfur in fuel limitations in New Hampshire. EPA's proposed disapproval was based on recorded NAAQS violations in Berlin and was proposed only with respect to the Berlin-Gorham Division of the Brown Company. However, since the Berlin attainment plan SIP revisions will bring the area into attainment, EPA is withdrawing its February 28, 1978 proposal and is now proposing to approve the sulfur in fuel regulation change with respect to Brown Company's Berlin, New Hampshire plant only. The SIP revision as it applies to other sources in New Hampshire is still under EPA review, and action will be proposed at a later date.

Interested persons are invited to comment on these SIP revisions, the identified issues, and whether the revisions should be approved or disapproved, particularly with respect to the requirements of Part D of the Act. Comments should be submitted to the address given at the beginning of this notice. All comments received during the 30-day comment period will be available for inspection at the EPA Region I office, Room 1903, JFK Federal Building, Boston, Massachusetts, and

will be considered in EPA's final decision.

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 determined that this is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

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

Dated: January 18, 1980.

William R. Adams, Jr.,
Regional Administrator, Region I.

[FR Doc. 80-4651 Filed 2-12-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1413-1]

State and Federal Administrative Orders Revising the Michigan State Implementation Plan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rule: Proposed disapproval of revision

SUMMARY: The purpose of this notice is to provide opportunity for comment on the proposed disapproval of an administrative order which has been submitted as a part D State Implementation Plan (SIP) revision to the U.S. Environmental Protection Agency (USEPA) by the State of Michigan. The proposed revision is part of the State's control strategy under Part D of the Clean Air Act (ACT) to attain the sulfur dioxide National Ambient Air Quality Standards in a portion of Midland County, Michigan. The order, issued to Dow Chemical Company, Midland County, Michigan, had been previously submitted to USEPA as a site specific SIP revision. It was the subject of the Notice of Proposed Rulemaking on June 19, 1979 at 44 FR 35263. That Notice proposed disapproval of the Final Order as a SIP Revision because the Order did not contain constant control devices for the continuous reduction of emissions, but, instead, permitted Dow's Midland County complex to vary its emissions of sulfur dioxide and particulates according to atmospheric conditions. The June 19, 1979 Notice of Proposed Rulemaking, did not contain USEPA's review of the Final Order as Michigan's part D control strategy for the Midland County nonattainment area. This notice discusses that review and invites

comments on USEPA's proposed disapproval of the Order as a SIP revision under Part D of the Act (42 U.S.C. 7501 et seq.).

DATE: Comments on USEPA's proposed disapproval of the SIP revision are due on or before March 14, 1980.

ADDRESSES: Please send comments to: Gary Gulezian, Acting Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604.

The State Orders, support material and public comment received in response to this notice may be inspected and copied (for appropriate charges) during normal business hours at the above address or at:

Public Information Reference Unit, 401 M Street, SW, Washington, D.C. 20460.
Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

FOR FURTHER INFORMATION CONTACT: Gary Gulezian, Acting Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V (312) 886-6053.

SUPPLEMENTAL INFORMATION:

I. Background

On March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act as amended in 1977, USEPA designated certain areas in each State as not meeting the National Ambient Air Quality Standards for total suspended particulates (TSP), sulfur dioxide (SO₂), carbon monoxide (CO), photochemical oxidants (ozone), and nitrogen dioxide (NO₂).

Part D of the Act, which was added by the 1977 Amendments, requires each state to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary National Ambient Air Quality Standards as expeditiously as practicable but not later than December 31, 1982. Under certain conditions the date may be extended to December 31, 1987 for ozone and/or carbon monoxide.

On April 25, 1979 the State of Michigan submitted its proposed revised SIP to USEPA so that the Agency could review the plan and solicit public comment on both the plan provisions and on USEPA's proposed rulemaking. The proposed SIP revision addresses the Clean Air Act requirements for a nonattainment SIP and some general requirements for a statewide SIP. USEPA in a notice of proposed

rulemaking published August 13, 1979 (44 FR 47350) discussed its review and proposed action on other elements of Michigan's Part D plan.

The April 25, 1979 submittal contained the State's control strategy for the sulfur dioxide nonattainment areas of Midland and Ingham Counties. Portions of these Counties were designated nonattainment because a source in each area was utilizing a supplementary control system (SCS) to meet the (SO₂) National Ambient Air Quality Standards (NAAQS). The State's control strategy for these SO₂ nonattainment areas was to rely on the existing SO₂ emission limitations in its present regulations while requiring the two sources in the nonattainment areas to apply "continuous emission control systems," to meet those emission limitations. The requirement of "continuous emission control" systems was to be implemented through individual Consent Orders entered into by the two sources and the Michigan Air Pollution Control Commission (MAPCC) and submitted to USEPA as SIP revisions. Order No. 1-1979, issued to Dow Chemical Co., Midland County, had been submitted previously to USEPA on February 14, 1979, as a site specific SIP revision. USEPA reviewed this Order and proposed disapproval of it as a SIP revision in a Notice of Proposed Rulemaking published June 19, 1979 at 44 FR 35263. The basis of the proposed disapproval was that the Order did not contain constant control devices for the continuous reduction of emissions but, instead, in contravention to Section 123 of the Act, permitted Dow to vary its SO₂ and particulate emissions according to atmospheric conditions. The purpose of this supplemental notice is to publish for public comment USEPA's review of the Dow Order No. 1-1979 as a proposed SIP revision submitted by the State under Part D of the Act. Action on the consent order submitted for the source in Ingham County will be taken in a notice of proposed rulemaking to be published shortly.

II. Part D Requirements

Section 172(a)(1) requires the State to demonstrate attainment of the primary SO₂ and particulate NAAQS no later than December 31, 1982 (42 U.S.C. 7502(a)(1)). It is USEPA's position, however, that Congress, in passing the 1977 Amendments to the Act, did not intend to provide sources more time to come into compliance with existing emission limitations. Extensions beyond the pre-existing compliance dates are only permitted for sources that are subject to more stringent emission limitations or control requirements, or

subject to old requirements that are inconsistent with the new requirement. This position is amplified in the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas [44 FR 20372, 20373, April 4, 1979].

As stated by Congressman Rogers in discussing the 1977 Amendments: Section 110(a)(2) of the Act made clear that each source has to meet its emission limits as "expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe Part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under Part D. (123 Cong. Rec. H 11959, daily ed. November 1, 1979).

Final Order No. 1-1979, issued to Dow and submitted to USEPA by the MAPCC as a proposed SIP revision, extends the date that Dow is to come into compliance with the existing emission limitations in the State's regulations. The Order extends the date from April 1, 1975 to December 31, 1982. Because the consent order does not subject Dow to additional control requirements, Dow is not entitled to such a compliance date extension.

Thus the proposed SIP revision is not approvable for Part D purposes. The existing emission limitations in rules 336.49 and 336.44 remain in effect and Dow remains subject to enforcement of these limitations. USEPA believes the emission limitations in the existing SIP are adequate to attain and maintain the NAAQS.

A Part D SIP revision must also include "emission limitations, schedules of compliance and such other measures as may be necessary to meet the requirements of this section". (42 U.S.C. s 7502(b)(8)). The Order issued to Dow also fails to meet this requirement. The Order fails to include sulfur dioxide and particulate emission limitations (as defined by Sections 302(k) and (m)), (42 U.S.C. 7602(k)(m)), schedules of compliance or other such measures which could demonstrate reasonable further progress.

It is proposed, therefore, that Final Order No. 1-1979 issued to Dow Chemical Co. and submitted to USEPA as proposed SIP revision under Part D of the Act be disapproved because it

grants Dow additional time to come into compliance with existing emission limitations and because it fails to contain emission limitations and schedules of compliance.

Interested persons are invited to submit written comments on this proposed action. USEPA has determined that a thirty day comment period is adequate for this Part D SIP revision because it applies to only one source and comment has previously been taken on the revision as a site specific revision. In addition, comment has been taken on other elements of Michigan's Part D plan. See 44 FR 35263 (June 19, 1979) and 44 FR 47350 (August 13, 1979).

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels proposed regulations as "specialized." I have reviewed these regulations pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979 by the Administrator and I have determined that they are specialized regulations not subject to the procedure requirements of Executive Order 12044.

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

Dated: February 1, 1980.

John McGuire,
Regional Administrator.

[FR Doc. 80-4652 Filed 2-12-80; 8:45 am]
BILLING CODE 5560-01-M

40 CFR Part 86

[FRL 1412-7]

Proposed High-Altitude Emission Standards for 1982 and 1983 Model Year Light-Duty Vehicles, Proposed High-Altitude Performance Adjustment Regulations, and High-Altitude Emission Standards for Light-Duty Motor Vehicles Manufactured During or After the 1984 Model year; Public Hearings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Hearings.

SUMMARY: This document announces the time and place for three EPA public hearings. The first item to be considered is the EPA Notice of Proposed Rulemaking (NPRM) on high-altitude emission regulations for 1982 and 1983 model year light-duty motor vehicles. This NPRM was published on January

24, 1980 (45 FR 5988). The second item to be considered is the EPA Notice of Proposed Rulemaking (NPRM) on high-altitude performance adjustments which was published on January 24, 1980 (45 FR 6012). The third item to be addressed is section 206 of the Clean Air Act, as amended, concerning high-altitude emission regulations for light-duty vehicles manufactured during or after the 1984 model year.

As presently planned, one day will be devoted to each of the items beginning with the 1982 and 1983 high-altitude rulemaking, followed by the high-altitude performance adjustment rulemaking, and concluding with the 1984 high-altitude requirements. However, the Agency will attempt to conclude the public hearings after two days of testimony by scheduling the altitude adjustment rulemaking and the 1984 requirements for the second day if the volume of testimony permits it.

DATES: March 5, 6, and 7, 1980, 9:30 a.m.-5:00 p.m. each day.

ADDRESS: U.S. Post Office Auditorium, 1823 Stout Street, Denver, CO 80202.

FOR FURTHER INFORMATION CONTACT: Richard S. Wilcox, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, (313) 668-4390.

SUPPLEMENTARY INFORMATION:

Proposed 1982 and 1983 High-Altitude Standards

Section 202(f)(1) of the Clean Air Act, as amended, (the Act), 42 U.S.C. 7521(f)(1), revoked the EPA high-altitude motor vehicle certification regulations which were in effect for the 1977 model year, and prohibited the establishment of any other regulations governing the sale and distribution of motor vehicles at high altitudes before the 1981 model year. EPA proposed interim high-altitude standards for 1982 and 1983 model years on January 24, 1980 (45 FR 5988).

On March 5, 1980, EPA will hold a public hearing on the proposed emission standards for model years 1982 and 1983. This hearing is intended to provide an opportunity for interested persons to state their views or arguments, or provide information relative to the proposed emission standards. Although the Agency invites comments on all aspects of the rulemaking action, concerned parties are asked to address the following subject areas in particular:

1. Derivation of the Standards.
2. Impact of Not Exempting Low-Power-to-Weight Vehicles.
3. Criteria That Should Be Used To Exempt Low-Power-to-Weight Vehicles.

4. Impact on Capital Availability Within the Industry.
5. Appropriateness of the Maximum Allowable Cost Escalator.
6. Criteria for Emission-Data Vehicle Selection and Certification Options.
7. Interaction Between Parameter Adjustment Regulations and High-Altitude Regulations.
8. Technical Feasibility and Hardware Requirements.
9. Cost.
10. Cost Effectiveness.
11. Air Quality Impact and Need.

Proposed Altitude Performance Adjustment Regulations

Section 215 of the Act establishes the authority to require manufacturers to submit to the Administrator instructions for the adjustment or modification of vehicles being operated at elevations other than the altitude for which the vehicle was originally designed. Section 215 also requires that EPA establish regulations to require these submissions. EPA proposed these regulations on January 24, 1980 (45 FR 6012). The proposed regulations are intended to improve the emission control performance of motor vehicles being operated at high altitude by requiring that altitude performance adjustment instructions be made available to the public.

On March 6, 1980, EPA will hold a public hearing on the above proposed rule. The hearing is intended to provide an opportunity for interested persons to state their views or arguments, or to provide information relative to altitude performance adjustments.

1984 High-Altitude Requirements

Section 206(f)(1) of the Act mandates that, beginning in the 1984 model year, all light-duty vehicles must comply with the applicable low-altitude standards regardless of the altitude at which they are sold. EPA is currently considering the manner in which this requirement should be implemented. Two possible interpretations are: 1) vehicles must meet the low-altitude standards up to the highest elevation at which auto dealerships operate in the United States, or 2) vehicles must meet the low-altitude standards up to the highest elevation where violations of the national ambient air quality standards have occurred (presently about 7,000 feet). This is referred to as an "all altitude" standard.

Before beginning the rulemaking action to implement this Congressional mandate, EPA will hold a public hearing March 7, 1980 in order to gather added background information and to allow greater public participation early in the process.

At the March 7, 1980 hearing, the

Agency will also consider section 207(f)(2) of the Act. This section refers to "proportional" emission standards as follows:

By October 1, 1978, the Administrator shall report to the Congress on the economic impact and technological feasibility of the requirements found in subparagraph (1) of this subsection. The report is also to evaluate the technological feasibility and the health consequences of separate proportional emission standards for light-duty vehicles and engines in high altitude areas that would reflect a comparable percentage of reduction in emissions to that achieved by light-duty vehicles and engines in low-altitude areas.

EPA interprets a "proportional" emission standard to mean a standard that achieves the same percentage reduction in emissions at high altitude (from a 1970 model year baseline) that section 202(b) requires for vehicles at low altitude. For example, the 3.4 gram per mile CO standard represents a 90% reduction from the low altitude emissions of CO from 1970 model year vehicles, as called for in the Act. The proportional reduction standard that would apply for the altitude corresponding to Denver would be about 7.8 grams per mile, because 1970 model year vehicles when tested in Denver had higher emissions than they would at low altitude.

EPA invites comments on all aspects of section 206(f) of the Act. In particular, however, the Agency requests comments which specifically address the following subject areas:

1. Technical Issues: a. Control Technology Feasibility; b. Performance; c. Driveability; d. Fuel economy.
2. Cost.
3. Cost Effectiveness.
4. Air Quality.
5. The appropriateness of EPA's two likely definitions of the altitude at which vehicles must meet the low-altitude standards, or alternative interpretations of the section 206(f)(1) altitude requirement.
6. Status of Industry Progress Toward Meeting Section 206(f)(1) Requirements.

Participation in the Public Hearings

Although three days of separate hearings have been scheduled, EPA will attempt to combine the proceeding into two days of hearings if the volume of testimony permits it. The Agency will follow this combined procedure only if it is clear that each participant will have an adequate opportunity to present testimony at the hearings. If limiting the hearings to two days will result in an unavoidable hardship for any person expecting to present testimony with regard to the 1984 high-altitude requirements, which is now scheduled for the third and final day, the Agency

should be notified at the above address as soon as possible.

Any person desiring to make a statement at the hearings or to submit material for inclusion in the record of the hearings should provide written notice of such intention, together with at least one copy of the proposed statement or material for inclusion in the record. To prevent confusion during the hearings and to facilitate review of the testimony, any person intending to address more than one of the three hearings should present a separate statement or submittal to the record for each hearing. All such documents should be submitted to EPA at the address above no later than March 3, 1980. EPA requests, but does not require, that at least 100 copies accompany any document which cannot be submitted prior to the start of the hearings.

Participants are advised to adhere to these guidelines if possible. Documents submitted late may not receive full staff consideration prior to the hearing. Further, participants who submit documents on the scheduled day of appearance, without the requested [number] copies, may be rescheduled for a later time or session of the hearings if duplication of the documents cannot be completed by EPA prior to the scheduled time of appearance.

The record of the hearings will be left open for 30 days following the close of the hearings on the proposed performance adjustment and interim high-altitude regulations, and for 45 days following the close of the hearings on the 1984 high-altitude requirements to allow submission of rebuttal and supplementary information. Information potmarked no later than April 8, 1980 for the proposed performance adjustment and interim high-altitude regulations, and April 23, 1980 for the 1984 high-altitude requirements will be entered into the record of the hearing.

Michael P. Walsh is hereby designated as the Presiding Officer for the hearings. He will be responsible for maintaining order, excluding irrelevant or repetitious material, scheduling presentations and, to the extent possible, notifying participants of the time at which they may appear. The hearing will be conducted informally. Technical rules of evidence will not apply.

Dated: February 7, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 80-4650 Filed 2-12-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 250**[FRL 1412-3]****Hazardous Waste: Notice of Availability of Information and Extension of Comment Period****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of availability of information and extension of comment period.

SUMMARY: The Environmental Protection Agency (EPA) is today extending for 18 days the public comment period on two reports on the environmental and economic impacts of various regulatory alternatives for generators of small quantities of hazardous waste. These reports, which were completed after the close of the original comment period on EPA's proposed regulations implementing Sections 3001-3004 of the Resource Conservation and Recovery Act (RCRA), as amended, were previously noticed for public comment on January 10, 1980 at 45 FR 2059-2060.

DATES: Comments on these reports are now due no later than February 29, 1980.

ADDRESSES: Comments should be addressed to Deborah Vallari, Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-9173. Comments should identify the regulatory docket and subject as follows: "Sections 3001 and 3002: Small quantities".

Copies of these reports are available for reading at the EPA Library-Public Information Reference Unit (Room 2404) and the Subtitle C Docket Room (Room 2711), both located at 401 M Street, SW., Washington, D.C., and at all EPA Regional Office Libraries during the hours of 9:00 a.m. to 4:30 p.m., Monday through Friday.

Copies of these reports are also available from Ed Cox, Solid Waste Information, U.S. E.P.A., 26 W. Saint Clair Street, Cincinnati, Ohio 45268, (513) 684-5362. If available copies run out, the Agency may charge \$0.20 per page for photocopying.

FOR FURTHER INFORMATION CONTACT: Deborah Vallari, Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-9173.

SUPPLEMENTARY INFORMATION: EPA is extending for 18 days the public comment period on two reports on hazardous waste which were previously noticed on January 10, 1980 at 45 FR 2059-2060. The two reports are: *Technical Environmental Impacts of Various Approaches for Regulating*

Small Volume Hazardous Waste Generators, 2 Vols., December 1979, EPA Contract Numbers 68-02-2613 and 68-03-2560, TRW Environmental Engineering Division, Redondo Beach, CA. [SW-185c.1 and SW-185c.2], and *Economic Impacts of RCRA Approaches to the Regulation of Generator of Small Volumes of Hazardous Waste*, December 1979, EPA Contract Number 68-01-4778, Temple, Barker & Sloane, Inc., Lexington, MA. [SW-186c].

Because of unanticipated demand and resultant distribution problems, EPA has been unable to make these reports available to the public in a timely manner. Therefore, the comment period is being extended today to allow the public adequate time to receive, review and comment on the reports. This is not to be construed as a reopening of the comment period on the Agency's proposed regulations implementing Sections 3001-3004 of the Resource Conservation and Recovery Act (RCRA), as amended.

Dated: February 7, 1980.

James N. Smith,
Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 80-4508 Filed 2-12-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**Center for Disease Control****42 CFR Part 51g****Grants for Health Education-Risk Reduction**

AGENCY: Center for Disease Control, Public Health Service, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Center proposes to amend regulations governing the Health Education-Risk Reduction Grants program to establish and administer grant programs to discourage children and youth from smoking and alcohol use as authorized under section 402(a)(2) of the Health Services and Centers Amendments of 1978. These new grant programs will be carried out in conjunction with the Health Education-Risk Reduction grants authorized under section 1703 of the Public Health Service Act and initiated in 1979 with State and local health agencies. The grants will provide preventive health education services related to tobacco and alcohol to children and young people in selected community and school settings, and a portion of the funds will be specifically targeted for minority populations. The

programs will be demonstrations with evaluation components to ensure their adaptability to a variety of community and school-based settings. The programs will be closely coordinated with other State and local education and alcohol agency programs.

FOR FURTHER INFORMATION CONTACT: Mr. Billy Griggs, Deputy Director, Bureau of Health Education, Center for Disease Control, PHS, HEW, Atlanta, Georgia 30333. Telephone: (404) 329-3111 or FTS: 236-3111.

Dated: January 24, 1980.

Julius B. Richmond,
Assistant Secretary for Health.

[FR Doc. 80-4649 Filed 2-12-80; 8:45 am]

BILLING CODE 4110-86-M

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[BC Docket No. 80-39; RM-3231]

FM Broadcast Station in Los Osos-Baywood Park, Calif.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a Class B FM channel to Los Osos-Baywood Park, California, as that community's first FM assignment, in response to a petition filed by Thomas B. and Margrethe T. Friedman. The proposed channel could be used to provide a first local aural broadcast service to the community.

DATES: Comments must be filed on or before March 31, 1980, and reply comments must be filed on or before April 21, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: January 29, 1980.

Released: February 4, 1980.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Los Osos-Baywood Park, California).

By the Chief, Policy and Rules Division:

1. The Commission has before it a petition for rule making filed by Thomas B. and Margrethe T. Friedman ("petitioners"), requesting the

assignment of Class B FM Channel 267 to Los Osos-Baywood Park, California, as a first FM assignment.¹ No comments have been filed.

2. Los Osos-Baywood Park (pop. 3,487)² is located in San Luis Obispo County (pop. 105,690) along the California coast. This community is approximately 345 kilometers (215 miles) north of Los Angeles and 385 Kilometers (239 miles) south of San Francisco. It has no local aural broadcast service.

3. Petitioners state that the population of Los Osos-Baywood Park has grown very rapidly since 1970 to approximately 9,200 in 1978.³ Petitioners have submitted a community profile which supports a need for a first FM assignment to that community.

4. Channel 267 can be assigned to Los Osos-Baywood Park without affecting any existing FM assignments. Preclusion will occur on Channels 265A, 267 and 269A affecting thirteen communities of over 1,000 population. Of these, the following six communities have no local aural broadcast service with the affected channels listed: Cambria (pop. 1,716) (Channels 265A, 267, 269A); Cayucos (1,772) (Channels 267, 269A); Oceano (2,564) (Channel 269A); Nipomo (3,642) (Channel 269A); Guadalupe (3,145) (Channel 269A); Santa Maria South (7,129) (Channel 269A). Petitioners should submit a showing as to the availability of alternate channels for the above named communities.⁴

5. Although petitioners submitted a *Roanoke Rapids/Anamosa* showing which demonstrated the extent of first and second FM or aural service, the Commission's staff study found the showing to be in error. The proposed assignment will provide no service to any unserved or underserved areas.

6. Our usual policy is to require some additional justification for the allocation of a higher powered facility to a small community. We have determined that no first or second service areas pertain. However, the area in which Channel 267 can be assigned is a relatively thin strip of coastal land containing few communities. Of those precluded on the co-channel, none are as Los Osos-Baywood Park. Therefore, we find sufficient justification to propose for comments the Class B assignment to the requested community.

7. In view of the apparent need for a first local FM station in Los Osos-

Baywood Park, California, the Commission finds that consideration of the proposal described above would be in the public interest.

8. Accordingly, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Los Osos-Baywood Park, Calif.		267

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein. **NOTE:** A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before March 31, 1980, and reply comments on or before April 21, 1980.

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to

file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-4578 Filed 2-12-80; 8:45 am]

BILLING CODE 6712-01-M

¹ Public Notice of the petition was given on November 3, 1978, Rept. No. 1149.

² Population figures are taken from the 1970 U.S. Census.

³ This estimate comes from an article in the Los Angeles Times newspaper that does not quote a source.

⁴ Petitioner's preclusion showing did not contain all of these communities. Our staff study found certain errors in the showing and we have set forth this revised showing.

Notices

Federal Register

Vol. 45, No. 31

Wednesday, February 13, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Supplementary Guidance; Handicapped Access to Historic Properties

AGENCY: Advisory Council on Historic Preservation.

ACTION: Supplementary Guidance.

SUMMARY: The Executive Director of the Advisory Council on Historic Preservation is publishing for the information of the public and government agencies this supplementary guidance for implementing Section 106 of the National Historic Preservation Act pursuant to 36 CFR Sec. 800.14. It was developed in order to provide general guidance concerning the treatment of historic resources in programs designed to remove barriers to handicapped access. A draft version was published for public comment on June 13, 1979 (44 FR 34078). The final guidance has been substantially revised in light of comments received. Because of the special issues presented in rendering historic properties accessible to the handicapped while still maintaining the architectural features that are the basis for their significance, this guidance has been drafted in an effort to develop a workable approach to satisfactorily meet both Federal policies.

FOR FURTHER INFORMATION CONTACT: Peter Smith, Chief, Division of Federal Program Review at 202-254-3886; Katherine Raub Ridley, General Attorney, Division of Federal Program Review, 202-254-3886.

Preamble: The Council is an independent Federal agency established by the National Historic Preservation Act of 1966 (16 U.S.C. 470) to advise the President and the Congress on matters relating to historic preservation. Under Section 106 of the Act, the Council must be afforded an opportunity for comment

when Federal, federally licensed or assisted undertakings affect National Register or eligible properties. The process for obtaining the Council's comments is set forth in the regulations for "Protection of Historic and Cultural Properties" (36 CFR Part 800).

The Council is concerned with the special problems presented in making historic properties accessible to handicapped persons. Under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 706) and implementing regulations of the Department of Health, Education, and Welfare (45 CFR Parts 84 and 85), Federal agencies are required to publish regulations to ensure that federally assisted programs are accessible to the handicapped. Because properties included in or eligible for the National Register of Historic Places will be affected through activities undertaken pursuant to such agency regulations, there is a need to coordinate the Federal policies of access and historic preservation in order to meet the requirements of Section 106. Agency procedures that incorporate the approach set forth below would ensure that action undertaken to make an historic property accessible would give proper consideration to a historic property's significant features. This would also serve as a basis for determining that adoption of such procedures by the agency would have no adverse effect on properties included in or eligible for the National Register of Historic Places.

The Council received 37 comments on the proposed guidance. Commenters expressed great interest in the concept of guidelines for the treatment of historic properties, as well as a degree of frustration with the lack of specific criteria supplied by the draft. In all but two cases, commenters supported the inclusion of a waiver provision, if carefully administered, for those rare instances in which a historic property could not be rendered accessible without substantially impairing significant historic features. The final guidance has been substantially revised in an effort to provide more concise and specific guidelines as to factors that should be considered in weighing the two Federal policies. Integration of Section 504 responsibilities with Section 106 responsibilities is also provided. It is the intent of the Council that this language serve as a basis for a section in each

agency's handicapped access regulations reserved for the subject of access to historic properties.

Supplementary Guidance— Handicapped Access to Historic Properties

Incorporation of the following provisions into Federal agency regulations required by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 70) and 45 CFR Parts 84 and 85 shall be the basis for a determination pursuant to 36 CFR Sec. 800.4(c) that the adoption of such regulations will have No Adverse Effect on properties included in or eligible for inclusion in the National Register of Historic Places.

Access to Historic Properties

In the case of historic properties, program accessibility shall mean that, when viewed in their entirety, programs are accessible to and usable by handicapped persons. After all other methods of providing access have been examined and found unsatisfactory in achieving access, recipients of Federal assistance may find it necessary to make alterations to historic properties. Certain alterations may cause substantial impairment of significant historic features. Historic properties are those that are listed or eligible for listing in the National Register of Historic Places. Substantial impairment occurs when a permanent alteration is made which results in a significant loss of the integrity of finish materials, design quality or spatial character.

Where access cannot be achieved without causing a substantial impairment of significant historic features, the recipient may seek a modification or waiver of access standards from the responsible Federal agency. A decision to seek a modification or waiver should be based on consideration of the following factors.

- Scale of the structure, reflecting its ability to absorb alterations;
- Use of the structure, whether primarily for public or private purposes;
- Importance of the historic features of the structure to the conduct of the program; and,
- Costs of alterations in comparison to the increase in accessibility.

The decision by the responsible Federal agency to grant a modification or waiver of access standards is subject to Section 106 of the National Historic

Preservation Act and shall be made in accordance with 36 CFR Part 800. Where the structure is federally owned or where Federal funds may be used for alterations, the comments of the Council shall be obtained pursuant to 36 CFR Part 800 prior to the approval of such work by the responsible Federal agency.

Authorities: This Supplementary Guidance is developed under authority of the National Historic Preservation Act of 1966, 16 U.S.C. Sec. 470f, Executive Order 11593, "Protection and Enhancement of the Cultural Environment," 36 FR 8921 (1971); and regulations for the "Protection of Historic and Cultural Properties," 36 CFR Part 800.

Dated: February 8, 1980.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 80-4579 Filed 2-12-80; 8:45 am]

BILLING CODE 4310-10-M

CIVIL AERONAUTICS BOARD

Establishment of Agency's Senior Executive Service Performance Review Board

As required by Title IV of the Civil Service Reform Act of 1978, the CAB has established a Performance Review Board (PRB) to review, evaluate and make a final recommendation on performance appraisals assigned to members of the agency's Senior Executive Service. The PRB also makes recommendations to the Chairman regarding SES Performance awards, ranks and bonuses. The Performance Review Board consists of the following members: Cressworth Lander, Michael Sherwin, Kenneth Caplan, Barbara Clark, and John Golden.

For Further Information Contact:
Michael Sherwin, Director, Office of Human Resources, Civil Aeronautics Board, (202) 673-6140.

Patrick F. Bollone,
Assistant Director for Staffing, Office of Human Resources.

[FR Doc. 80-4647 Filed 2-12-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37588; Order 80-2-16]

Palm Beach Environmental Study; Order Instituting Study and Deferring Action

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of February, 1980.

We have pending before us requests by carriers for route authority between West Palm Beach, Florida, and other cities. We have listed all such dockets affected in Appendix A. The cities of

West Palm Beach and the towns of Palm Beach, Golfview, Glen Ridge and Cloud Lake ("The Cities") have filed detailed formal objections in several pending proceedings on environmental grounds raising the basic question of whether there should be new route authority at Palm Beach. (See, for example, *Denver/Chicago-Florida Show-Cause Proceeding*, Docket 36499; *Northeast/Ohio Valley-Florida Show-Cause Proceeding*, Docket 36590; *Detroit-West Palm Beach Show-Cause Proceeding*, Docket 37188.)¹

We have determined that our responsibility under the National Environmental Policy Act of 1969 requires that we undertake a careful analysis of the environmental factors bearing on increased route authority at West Palm Beach. Therefore, we have decided to defer action with respect to additional authority at West Palm Beach, pending completion of an assessment of the possible environmental effects of granting currently pending applications for authority at West Palm Beach, and are directing the staff to prepare this environmental assessment by May 15, 1980. During the deferral period, we will consider the merits of individual route applications for authority at West Palm Beach only in extraordinary circumstances. It does not appear that these circumstances are presented by any of the applications now before us.

In order to facilitate responses to this order, we have established Docket 37588. Carriers or civic parties wishing to petition for reconsideration shall do so within 20 days of the service date of this order. Answers to petitions are due 10 days after that.²

Accordingly,

1. We defer action on the West Palm Beach portions of the dockets listed in Appendix A;³

2. We direct the staff to complete an environmental assessment as described above no later than May 15, 1980;

3. Petitions for reconsideration of this order shall be filed in Docket 37588, which we have entitled the West Palm Beach Environmental Study, no later than February 27, 1980; answers should be filed by March 10, 1980; and

¹ The cities have also raised these objections in a petition for reconsideration of Order 79-11-174, granting applications for authority in the White Plains-West Palm Beach market (*New York-Miami-West Palm Beach Show-Cause Proceeding*, Docket 35467).

² Petitions, answers, and all other pleadings and responses to this order should be filed with the Board in Docket 37588 and served on the parties listed in ordering paragraph 4 of this order.

³ On file at the Office of the Federal Register.

4. We will serve a copy of this order upon all carriers listed in Appendix A and on The Cities.

We will publish this order in the Federal Register.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-4048 Filed 2-12-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Estimates of the Voting Age Population for 1979

In accordance with the requirements of the Federal Election Campaign Act Amendments of 1976, title 2 U.S.C. 441a(e), notice is hereby given that the estimates of the voting age population (18 years of age and over) for July 1, 1979, for each state, congressional district, the District of Columbia, the Commonwealth of Puerto Rico, and the territories of Guam and the Virgin Islands are as shown in the following table. These estimates have been certified to the Federal Election Commission.

Philip M. Klutznick,

Secretary of Commerce.

Estimates of the Population of Voting Age for States, Congressional Districts, and Selected Outlying Ages: July 1, 1979

(In thousands)

State and congressional district	Population 18 and over
United States.....	157,529
Alabama.....	2,644
1.....	379
2.....	377
3.....	386
4.....	412
5.....	362
6.....	372
7.....	357
8.....	261
Alaska.....	1,697
Arizona.....	408
1.....	420
2.....	449
3.....	420
4.....	1,542
Arkansas.....	355
1.....	403
2.....	440
3.....	344
4.....	16,475
California.....	456
1.....	441
2.....	401
3.....	380
4.....	375
5.....	340
6.....	376
7.....	353
8.....	366
9.....	366
10.....	376
11.....	366
12.....	379
13.....	428
14.....	395
15.....	444
16.....	394
17.....	

Estimates of the Population of Voting Age for
States, Congressional Districts, and Selected
Outlying Ages: July 1, 1979—Continued

[In thousands]

State and congressional district	Population 18 and over
18	368
19	407
20	402
21	343
22	350
23	392
24	391
25	319
26	328
27	383
28	351
29	293
30	313
31	296
32	339
33	366
34	357
35	384
36	355
37	436
38	334
39	400
40	575
41	409
42	380
43	570
Colorado	1,972
1	331
2	429
3	358
4	443
5	411
Connecticut	2,295
1	369
2	394
3	383
4	357
5	398
6	394
Delaware	417
District of Columbia	487
Florida	6,633
1	362
2	390
3	323
4	474
5	552
6	478
7	399
8	487
9	367
10	565
11	567
12	459
13	394
14	412
15	406
Georgia	3,561
1	339
2	335
3	329
4	359
5	289
6	406
7	388
8	335
9	424
10	357
Hawaii	640
1	299
2	341
Idaho	612
1	313
2	299
Illinois	7,997
1	280
2	304
3	325
4	357
5	297
6	312
7	262
8	278
9	379
10	315
11	321
12	382

Estimates of the Population of Voting Age for
States, Congressional Districts, and Selected
Outlying Ages: July 1, 1979—Continued

[In thousands]

State and congressional district	Population 18 and over
13	361
14	383
15	346
16	322
17	366
18	342
19	331
20	343
21	352
22	352
23	311
24	376
Indiana	3,807
1	300
2	386
3	342
4	346
5	352
6	351
7	365
8	347
9	363
10	341
11	313
Iowa	2,080
1	357
2	334
3	343
4	355
5	357
6	334
Kansas	1,724
1	337
2	357
3	345
4	328
5	358
Kentucky	2,485
1	379
2	358
3	287
4	348
5	377
6	369
7	368
Louisiana	2,723
1	339
2	338
3	348
4	338
5	333
6	366
7	342
8	319
Maine	779
1	398
2	381
Maryland	3,000
1	422
2	373
3	328
4	398
5	342
6	455
7	293
8	390
Massachusetts	4,253
1	357
2	346
3	345
4	346
5	347
6	338
7	337
8	365
9	325
10	373
11	350
12	425
Michigan	6,470
1	283
2	356
3	353
4	351
5	347
6	372
7	321

Estimates of the Population of Voting Age for
States, Congressional Districts, and Selected
Outlying Ages: July 1, 1979—Continued

[In thousands]

State and congressional district	Population 18 and over
8	342
9	358
10	396
11	381
12	366
13	232
14	309
15	339
16	297
17	331
18	348
19	387
Minnesota	2,892
1	381
2	388
3	335
4	327
5	319
6	383
7	375
8	384
Mississippi	1,624
1	321
2	297
3	325
4	324
5	356
Missouri	3,524
1	252
2	341
3	311
4	379
5	305
6	367
7	418
8	395
9	383
10	373
Montana	551
1	286
2	265
Nebraska	1,125
1	380
2	375
3	370
Nevada	495
New Hampshire	634
1	324
2	310
New Jersey	5,332
1	368
2	444
3	377
4	351
5	342
6	403
7	332
8	341
9	353
10	280
11	347
12	329
13	399
14	324
15	341
New Mexico	836
1	422
2	413
New York	12,898
1	400
2	332
3	317
4	311
5	331
6	342
7	344
8	376
9	356
10	337
11	335
12	226
13	349
14	268
15	317
16	318
17	372
18	386
19	280

Estimates of the Population of Voting Age for States, Congressional Districts, and Selected Outlying Ages: July 1, 1979—Continued

[In thousands]

State and congressional district	Population 18 and over
20.....	352
21.....	161
22.....	368
23.....	332
24.....	332
25.....	360
26.....	367
27.....	356
28.....	335
29.....	360
30.....	340
31.....	328
32.....	346
33.....	325
34.....	319
35.....	334
36.....	325
37.....	278
38.....	353
39.....	329
North Carolina.....	3,992
1.....	351
2.....	344
3.....	361
4.....	399
5.....	365
6.....	348
7.....	365
8.....	356
9.....	354
10.....	366
11.....	384
North Dakota.....	462
Ohio.....	7,645
1.....	314
2.....	316
3.....	311
4.....	335
5.....	345
6.....	366
7.....	332
8.....	359
9.....	313
10.....	372
11.....	356
12.....	349
13.....	346
14.....	308
15.....	359
16.....	343
17.....	343
18.....	347
19.....	331
20.....	294
21.....	243
22.....	327
23.....	336
Oklahoma.....	2,076
1.....	331
2.....	361
3.....	352
4.....	365
5.....	309
6.....	358
Oregon.....	1,828
1.....	486
2.....	478
3.....	386
4.....	478
Pennsylvania.....	8,620
1.....	315
2.....	310
3.....	297
4.....	338
5.....	374
6.....	363
7.....	317
8.....	365
9.....	354
10.....	377
11.....	363
12.....	356
13.....	331
14.....	301
15.....	371
16.....	372
17.....	358
18.....	328

Estimates of the Population of Voting Age for States, Congressional Districts, and Selected Outlying Ages: July 1, 1979—Continued

[In thousands]

State and congressional district	Population 18 and over
19.....	371
20.....	313
21.....	343
22.....	354
23.....	356
24.....	345
25.....	349
Rhode Island.....	683
1.....	326
2.....	358
South Carolina.....	2,026
1.....	349
2.....	368
3.....	343
4.....	336
5.....	325
6.....	305
South Dakota.....	484
1.....	245
2.....	238
Tennessee.....	3,134
1.....	404
2.....	413
3.....	387
4.....	431
5.....	363
6.....	430
7.....	390
8.....	318
Texas.....	9,291
1.....	384
2.....	449
3.....	462
4.....	409
5.....	333
6.....	404
7.....	554
8.....	378
9.....	373
10.....	443
11.....	433
12.....	334
13.....	351
14.....	337
15.....	369
16.....	375
17.....	356
18.....	307
19.....	346
20.....	307
21.....	434
22.....	424
23.....	373
24.....	357
Utah.....	862
1.....	436
2.....	426
Vermont.....	350
Virginia.....	3,758
1.....	369
2.....	365
3.....	360
4.....	354
5.....	373
6.....	361
7.....	427
8.....	377
9.....	392
10.....	380
Washington.....	2,829
1.....	380
2.....	411
3.....	453
4.....	426
5.....	411
6.....	398
7.....	351
West Virginia.....	1,339
1.....	324
2.....	357
3.....	327
4.....	331
Wisconsin.....	3,372
1.....	363
2.....	389
3.....	400
4.....	345
5.....	321

Estimates of the Population of Voting Age for States, Congressional Districts, and Selected Outlying Ages: July 1, 1979—Continued

[In thousands]

State and congressional district	Population 18 and over
6.....	371
7.....	392
8.....	384
9.....	408
Wyoming.....	312
Outlying areas.....	
Puerto Rico.....	2,145
Guam.....	62
Virgin Islands.....	64

[FR Doc. 80-4565 Filed 2-12-80; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[A-2-80]

City of San Jose, Calif., Grantee, Foreign-Trade Zone No. 18; Petition for Permission To Withdraw Crushed Semiconductors in Zone Restricted Status From U.S. Foreign-Trade Zones

The City of San Jose, California, Grantee of Foreign-Trade Zone No. 18, has submitted to the Foreign-Trade Zones Board (Board) a petition from the zone manager requesting permission under section 3 of the Foreign-Trade Zones Act (19 U.S.C. 81C) to withdraw from the zone for domestic entry certain crushed semiconductors entered into the zone in "zone restricted status" (19 CFR 146.25 and 146.47(3)) for purposes of drawback. Prior to entering the zone the items has been tested and found defective or sub-standard, and while in the zone they were crushed, converting them to scrap which has some valuable content, primarily gold residue.

The petition refers to a specific shipment of such merchandise presently held in the zone by Monolithic Memories Incorporated (Zone Lot SJ01607); however, because the situation is a common one experienced by the semiconductor industry, it is requested that the Board's approval allow the practice at all U.S. foreign-trade zones under like circumstances. It is asserted by the petitioner that present procedures result in firms sending their scrap abroad in order to reclaim the precious metals remaining as residue, and that allowing this reclamation to take place in the U.S. would be beneficial to the domestic electronics industry. A letter from the American Electronics Association reiterating this point was submitted as an appendix to the petition.

The Customs Service has ruled that the crushing process is sufficient to render the items "destroyed" for drawback purposes, despite the fact that

some valuable scrap remains (U.S. Customs Service, DRA-1-R:CD:D 210735, July 31, 1979). The ruling states that in order to bring the scrap into customs territory permission of the Board is necessary. It is understood that any items entering customs territory under these circumstances would be subject to Customs entry procedures.

A report and recommendation will be prepared on this matter for the Board. Since a general Board order is being requested to allow a general practice under like circumstances, all interested parties are invited to submit their views on the proposal. Because the Board must determine whether the practice in question is in the public interest comments on this point should be included. Submissions should be postmarked before March 14, 1980 and addressed to the: Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, Main Commerce Building, Washington, D.C. 20230, Phone (202) 377-2862.

Persons wishing to review the petition may do so at the above address during the comments period.

Dated: February 8, 1980.

John J. Da Ponte,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 80-4632 Filed 2-12-80; 8:45 am]

BILLING CODE 3510-35-M

International Trade Administration

Export Promotion Subcommittee of the President's Export Council

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 Export Promotion Subcommittee of the President's Export Council will be held on Monday, March 3, at 9:00 a.m. in room 6802, Main Commerce Building, Washington, D.C. The Council was initially established by Executive Order 11753 of December 20, 1973, subsequently extended by Executive Order 11827 of January 4, 1975, Executive Order 11948 of December 20, 1976, and Executive Order 12110 of December 28, 1978. The Council was reconstituted by Executive Order 12131 of May 4, 1979, to advise the President on matters relating to United States export trade. The Subcommittee has been formed to make recommendations to the Council regarding programs to promote U.S. exports and to create greater export awareness in the U.S. The Subcommittee is composed solely of members of the Council.

The purpose of the meeting is to continue work on ongoing projects of the Subcommittee.

The agenda for the meeting will be as follows:

Introduction by the Chairman
Discussion of Multiplier Programs
Discussion of Strike Force concept
Discussion of Advertising Campaign
Discussion of Trading Company concept

Other organizational business, announcements and plans for next meeting.

A limited number of seats at the meeting will be available to the public on a first-come basis. The public may file written statements with the Subcommittee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent that time is available.

Copies of the minutes of the meeting and further information concerning the President's Export Council may be obtained from Ms. Wendy Haimes or Ms. Elizabeth Ruskin, room 4015B, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5719.

Date: February 8, 1980.

Peter G. Gould,

Deputy Assistant Secretary for Export Development.

[FR Doc. 80-4636 Filed 2-12-80; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Technical Advisory Committee; Partially Closed Meeting

February 8, 1980.

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. 10(a)(2) (1976), notice is hereby given that meeting of the Semiconductor Technical Advisory Committee will be held on Thursday, February 28, 1980, at 9:30 a.m. in Room 6802, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. The meeting will continue, to its conclusion, on February 29, in Room B841, Main Commerce Building.

The Semiconductor 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) (1976 and Supp. I 1977), and the Federal Advisory Committee Act.

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 semiconductor products, 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 Committee meeting agenda had six parts:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Committee consideration of the \$500 GLV limit.
4. Consideration of the Committee's recommendation of the Qualified Product License.
5. Committee and subcommittee reports.

Executive Session

6. Discussion of matters properly classified under Executive Order 11652, 3 CFR 678 (1971-1975 Compilation), or 12065, 3 CFR 191 (1979), dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be presented at any time before or after the meeting.

With respect to agenda item (6), 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, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. Sec. 552b(c)(1) (1976). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive

Order 11652 or 12065. All Committee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittee thereof, was published in the *Federal Register* on December 21, 1978 (43 FR 59537).

Copies of the minutes of the open portion of the meeting can be obtained by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, International Trade Administration, Room 1617 M, U.S. Department of Commerce, Washington, D.C. 20230, telephone. 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: February 8, 1980.

Kent Knowles,

Director, Office of Export Administration,
U.S. Department of Commerce.

[FR Doc. 80-4656 Filed 2-12-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: a. Name: USAF—HQ Space Division, L. A. Air Force Station (P228).

b. Address: P.O. Box 92960 Worldway Postal Center, Los Angeles, California 90009.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Northern elephant seal (*mirounga angustirostris*), 300. California sea lion (*Zalophus californianus*), 1,600.

4. Type of Take: Ten mother-pup pairs of each species will be paint-marked. Noise experiments will be conducted up to 10 times near colonies of the two species which may cause harassment of all the marine mammals listed above. Reactions to noises especially those of the mother-pup pairs will be monitored on videotape.

5. Location of Activity: San Nicolas.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above

described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the *Federal Register* the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before March 14, 1980. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry street, Terminal Island, California 90731.

William Aron,

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-4661 Filed 2-12-80; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To prepare a Draft Supplement to the Final Environmental Impact Statement for the Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana, project. (Deep Draft Access to the Ports of New Orleans and Baton Rouge, Louisiana)

AGENCY: U.S. Army Corps of Engineers, DOD, New Orleans District.

ACTION: Notice of Intent To Prepare a Draft Supplement to the Final Environmental Impact Statement.

SUMMARY:

1. *Proposed Action.* The proposed work to be discussed in the supplemental statement is the enlargement and maintenance of the deep draft navigation channel in the Mississippi River and Southwest Pass between Baton Rouge, Louisiana, and the Gulf of Mexico. The existing project, which provides for a channel with a 40-foot project depth and varying width, would be enlarged to provide a channel with a project depth of 45, 50 or 55 feet and a width of 750 feet. A turning basin 1,500 feet wide and 4,000 feet long with a project depth of 45, 50, or 55 feet would be provided at the upstream end of the enlarged channel at Baton Rouge, Louisiana. Training works consisting of spur dikes along South Pass and Pass a Loutre would be constructed to redistribute flows to the Southwest Pass of the Mississippi River to reduce dredging maintenance requirements.

2. *Alternatives.* Alternatives to the proposed action include no action and several structural plans for providing a larger deep draft channel between the Gulf of Mexico and the Port of New Orleans. Alternative channel sizes are also being addressed. There are no practicable structural alternatives to the proposed action for providing a larger channel to the Port of Baton Rouge. Alternatives for providing a larger deep draft channel to the Port of New Orleans include: (1) enlarging the Mississippi River-Gulf Outlet, Louisiana, project channel to the Industrial Canal lock in New Orleans, constructing a new lock to provide access to the Mississippi River and enlargement of the Mississippi River from Venice, Louisiana, through the Port of New Orleans; and (2) providing a new lock and tidewater channel between the Mississippi River and the Gulf of Mexico at either Grand Pass, South Pass, and Pass a Loutre and enlarging the Mississippi River channel from the lock through the Port of New Orleans.

3. Scoping Process.

a. A public meeting was held 31 August 1973 in New Orleans, Louisiana, to discuss alternative plans. Coordination is being maintained with the U.S. Fish and Wildlife Service, the U.S. Coast Guard, the U.S. Environmental Protection Agency, the National Marine Fisheries Service, the Louisiana Department of Wildlife and Fisheries, and other interested Federal and state agencies. Informal meetings have been held to discuss the alternatives. In September 1973, information on the increase in saltwater intrusion in the Mississippi River which would be caused by the proposed action was furnished municipal and industrial

users of Mississippi River water. Subsequent meetings were held to discuss this information. Representatives of Federal, state, and local agencies, industries, environmental groups, and other organizations and interested individuals who desire input to the scoping process should contact Dr. Beckert at the address furnished below.

b. Significant issues to be addressed in the draft supplemental EIS include the effects of disposal of dredged material in the Mississippi River and on adjacent land, marsh, and open water areas; the effects of the enlargement of navigation channels on saltwater intrusion in the Mississippi River; the effects of alternations of flows in Southwest and South Passes on the aquatic ecosystem; and the costs and economic benefits of the proposed action.

c. It will be necessary for the U.S. Fish and Wildlife Service to perform a Habitat Evaluation Procedure of the proposed action for inclusion in the DEIS.

d. Coordination will be maintained with interested agencies and other interested entities to keep them apprised of progress.

4. *Scoping Meetings.* No formal scoping meetings will be held.

5. *Availability.* The draft supplemental EIS is scheduled to be available to the public in July 1980.

ADDRESS: Questions concerning the proposed action and draft supplemental EIS can be directed to Dr. Heino Beckert, U.S. Army Corps of Engineers, Environmental Quality Section (LMNPD-RE), P.O. Box 60267, New Orleans, Louisiana, 70160, telephone (504) 838-2519.

Charles E. DeWeese,

Lt. Colonel, CE

Deputy District Engineer.

January 28, 1980.

[FR Doc. 4630 Filed 2-12-80; 8:45 am]

BILLING CODE 3710-84-M

Office of the Secretary

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) is scheduled to be held from 1:30 p.m. to 5:00 p.m., 17 March 1980, Rm. 3D318 and from 9:30 a.m. to approximately 1:00 p.m., 18 March 1980 in Room 1E801, The Pentagon. Meeting sessions will be open to the public.

The purpose of the meeting is to review responses to earlier recommendations made by the Committee, discuss current issues relevant to women in the Services, and plan the itinerary/program for the next semi-annual meeting scheduled for 21-25 April 1980 in Washington, D.C.

Persons desiring to make oral presentations or submit written statements for consideration at the Executive Committee Meeting must contact Captain Mary J. Mayer, Executive Secretary, DACOWITS, OASD (Manpower, Reserve Affairs, and Logistics), Rm. 3D322, The Pentagon, Washington, D.C. 20301, telephone 202-697-5655 no later than March 7, 1980.

H. E. Lofdahl,

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

February 7, 1980.

[FR Doc. 80-4597 Filed 2-12-80; 8:45 am]

BILLING CODE 3810-70-M

Defense Systems Management College, Board of Visitors Meeting

A meeting of the Defense Systems Management College (DSMC) Board of Visitors will be held in Building 202, Fort Belvoir, VA, on Wednesday, 26 March 1980, from 8:30 a.m. until 5:00 p.m. The agenda will include a review of accomplishments related to the system acquisition education, system acquisition research, and information collection and dissemination missions. It will also include a review of the DSMC plans, resources and operations. The meeting is open to the public; however, because of limitations on the space available, allocation of seating will be made on a first-come, first-served basis. Persons desiring to attend the meeting should call Lieutenant Commander Judy Ray (703-664-1175) to reserve a seat.

H. E. Lofdahl,

Director.

[FR Doc. 80-4665 Filed 2-12-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Assistant Secretary for Nuclear Energy

Long-Term Management of Defense High-Level Radioactive Wastes (Research and Development Program for Immobilization), Savannah River Plant; Record of Decision

Decision

The decision has been made to continue a large Federal research and development (R&D) program directed

toward the immobilization of the high-level radioactive wastes at the Savannah River Plant (SRP) and not to undertake an R&D program on direct disposal of the wastes in bedrock.

Background

The SRP near Aiken, South Carolina, is a major installation of the Department of Energy (DOE) for the production of nuclear materials for national defense. It began operations in the early 1950's and is currently the Nation's primary source of reactor-produced defense materials. The SRP operations also produce liquid high-level radioactive waste from the chemical processing of fuel and target materials after irradiation in the SRP nuclear reactors. The high-level waste has been and is continuing to be stored safely in underground tanks that are engineered to provide reliable storage of the waste isolated from the environment. DOE is developing methods for permanent disposal of these wastes.

DOE published the final environmental impact statement "Long-Term Management of Defense High-Level Radioactive Wastes (Research and Development Program for Immobilization), Savannah River Plant, Aiken, South Carolina," (DOE/EIS-0023) in November 1979. Notices of its availability were published in the *Federal Register* by DOE on December 3, 1979 (44 FR 69320) and by the Environmental Protection Agency on December 7, 1979 (44 FR 70563).

Description of Action

The multi-year R&D program being continued is aimed at developing the technology for removing the wastes from the tanks, concentrating them into a high activity fraction, and immobilizing the radioactive nuclides in a high integrity form for subsequent disposal. Since the method of disposal has not been chosen, the R&D program is sufficiently broad in its initial stages so that it can be modified in later stages as appropriate, to satisfy the immobilization requirements of a variety of disposal techniques. Moreover, the R&D program provides for the development of a variety of waste forms, to permit the ultimate waste form to be specifically tailored to the exigencies of the disposal method ultimately selected.

Description of Alternatives

The alternatives to carrying out the immobilization R&D program considered by DOE in reaching this decision are:

1. terminate the immobilization R&D program and continue tank storage of the wastes indefinitely with transfer to

new tanks about every 50 years (no action alternative).

2. fund an R&D program for direct disposal of the waste in bedrock under the Savannah River Plant.

Basic for Decision

Orientation of the Savannah River technology development program toward conversion of the waste to a high-integrity form for subsequent disposal has been influenced by public opinion and perception of risks, as expressed through governmental bodies and special interest groups. For example, comment letters on DOE/EIS-0023D were received from the Governor of the State of Georgia indicating opposition to bedrock disposal of waste under the SRP site, and from the U.S. Environmental Protection Agency categorizing any bedrock disposal option at SRP as Environmentally Unsatisfactory.

The decision to continue the R&D program is consistent with the recommendation of the Interagency Review Group on Nuclear Waste Management (IRG) that:

"DOE accelerate its R&D activities oriented toward improving immobilization and waste forms and review its current immobilization programs in the light of the latest views of the scientific and technical community. Since final processing of defense waste has been deferred for three decades the IRG also recommends that remedial action, including immobilization of the waste, should begin as soon as practicable."

A great deal of uncertainty is associated with the prediction of the environmental impacts which could result over very long periods of time from the disposal of radioactive wastes. Accordingly, DOE has selected the conservative approach of proceeding with the immobilization R&D program. Although the environmental impacts which are predicted to result from implementing any of the alternatives are small, proceeding with the immobilization R&D program is the most conservative approach to provide an option to help assure that the waste will not enter the biosphere and will pose no significant threat to public health and safety.

The most significant quantifiable differences between the alternatives are the differences in budgetary costs. The estimated capital and operating cost of the alternatives in constant 1980 dollars are: perpetual tank storage, \$510 million; bedrock disposal, \$755 million; and immobilization for disposal, \$3600 to \$3750 million. Although implementation of the immobilization R&D program is

the costliest alternative, retaining SRP waste disposal method flexibility and responding to the expressed public concern to minimize the risk of exposure to the general population from radioactive waste disposal justify continuation of the immobilization R&D program.

Discussion of Environmentally Preferred Alternatives

There are no substantial environmental impacts arising from nuclear radiation for any of the alternatives. The offsite population exposure risk from the alternative with the highest risk (liquid waste stored in SRP bedrock cavern) is more than one-thousand fold lower than natural radiation exposure to the same population. Nonnuclear fatalities to be expected from construction and operating activities related to each alternative are greater than those that would be expected for radiation effects, but are no larger than the risks voluntarily accepted by industrial workers. Off-site radiation risks, occupational exposures, nonnuclear risks, and other environmental effects are small in absolute magnitude for all options analyzed.

On a relative basis, some differences in environmental impact among the alternatives are evident. The no action alternative would result in lower occupational exposures but higher offsite population dose risk and more nonnuclear accidental fatalities than would implementation of the immobilization R&D program. Alternative 2 (bedrock disposal) is estimated to result in the lowest occupational radiation exposure and the lowest estimated fatality rate from nonnuclear accidents but the highest offsite population dose risk. Based on the judgment that offsite population radiation dose risk over time is a more important consideration than either occupational dose risk or fatalities from nonnuclear accidents, the analysis in DOE/EIS-0023 indicates that the immobilization R&D program with the lowest potential offsite population dose risk is the environmentally preferable alternative. This is primarily due to the degree of isolation afforded by rendering the wastes less mobile in the environment.

Occupational related risks such as occupational radiation exposure and nonnuclear accidents generally are voluntary in nature; conversely, offsite radiation exposures are involuntary in nature and involve a greater number of people. Accordingly, the offsite population dose was the controlling consideration in selecting continuation

of the immobilization R&D program as the environmentally-preferred alternative.

Considerations in Implementation of the Decision

The continuation of the DOE R&D program to immobilize the SRP liquid high-level radioactive waste will not pose any significant adverse environmental impact prior to a proposal for a specific facility which would be addressed in a separate NEPA review. No mitigation activities are anticipated.

For the United States Department of Energy.

Dated: February 1, 1980.

George W. Cunningham,
Assistant Secretary for Nuclear Energy.

[FR Doc. 80-4626 Filed 2-12-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Special Counsel for Compliance

Consent Order With Union Oil Co. of California Made Final

AGENCY: Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: Pursuant to 10 CFR 205.199j, the Office of Special Counsel (OSC) of the Department of Energy hereby gives notice that the Proposed Consent Order executed between OSC and Union Oil Company of California (Union) and noticed in the *Federal Register* on October 18, 1979, is final effective upon publication of this Notice.

The Consent Order addresses Union's computation of increased product and non-product costs for natural gas liquids and natural gas liquid products for the period August 1973 through December 1978 and therefore concerns only discrete components of maximum lawful selling prices and not a determination of possible overcharges. However, the Consent Order contains a reservation of the right of the OSC to take further remedial action if warranted by the continuing examination of Union.

On October 18, 1979, notice was published in the *Federal Register* at 44 FR 60143, that the proposed Consent Order had been signed. The notice set out the background of the Consent Order, summarized its terms and conditions and provided 30 days for the receipt of comments before determining whether to make the Consent Order final.

OSC has considered a comment received subsequent to the period specified for submission of comments in

the Notice and has determined to adopt the proposed Consent Order without modification.

FOR FURTHER INFORMATION CONTACT: R. Avon Jackson, Branch Manager, Houston Branch Office, NGL Audit Division, Office of Special Counsel, Department of Energy, 500 Dallas Avenue, Suite 660, Houston, Texas 77002.

Copies of the Consent Order may be received by written request to the same address. Copies are also available at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., Room GA-152.

SUPPLEMENTARY INFORMATION: DOE regulations provide that notice must be given of the signing of a consent order. In the notice, published in the *Federal Register* on October 18, 1979, at 44 FR 60143, OSC summarized the Consent Order and the facts relevant thereto, as required by regulation. A 30 day period was established for the filing of comments. One comment was received, after the specified 30 day period and was considered by OSC.

The terms and conditions of the Consent Order are, in summary:

1. OSC and Union agree that \$2,413,516.77 represents the effect on increased product cost reporting of Union's failure to include volumes of "dry gas circulated" in shrinkage calculations for Union's SCV Plant for the period January 1975 through January 1979.

2. Union agrees to adjust its increased product costs claimed for each month of the period January 1975 through January 1979, according to recalculations submitted to OSC and attached to the Consent Order, and in accordance with instructions applicable to FEO-96, P-110-M-1 and EIA-14 by December 31, 1979, with certified copies of such refilings provided to OSC.

3. OSC is not precluded by this Order from taking such further remedial action as determined necessary to bring Union into compliance with this Order or with applicable DOE rules and regulations regarding its gas processing operations at its SCV plant.

4. This Consent Order shall be a final Order of the DOE and Union expressly waived its right to appeal or obtain judicial review thereof.

No comments were received by DOE within the 30 day period specified in the Notice of Proposed Consent Order. Subsequent to the specified period for comments, the Consumer Energy Council of America (CECA) objected to the method employed by DOE in determining Union's liability. CECA

argued that DOE's methodology precludes consideration of Union's liability to consumers and that possible overcharges should be determined in the first instance rather than reserving the right to take further remedial action at a later date.

As stated in the Notice, the subject examination concerned only discrete components of maximum lawful prices. A determination of possible overcharges made by Union can be made only upon analysis of the refilings directed by this Order in conjunction with results of other audit segments examining Union's compliance with the Mandatory Price and Allocation Regulations. Accordingly, OSC has determined the comments submitted by CECA to be irrelevant to the issues addressed in this Order.

OSC has complied with the requirements of 10 CFR 205.199j by publicizing the terms of the proposed Consent Order, making copies available, and by reviewing and considering the comment received in response to the Notice. OSC has concluded that the Consent Order entered into with Union is proper, appropriate, and should be made effective. Therefore, the Consent Order is made final by publication of this notice.

Issued in Washington, D.C., January 18, 1980.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 80-4625 Filed 2-12-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50445A; FRL 1412-5]

Amendment to Experimental Use Permit Issued to Rohm & Haas Co.

On Friday, November 23, 1979, (44 FR 67223), information appeared pertaining to the issuance of an experimental use permit, No. 707-EUP-95, to Rohm and Haas Company. At the request of the company, that permit has been amended. The experimental use permit now allows the use of a total of 800 pounds of the chemical hybridizing agent potassium 1-(p-chlorophenyl)-1,4-dihydro-6-methyl-4-oxopyridazine-3-carboxylate on wheat to evaluate hybridizing potential. A total of 268 acres is now involved; the program is authorized only in the States of Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, and Pennsylvania. The original permit allowed the use of 130 pounds of the

chemical hybridizing agent sodium 1-(p-chlorophenyl)-1,4-dihydro-6-methyl-4-oxopyridazine-3-carboxylate on wheat. The experimental use permit is effective from October 18, 1979, to October 18, 1980. This permit is being issued with the limitation that all treated crops will be destroyed or used for research purposes only. (PM-25, Robert Taylor, Room: E-359, Telephone: 202/755-2196.)

(Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 [92 Stat. 819; 7 U.S.C. 136])

Dated: February 6, 1980.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 80-4557 Filed 2-12-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1413-3]

Diamond International Corp.; Issuance of PSD Permit

Notice is hereby given that on January 18, 1980 the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Diamond International Corporation to construct a boiler replacement in Hyde Park, Massachusetts. This permit has been issued under EPA's Prevention of Significant Deterioration of Air Quality regulations (40 CFR Part 52.21) subject to certain conditions, including:

1. The boiler shall not burn fuel oils with a sulfur content higher than 0.5% by weight.

2. The mill shall not burn more than 1340 gallons of oil per hour (net heat value).

The PSD permit approval is renewable under section 307(b)(1) of the Clean Air Act only in the First Circuit Court of Appeals. A petition for review must be filed on or before April 14, 1980.

Copies of the PSD permit are available for public inspection upon request at the following locations: Environmental Protection Agency, Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203
Department of Environmental Quality Engineering, Air and Hazardous Materials Division, 600 Washington Street, Boston, Massachusetts 02111

Dated: February 5, 1980.

Robert C. Thomas,

Acting Regional Administrator, Region I.

[FR Doc. 80-4634 Filed 2-12-80; 8:45 am]

BILLING CODE 6560-01-M

[Docket No. ECAO-HA-78-3; FRL 1413-2]

Health Assessment Document for Tetrachloroethylene (Perchloroethylene); Availability of Second External Review Draft

The U.S. Environmental Protection Agency will make available on February 4, 1980, a second external review draft of a Health Assessment Document for Tetrachloroethylene (Perchloroethylene). Address all written requests for copies to Ms. Diane Chappell, Environmental Criteria and Assessment Office, MD-52, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. To place a telephone request dial (919) 541-3746.

The Agency welcomes all comments pertaining to this document. Direct comments to Mr. Mark M. Greenberg at the address given above. The deadline for receipt of comments is April 4, 1980.

Dated: February 5, 1980.

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

[FR Doc. 80-4633 Filed 2-12-80; 8:45 am]

BILLING CODE 6560-01-M

[PP 9G2143/T228; FRL 1411-3]

Pesticide Programs Establishment of a Temporary Tolerance; Cyano (3-Phenoxyphenyl) Methyl-4-Chloro-Alpha- (1-Methylethyl) Benzeneacetate

Shell Chemical Co., 1025 Connecticut Ave., N.W., Washington, D.C. 20036, submitted a pesticide petition (PP 9G2143) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for residues of the insecticide cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate in or on the raw agricultural commodity celery at 3 parts per million (ppm).

This temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit (201-EUP-65) that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

An evaluation of the scientific data reported and other relevant material showed that the requested tolerance was adequate to cover residues resulting from the proposed experimental use, and it was determined that the temporary tolerance would protect the public health. The temporary tolerance

has been established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authority by the experimental use permit.

2. Shell Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires November 6, 1981. Residues not in excess of 3 ppm remaining in or on celery after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. Franklin Gee, Product Manager 17, Registration Division (TS-767), Office of Pesticide Programs, 401 M Street, SW, Washington, DC 20460 (202/426-9417).

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].)

Dated: February 4, 1980.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 80-4556 Filed 2-12-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1411-1]

Fuels and Fuel Additives

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice—Disclosure of chemical composition of fuel additive and initiation of 90-day petitioning period.

SUMMARY: Pursuant to the conditions contained in the waiver granted to Sun Petroleum Products Company (Sun) for its proprietary oxygenated hydrocarbon fuel additive, (See 44 FR 37074, June 25, 1979), Sun no longer claims business confidentiality over the fuel additive's chemical composition as of December 15, 1979. The fuel additive may not exceed 5.5 percent, by volume, in unleaded gasoline and consists, in equal parts, of tertiary butyl alcohol (TBA) and methanol. Sun recommends that the gasoline contain a corrosion inhibitor,

detergent, and de haze additive as specified by Sun or their equivalent. The methanol portion of the fuel may not exceed 2.75 percent, by volume.

As provided in the conditional waiver, anyone may petition the Administrator to reconsider the waiver granted Sun based on new data and information not available prior to the public disclosure of the fuel additive's chemical composition. Petitions must be received on or before May 13, 1980. The information and comments received and considered in granting this conditional waiver are contained in Public Docket EN-79-12.

EFFECTIVE DATE: The 90-day period for submitting petitions begins on February 13, 1980.

ADDRESS: Petitions, information, and comments should be submitted to Public Docket EN-79-12, Central Docket Section (A-130), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Information submitted to this docket is available for inspection in Room 2903-B, 401 M Street, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Robert Gelman, Acting Chief, Fuels Section, Field Operations and Support Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472-9367.

SUPPLEMENTARY INFORMATION: On June 13, 1979, the Administrator of EPA conditionally waived the Clean Air Act's section 211(f) prohibitions on the introduction into commerce of Sun's proprietary oxygenated hydrocarbon fuel additive which provides no more than two percent oxygen to the fuel. Notice of this waiver was published in the Federal Register of June 25, 1979, 44 FR 37074.

One of the conditions of the waiver required Sun to notify EPA by December 15, 1979, or within fifteen days of when Sun makes the chemical composition known or becomes aware that the chemical composition is no longer confidential, whichever occurs first, that the proprietary additive's chemical composition is no longer confidential so that a Federal Register notice may be published initiating the 90-day petitioning period.

Sun, by letter dated December 14, 1979, notified EPA that the chemical composition is no longer confidential. Accordingly, notice is hereby given that Sun's oxygenated hydrocarbon fuel additive, which may be used in unleaded gasoline from zero to 5.5 percent, by volume, consists, in equal

parts, of tertiary butyl alcohol (TBA) and methanol with methanol not exceeding 2.75 percent, by volume. Sun recommends that the gasoline contain a rust inhibitor, detergent, and dehaze additive as specified by Suntech, Inc. or their equivalent.

As provided by another condition of the waiver, the Administrator may revoke the waiver if, after receiving a petition for reconsideration, he determines that based on new data and information not available prior to the public disclosure of the proprietary additive's chemical composition, the applicant is not entitled to the waiver. Petitions for reconsideration must be received on or before 90 days following publication of the proprietary additive's chemical composition in the *Federal Register*. The Administrator shall review any petitions for reconsideration to determine whether to revoke the waiver. If no petition is submitted or if upon review of the petitions the Administrator does not revoke the waiver only the following conditions will apply:

1. The additive is used such that it provides no more than two percent oxygen, by weight, to the resulting fuel.
2. The additive is blended in fuel such that the resulting fuel meets the American Society for Testing and Materials (ASTM) fuel volatility specifications.¹

Petitions for reconsideration and supporting data should be submitted to Public Docket EN-79-12, with a copy sent to Richard G. Kozlowski, Director, Field Operations and Support Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. The information and comments received in granting the conditional waiver are contained in Public Docket EN-79-12. Petitions must be received or before May 13, 1980.

Dated: February 4, 1980.

Jeffrey G. Miller,
Acting Assistant Administrator for
Enforcement.

[FR Doc. 80-4555 Filed 2-12-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1413-7]

Control of Oxides of Nitrogen from Motor Vehicles; Waiver of 1981 NOx Emission Standards for Diesel Engine Technology; Public Hearing

AGENCY: Environmental Protection Agency (EPA).

¹ Standard Specifications for Automotive Gasoline, Annual Book of ASTM Standards—1978, D 439-78, p. 226.

ACTION: Notice of receipt of an Automobiles Peugeot (Peugeot) letter of intent to reapply under section 202(b)(6)(B) of the Clean Air Act, as amended, for a waiver of the 1981 model year light-duty vehicle emission standard for oxides of nitrogen (NOx) to permit use of diesel engine technology, and notice of a public hearing.

SUMMARY: The purpose of this notice is to announce Peugeot's plans to reapply on or about February 6, 1980, for a waiver of the 1981 model year NOx emission standard for light-duty diesel engines. In a Consolidated Decision published in the *Federal Register*, 45 FR 5480, January 23, 1980, the Administrator denied Peugeot's original request for a waiver for two of its engine families because Peugeot had provided insufficient information to establish the need for waiving the 1.0 grams per mile (gpm) NOx standard applicable beginning in the 1981 model year to permit use of diesel engine technology in these engine families.

This notice is also intended to announce that EPA plans to hold a public hearing on February 27, 1980, on Peugeot's waiver reapplication. Other manufacturers planning to apply or reapply for a diesel NOx waiver are encouraged to submit their waiver requests on or before February 20, 1980, in order to facilitate consolidated EPA review of all applications.

ADDRESSES: The hearing will be held at the auditorium of the General Services Administration at 7th & D Streets, S.W., Washington, D.C. 20407. Copies of Peugeot's letter are available for public inspection during normal working hours (8:00 a.m.-4:00 p.m.) Monday through Friday at the U.S. Environmental Protection Agency, Central Docket Section (Docket No. EN-80-3), Room 2903B, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Paul Stern, Attorney-Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION: Section 202(b)(6)(B) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(6)(B) (1977), allows any manufacturer to petition the Administrator of EPA for a waiver of the 1981 model year NOx standard of 1.0 gpm. The Administrator, after notice and opportunity for public hearing, may waive the standard for any class or category of light-duty vehicles manufactured during the four model year period, beginning in model year 1981, up to a maximum level of 1.5 gpm,

if the manufacturer can show that the waiver is necessary to permit diesel engine technology to be used on the subject vehicles. Such waiver may be granted if the Administrator determines:

(i) That such waiver will not endanger public health,

(ii) That such waiver will result in significant fuel savings at least equal to the fuel economy standard applicable in each year under the Energy Policy and Conservation Act, and

(iii) That the technology has a potential for long-term air quality benefit and has the potential to meet or exceed the average fuel economy standard applicable under the Energy Policy and Conservation Act at the expiration of the waiver.

Guidelines for waiver applications were published in the *Federal Register*, 43 FR 30341, July 14, 1978, apprising manufacturers of the information deemed necessary to demonstrate that a waiver should be granted.

Peugeot submitted a letter dated January 25, 1980, to the Director of EPA's Manufacturers Operations Division advising EPA of its plans to submit a new diesel NOx waiver request on or about February 6, 1980.

EPA has scheduled a public hearing on Peugeot's application in Washington, D.C. on February 27, 1980. For this reason, other manufacturers intending to request such a waiver for the 1981 model year are encouraged to submit their applications by February 20, 1980. This would enable EPA to conduct a single hearing on all diesel NOx waiver requests received by that time, thereby expediting final decisions on all such requests.

PROCEDURES: The public hearing is intended to provide an opportunity for interested persons to state their views or arguments, or to provide pertinent information concerning the action requested of the Administrator by the applicant. Any person desiring to make an oral statement at the hearing should file a notice of such intention and 10 copies of the proposed testimony and other relevant material in the Central Docket Section at the address listed above not later than February 20, 1980. If feasible at least 50 copies of such statement or material for the hearing record and for general circulation should be submitted to the Presiding Officer at the time of the hearing. In addition, any person may submit written questions at any time during the hearing to be propounded to the witnesses by the hearing panel to the extent practicable. Relevant statements and information not specifically required by the hearing

panel may be filed in the public docket until March 7, 1980.

The Presiding Officer will have the responsibility for maintaining order, excluding irrelevant or repetitious materials, scheduling presentations, directing that corroborative material be submitted in writing and, to the extent possible, notifying participants of the time at which they may appear.

Presentations by the participants should be addressed to the considerations set forth in detail by the guidelines for submission of waiver requests published in the *Federal Register*, 43 FR 30341, July 14, 1978. Participants should be prepared to respond to questions propounded by the Hearing Panel on the following issues:

1. Whether a waiver is necessary to permit the use of diesel engine technology in the class or category of vehicles or engines for which a waiver is requested;

2. Whether the waiver would endanger the public health;

3. Whether the waiver would result in significant fuel savings at least equal to the fuel economy standard applicable under the Energy Policy and Conservation Act ("EPCA");

4. Whether the technology utilized in the class or category for which a waiver is sought: (a) has a potential for long-term air quality benefit, and (b) has the potential to meet or exceed the average fuel economy standard applicable under EPCA at the expiration of the waiver; and

5. The level of NOx emissions, not to exceed 1.5 gpm, which could be met in each of the model years for which a waiver is requested.

A verbatim record of the proceedings will be made and will be available for public inspection. A copy of the transcript may be requested from the reporter during the hearing and will be made at the expense of the person so requesting. Copies of other documents in the public record also may be obtained in accordance with 40 CFR Part 2.

Dated: February 8, 1980.

Jeffrey, G. Miller,

Acting Assistant Administrator for Enforcement (EN-329).

[FR Doc. 80-4713 Filed 2-12-80; 8:45 am]

BILLING CODE 6560-01-M.

FEDERAL EMERGENCY MANAGEMENT AGENCY

NUCLEAR REGULATORY COMMISSION

[FEMA REP-1, NUREG-0654]

Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Powerplants

The Federal Emergency Management Agency (FEMA) and the U.S. Nuclear Regulatory Commission (NRC) signed a Memorandum of Understanding effective on January 14, 1980, aimed at immediate improvement in radiological emergency planning and preparedness at and around nuclear power plant sites (45 FR 5847).

The FEMA/NRC Steering Committee, established to coordinate activities under the Memorandum of Understanding, has developed revised interim guidance and acceptance criteria for use by NRC licensees and State and local officials in their radiological emergency planning and preparedness. (FEMA REP-1, NUREG-0654.) This document is now available for interim use and comment.

Comments on this document should be forwarded to Mr. Robert G. Ryan, Director, Radiological Emergency Preparedness Division, Federal Emergency Management Agency, 1725 I Street, NW., Washington, D.C. 20472, with copies to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; Attention: Docketing and Service Branch. Comments should be mailed or delivered on or before May 13, 1980.

Single copies of this document will be available after February 15, 1980. Requests for single copies of this document should be made in writing to the Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; or to Headquarters, Federal Emergency Management Agency, 1725 I Street, NW., Washington, D.C. 20472, Attention: Administrative Services Division. Copies will also be available in the NRC Public Document Room, Washington, D.C. and in local Public Document Rooms and at FEMA Headquarters, Administrative Services Division and their Regional Offices.

Dated this 6th day of February, 1980 at Washington, D.C.

William J. Dircks,

*Acting Executive Director for Operations,
Nuclear Regulatory Commission.*

Frank A. Camm,

Associate Director for Plans and Preparedness, Federal Emergency Management Agency.

[FR Doc. 80-4580 Filed 2-12-80; 8:45]

BILLING CODE 6718-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-3078-EM]

California; Notice of Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of California (FEMA-3078-EM), dated February 1, 1980, and related determinations.

DATED: February 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7845.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of February 1, 1980, the President declared an emergency as follows:

I have determined that a threat to public health and safety and property exists in the Sacramento/San Joaquin Delta area of the State of California brought about by torrential rains, high tides and strong winds beginning on or about January 13, 1980. I therefore declare that such an emergency exists in the State of California.

I expect appropriate Federal agencies to cooperate with State and local governments in undertaking effective hazard-mitigation activities with respect to this emergency.

The time period prescribed for the implementation of section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director

under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Robert C. Stevens of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of California to have been affected adversely by this declared emergency.

Webb Tract and Holland Tract in Contra Costa County for emergency repair work to the damaged levees and subsequent dewatering of the inundated tracts.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80-4581 Filed 2-12-80; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL RESERVE SYSTEM

County Bancshares, Inc.; Formation of Bank Holding Company

County Bancshares, Inc., Troy, Alabama, 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 90 percent or more of the voting shares of Pike County Bank, Troy, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 10, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 7, 1980.

William N. McDonough,
Assistant Secretary of the Board.

[FR Doc. 80-4587 Filed 2-12-80; 8:45 am]

BILLING CODE 6210-01-M

Oklahoma State Bancshares, Inc.; Formation of Bank Holding Company

Oklahoma State Bancshares, Inc., Vinita, Oklahoma, has applied for the Board's approval under section 3(a)(1) of

the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Oklahoma State Bank & Trust Company, Vinita, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 5, 1980. Any comment on any 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, February 7, 1980.

William N. McDonough,
Assistant Secretary of the Board.

[FR Doc. 80-4588 Filed 2-12-80; 8:45 am]

BILLING CODE 6210-01-M

Security Pacific Corp.; Proposed Expansion of General Fidelity Life Insurance Company

Security Pacific Corporation, Los Angeles, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to expand the activities of its indirect subsidiary, General Fidelity Life Insurance Company ("General Fidelity"), Richmond, Virginia. General Fidelity is a wholly-owned subsidiary of American Finance System Incorporated, San Diego, California, a Delaware corporation and wholly-owned subsidiary of Applicant.

Applicant states that General Fidelity would engage in the underwriting or reinsurance of credit life and credit accident and health insurance in the State of New York, which insurance is to be underwritten in connection with extensions of credit by Applicant and its subsidiaries. These activities would be performed from offices of General Fidelity in Richmond, Virginia, and the geographic area to be served is the State of New York. Such activities have been specified by the Board in § 225.4(a) or Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in

accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 7, 1980.

Board of Governors of the Federal Reserve System, February 6, 1980.

William N. McDonough,
Assistant Secretary of the Board.

[FR Doc. 80-4589 Filed 2-12-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

National Professional Standards Review Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 USC App. I), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and Time: March 10, 1980 (10:00 a.m. to 5:00 p.m.) March 11, 1980 (9:00 a.m. to 1:00 p.m.)

Place: Auditorium (first floor), HEW North Building, 330 Independence Avenue, S.W., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI), Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically

necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. On February 25, 1980 a tentative agenda will be available to the public.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to Cleo E. Hancock, Staff Director, National Professional Standards Review Council, Health Standards and Quality Bureau, Room 5329-S, Switzer Building, 330 "C" Street, S.W., Washington, D.C. 20201, (202) 245-0348.

Dated: February 8, 1980.

Cleo E. Hancock,
Staff Director, National Professional
Standards Review Council.

[FR Doc. 80-4590 Filed 2-12-80; 8:45 am]

BILLING CODE 4110-35-M

Office of Assistant Secretary for Education

Data Acquisition Activities

AGENCY: Office of the Assistant Secretary for Education, Department of Health, Education, and Welfare.

ACTION: Notice of Data Acquisition Activities Involving Educational Agencies and Institutions.

SUMMARY: The paperwork control requirements in section 400A of the General Education Provisions Act, added by Pub. L. 95-561, require public announcement of certain data requests that Federal agencies address to educational agencies and institutions. Federal agencies propose to collect the data described below from educational agencies or institutions during School Year 1980-81.

FOR FURTHER INFORMATION CONTACT: Mrs. Elizabeth M. Proctor, FEDAC Staff, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Phone (202) 245-1022.

The contact persons listed in conjunction with the individual summaries are the ones to whom specific comments or questions concerning a data acquisition activity should be directed.

SUPPLEMENTARY INFORMATION: Under the Paperwork Control Amendments of

1978, section 400A of the General Education Provisions Act, the Secretary of Health, Education, and Welfare is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies:

(1) Whenever the respondents are primarily educational agencies or institutions; and

(2) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs. The Secretary has delegated authority to the Assistant Secretary for Education.

We published interim FEDAC review procedures on August 8, 1979 (44 FR 46535), which are now effective. The Council is considering revisions to these procedures based on the public, Federal agency, and Congressional comments received. Revisions, as necessary, will be made and the procedures will be republished. One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it."

Data activity plan summaries of proposed data acquisition activities for School Year 1980-81 are being published for comment. Each agency or institution subject to the request for data, its representative organizations, or any member of the public, may comment on the proposed data acquisition activity. Comments should be addressed to the project sponsor listed in item (r) of each of the data activity plan summaries. Comments should refer to the specific sponsoring agency and form number and they must be received on or before March 14, 1980. After the public comment period ends, each project sponsor must submit copies of the comments and a summary of them to the FEDAC staff for review.

In addition to these specific summaries, a composite listing of known data acquisition activities planned for school year 1980-81 will be published by February 15, 1980.

Dated: February 7, 1980.

Peter D. Relic,
Acting Assistant Secretary for Education.

The proposed data activity plan summaries follow:

Data Activity Plan Summary

A. Title of Proposed Activity

1980-81 Common Core of Data (CCD)

B. Name of the Sponsoring Agency/Bureau/Office

National Center for Education Statistics, (NCES)
Division of Elementary and Secondary Education Statistics, DESES
Institutional Surveys Branch, ISB

C. Agency Form Numbers

NCES 2350-5, NCES 2350-6, NCES 2350-7,
NCES 2350-8, NCES 2350-8-1, NCES 2350-9,
NCES 2350-11, NCES 2350-13, NCES 2393-2,
NCES 2393-2A, NCES 2393-4.

D. Justification

(1) Section 406(b)(1) of the General Education Provisions Act provides that NCES shall "collect, collate, and from time to time, report full and complete statistics on the condition of education in the United States; . . ."

In the mid 1960's NCES developed a survey system which it called the Elementary Secondary General Information System (ELSEGIS). It was designed to collect certain education statistics at both the LEA and State aggregate levels. This original design included an annual sample survey of LEAs which collect selected data on employment, public membership, and revenues and expenditures for public education. In 1970 NCES undertook a long range project to further systematize its data collected efforts in the elementary secondary public sector and used the common core concept as described in *Handbook I, The Common Core of State Education Data, 1953* as the underlying premise upon which the new system would rest.

The Common Core of Data (CCD) project was developed jointly by staff from NCES, the SEAs, and selected LEAs. As an alternative to redundant data collections, excessive detail, and lack of agreement among data collectors on standard terminology and measures, the Council of Chief State School Officers (CCSSO) and its Committee on Evaluation and Information Systems (CEIS) encourage NCES to complete the development and plan full-scale implementation of CCD. The CCSSO, in formal resolution, has encouraged each of its members to develop the capacity to report all of the data included in the CCD data base for school year 1980-81. NCES intends to assist each SEA, within the limits of its resources, to achieve comparability of reported data and improve timeliness of reporting. This assistance will be in the form of

workshops, on site visits, and Technical Assistance where needed.

(2) When fully implemented CCD data base will:

a. Contain much of the general statistical data needed about public education agencies.

b. Supply much of the data needed in the tabulations that will appear in the *Statistical Abstract of the United States* and the *Digest of Education Statistics*.

c. Serve as the basis for many estimates and projections of elementary and secondary education generated by NCES.

d. Include some information needed by some Federal program managers to administer some assistance programs. Hence, they may no longer need to ask for such data on some administrative applications and annual report forms. The availability of the CCD data base could contribute to a reduction in the respondent burden which has resulted in redundant requests of the same data.

The CCD data base has been designed to include reports from each SEA, each Sub-State agency, and certain other data in State-aggregate form. The updated/automated system will provide a core of fiscal and nonfiscal data for Federal analysis purposes.

(3) The Equal Employment Opportunities Commission now collects employment data annually from a sample of LEAs. These data represent head counts of employees by major assignment category. It is known that upwards of 40 percent of LEA employees have more than one assignment appearing in more than one assignment category. Head counts based upon major assignment thus create voids in some categories and overstate the numbers in other categories. This problem is acute and affected primarily the teaching and pupil support categories.

For many years NCES has collected employee data in full-time equivalent numbers by assignment category. The purposes of this collection is to measure the allocation of personnel resources to functions performed by employees. The data collected by EEOC do not satisfy this purpose, nor do the data collected by NCES satisfy the EEOC purpose—that of identifying potential employment discrimination based on race or sex. The two purposes are basically incompatible and thus far have not been satisfied by a single survey.

E. Description of Survey Plan

(1) The universe of respondents is the 57 State education agencies. Each SEA requires annual statistical reports from each LEA. These data are examined and verified and become a matter of record

in each SEA. The SEAs compile all of the data requested by NCES from their records. If any data items does not reside in SEA records, the SEA is directed not to attempt to collect it from the LEAs.

(2) The CCD design consists of basically three components:

a. a group of State aggregate reports on pupils, employees, revenues and expenditures, and selected other data, (NCES Forms 2350-5, 2350-6, 2350-7, 2350-9, and 2350-11).

b. an LEA nonfiscal report on public membership, employees, and a universe of schools operated by each LEA in each State, (NCES Form 2350-2, 2350-8, 2350-8-1, 2393-2, and 2393-2A).

c. a report from each SEA on its revenue, expenditures, and employees, (NCES Form 2350-13, and 2393-4).

The State-aggregate reports were drawn from ELSEGIS and its predecessor surveys, some of which date back almost 25 years. These data have been found to be valid and reliable, hence no pretest has been done on the current forms. The LEA aggregate reports are expected to be completed for each LEA in each State, hence no sampling problems are involved. Nonresponse has not been a problem, since each SEA has provided most of the requested data for all sub-State agencies.

F. Tabulation and Publication Plans

(1) The following series or reports will continue to be published: Statistics of Public Elementary and Secondary Day Schools Revenues and Expenditures for Public Elementary and Secondary Education; Education Directory: Local Public School Systems; Education Directory: State Education Agency Personnel.

In addition, several topical reports are being planned for publication based upon the LEA aggregate data. This series will include at least one report on measures of disparity among LEAs in each State in terms of size, number of schools operated, and staff/pupil ratios.

(2) Most of the tabulations will be of the several data components reported for each State. The tables used in the several reports cited above will continue to be used. A series of summary tabulations of LEA aggregate data is being planned. This series will include tables such as number of schools in each State by type and by size intervals, pupil/staff ratio tables by size of LEA by State, etc. Also planned is a set of tables that show summary data about the operations of the SEAs; revenues by source, expenditures by agency function, and employees by agency function.

G. Time Schedule for Data Collection and Publication

(1) The due date for each of the nine parts of this survey is printed on the survey form. It is planned that mailing will be accomplished two months prior to the due date. The first due date is scheduled for August 15, 1980 and the last due date is scheduled for May 15, 1981.

(2) Contingent upon the availability of processing support resources, the lapsed time between survey close out and publication should not exceed five months. This also assumes that each of the SEAs will have reported on or before the due date. Should this not be the case, it will be necessary to extend publication dates until a sufficient number of SEAs have reported the data to make the report useful.

H. Consultations Outside the Agency

(1) Since all of the components included within this survey project are continuations of surveys previously conducted (some components having been modified to reflect findings for prior surveys) no special consultations outside the agency other than several reviews by the CCD Task Force and the NCES Task Force of CEIS have been accomplished.

It should be pointed out, however, that as ELSEGIS and CCD were developed since the mid-1960's, many developmental and review conferences were conducted by NCES. These conferences involved hundred, of SEA, LEA, and user group representatives. Various drafts of the forms included in this project were sent for review to:

Office of Assistant Secretary for Planning & Evaluation, HEW
Bureau of the Handicapped, USOE
Governments Division, Bureau of the Census
Bureau of Elementary and Secondary Education, USOE
Education Policy Research Institute, ETS
Each of the State education agencies

(2) Data included on the State-aggregate reports have been collected from the SEAs since the mid-1960's and in some cases for almost 25 years. This would indicate that these data are available and accessible.

Forms 2393-2 and 2393-4 were subjected to a feasibility study in 1976 in which 40 SEAs participated. The forms that were subjected in this study were modified to reflect the findings of this study. As they now exist, some SEAs can furnish all of the data requested and several of the SEAs can furnish almost all of the requested data.

(3) As indicated above, each of these forms has been exhaustively reviewed, first by task force groups formed within

the CEIS organization, and subsequently by each SEA. The CCSO has formally endorsed the entire package at its 1977 annual conference.

I. Estimation of Respondent Burden

(1) There are extreme variations in the number of schools and school districts in each State. The estimates provided in items 15c and 15e must be interpreted carefully. One State is expected to prepare only nine reports while another State is asked to prepare 1,340 reports. Burden estimates for each form are provided.

(2) Based upon prior experience with ELSEGIS in the 60's and the three previous CCD's, the following estimates for completing each form by form number are provided below:

*2350-5.....	20 hours x 57 SEAs.....	1,140 hours
2350-6.....	20 hours x 57 SEAs.....	1,140 hours
*2350-7.....	4 hours x 57 SEAs.....	228 hours
2350-8.....	10 hours x 57 SEAs.....	570 hours
2350-9.....	10 hours x 57 SEAs.....	570 hours
2350-11.....	30 hours x 57 SEAs.....	1,710 hours
2350-13.....	3 hours x 57 SEAs.....	171 hours
**2393-2.....	2.5 hours x 16,000 LEAs.....	40,000 hours
**2393-2A.....	.083 hours x 90,000 Schools.....	7,500 hours
2393-4.....	25 hours x 57 SEAs.....	1,425 hours
		54,454 hours

*These forms will be discontinued when the LEA data are reported timely and accurately with a burden reduction of 1,388 hours.

**Each SEA compiles data on the survey form or on magnetic tape for each LEA and school in the States. The estimate is of the amount of time required to compile data for one LEA and one school based on previous years preparation and experiences.

This is a voluntary response survey. NCES propose to offer contracts to each SEA for data preparation. The total amount will be approximately \$545,000. It should be noted that LEAs are not expected to complete any of the survey forms, since the data have already been reported to the SEA. The burden is then essentially that of accession and data preparation at the SEA office. The SEAs are recompensed for the work done in the preparation of these survey forms. If the total number of estimated hours of burden is reasonably accurate, the cost will average out to approximately \$10.00 per hour, for a total of \$545,000.00.

J. Sensitive Questions

Not applicable, none asked.

K. Estimated Cost to Federal Government

\$150,000	salaries and expenses for NCES staff (includes travel to workshops and site visits as needed)
544,900	data acquisition contracts to the SEAs (includes an amount for travel for workshops)
150,000	ADP support, printing, etc.

\$844,900 Total

L. Detailed Justification on How Information Once Collected Will Be Used

In addition to the tabulation and publication plan explained in section (F)

NCES plans to publish two directories, one listing public officers and officials of State Education Agencies. In addition, the Center plans to publish a series of statistical reports providing State and U.S. totals for pupil membership, staff employed by public school districts, revenues and expenditures for public education, and characteristics of public schools. These directories and reports will be widely disseminated to individuals and organizations interested in public elementary and secondary education in the United States. The Center will also make available for dissemination a series of data tapes for use by educational planners, analysts, and researcher. It is expected that these data based will be used as the sampling frame for many special purpose surveys.

M. Methods of Analysis

Analysis will be mainly aggregations to generate tables of State and the area totals, distributions of large city school systems, and institutional data as permitted on items such as pupil teacher ratios, staff ratios, expenditure per pupil, etc.

N. Legislative Authority Specifically Requiring or Allowing the Data Collection

Refer to section (D), (1).

O. Timetable for Dissemination of Collected Data

Refer to section G. (1) and (2).

P. Estimate of the Total Person-Hour and Cost Required To Complete the Request

Estimates of the hours and cost to complete the data request have been addressed in sections (l) and (k) of this summary. Again, the reader should interpret this estimate carefully. The burden is not the same for all respondents; burden depends on the ability level of the research centers in each State to quickly summarize detailed data.

Q. Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data

Not applicable.

R. Copy of the Exact Data Instruments

Copies may be obtained from—
Warren A. Hughes, FOB 6, Room 3017,
400 Maryland Avenue, S.W.,
Washington, D.C. 20202.

S. Brief Account of Early Involvement and Communications With Respondent Population

The development of the survey has been thru the joint efforts of NCES staff,

the State agencies, and some local education agencies. The Council of Chief State School Officers, through its Committee on Evaluation and Information Systems, has encouraged all States to help in full implementing the survey.

T. Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request

Each SEA is apprised six to seven months in advance of the request for data. Additionally, these data returned to NCES have already been collected by the SEA for much of its on-going work.

U. Specific Justification for a Multiyear Approval

Not applicable.

Data Activity Plan Summary

(a) Title of Proposed Activity: Career Information Systems in Secondary Schools: A Comparative Assessment of Alternative Types.

(b) Name of the Sponsoring Agency/ Bureau/Office: National Institute of Education.

(c) Agency Form Number: NIE 200C.

(d) Justification: The study described in this notice is a sequel to the Survey of Career Information in Secondary Schools, which is awaiting final approval by FEDAC but which has not yet been executed. Notice of both studies, including justification of them, appeared in the *Federal Register*, Vol. 44, No. 21 (June 21, 1979), pp. 36258-36260. Briefly, the data produced by the study are needed to assist the National Occupational Information Coordinating Committee (NOICC) in determining policy with respect to making grants to establish state occupational information systems and in formulating criteria for the evaluation of such systems. Moreover, the data will augment NIE's current program of research on the relationship between young people and the aspects of their education that contribute to successful career development. In addition, the study will produce information of use to school administrators and to any professional or practitioner who works with career information systems.

The first study seeks information to answer the question, "What career information is currently being disseminated to secondary schools; what is the quality of such information; and what is its value to students?" This second study is a comparative assessment of alternative types (as determined by the first study) of career information systems. It attempts to answer the question, "What is the effectiveness of alternative types of

career information delivery systems on the career awareness of secondary students?"

Although many different kinds of occupational information resources exist, almost nothing is known about their usage on a national scale (Study 1). Even less is known about the effects of their use. Consequently, the information from the studies should fill a great need on the part of NIE and NOICC in fulfilling their legislative mandates, and should ultimately result in better career guidance for all youth.

(e) Description of Survey Plan: The research design calls for the assessment of different types of career information delivery systems at 12 public secondary schools. The number of different types will be determined by data from Study 1, the national survey. The selection of schools embodying the different types also depends on the result of the first study. From the review of the literature it seems likely that six types will emerge. (If fewer than six emerge, the general outline of the research design will not be affected.)

The six expected types are: 1. Computer-based career information delivery system. 2. Experience-based system. 3. Noncomputer materials-based system. 4. Comprehensive library-based system. 5. Instruction-based system. 6. System with no special provision.

Secondary schools vary in many different ways, such as location, size, setting (urban, suburban, rural), ethnic composition, types of programs (general, academic, vocational), and poverty level of student body. With only 12 schools to study, it is clearly impossible to produce a design that will yield statistically trustworthy information about all these dimensions. Therefore a design was chosen that would provide information about the dimensions of paramount interest to NIE and NOICC—poverty level and setting, as well as the six types.

The criteria for poverty level and setting will necessarily be the same for this study as for Study 1, since the 12 schools will be a subset of those previously sampled in that study. "Low poverty level" is defined in Study 1 as less than 12 percent of the student body in poverty as reported on the computerized mailing list of schools maintained by Market Data Retrieval, Inc. (MDR) of Westport, Connecticut. "High poverty level" is 12 percent or more in poverty. Poverty level on the MDR tape is determined by the Orshansky Poverty Index. Similarly, "Metropolitan" setting means that the school was so classified on the MDR tape; MDR derived the classification from the 1970 Census definition of a

Standard Metropolitan Statistical Area. "Nonmetropolitan" is any setting not designated Metropolitan on the MDR tape.

Using two levels of poverty (High, Low) and two settings (Metropolitan, Nonmetropolitan), together with the six types, results in a $2 \times 2 \times 6$ design with 24 cells. Since only 12 schools are involved, only 12 cells can be filled—3 types in High Poverty, Metropolitan Setting (3 cells) and in Low Poverty, Nonmetropolitan Setting (3 cells), and the other 3 types in High Poverty, Nonmetropolitan Setting (3 cells) and Low Poverty, Metropolitan Setting (3 cells).

A sample of 100 students (with allowance for refusals and nonresponse) will be drawn at each school, 90 of whom have been users of the system and 10 nonusers. Grades 10, 11, and 12 and type of curriculum will be represented equally in the sample of users. Students will then respond to a questionnaire especially designed to explore their grasp of occupational information, changes that have occurred in their career plans and behaviors as a result of using the system, and their awareness of their own values with regard to career choice.

At each of the 12 schools, follow-up interviews with 12 students who responded to the questionnaire will be employed to pinpoint, if possible, the relationship between use of the systems and the effects observed from the questionnaire, and to identify which information resources produced which effects.

Before the selected schools are invited to participate, the chief state school officer and district superintendents will be asked for permission to approach the school principal, and contact with the school will be made in whatever fashion the chief state officer or district superintendent directs. All officials will be fully informed about the nature and purpose of the study, its voluntary nature, the confidentiality of data, and the burden placed on school personnel. Help from the school will be necessary for the selection of the sample and provision of space, but administration of the questionnaire and interviews will be done by the research team. No school will be asked to participate that is also participating in the National Longitudinal Surveys (i.e., the National Longitudinal Study of the Class of 1972).

(f) Tabulation and Publication Plans: Summary statistics for all questionnaire items for the total sample and appropriate subsamples will be presented, with means and standard deviations, in tabular form. Results of analyses of variance and covariance,

factor analyses, and regression analysis will be reported in commonly accepted formats. Text will explain the analyses and discuss the implications. In general, the report will follow the guidelines of the Publication Manual of the American Psychological Association for the preparation of manuscripts for journals that follow the guidelines.

Publication of the final report is scheduled for September 1981. In addition to the report, the study will undoubtedly generate a number of journal articles, seminars, and reports to the profession. Reports will be submitted to ERIC.

(g) Time Schedule for Data Collection and Publication: Data collection will begin on or about February 16, 1981, and will extend to about May 7, 1981. Two trained research teams of two members each will visit the schools in accordance with the following tentative schedule:

Date (1981)	Team 1	Team 2
Feb. 16-19	School 1	School 2
Mar. 2-5	School 3	School 4
Mar. 16-19	School 5	School 6
Mar. 30-Apr. 2	School 7	School 8
Apr. 20-23	School 9	School 10
May 4-7	School 11	School 12

Since the visits have been scheduled for every other week, the time plan is quite flexible and can be adjusted to suit activities at the schools.

Publication of the results of the study is scheduled for September 30, 1981.

(h) Consultations Outside the Agency: Twenty-two experts outside the sponsoring agency (National Institute of Education) and the contracting organization (Educational Testing Service) have been actively consulted on the study design, instrument development, sampling plans, and plans for analysis. These experts are members of the NIE Technical Advisory Board and the project Research Advisory Council; some are state officials involved in activities closely related to the dissemination of career information.

In addition, the questionnaire was pretested on a small number of high school students (the respondent group) and was revised in light of their observations.

The research design and instrument are scheduled for review by the Committee on Evaluation and Information Service (CEIS) of the Council of Chief State School Officers (CCSSO). CEIS has already recommended to CCSSO positive action on Study 1; the review process included discussion of this study.

(i) Estimation of Respondent Reporting Burden: The respondent reporting burden can be estimated from the following table:

Respondent type	Number	Estimate of average person-hours
Students, public secondary schools	1200	0.75
Students, public secondary schools	144	.50

NOTE.—The 144 students on line 2 are a subset of the 1200 on line 1.

(j) Sensitive Questions: The questionnaire contains no questions that are commonly considered private. The interview is a follow up of the questionnaire and does not explore new areas. Members of the study team are bound by the policy of the contractor (Educational Testing Service) not to ask sensitive questions without prior review.

(k) Estimate of Cost to the Federal Government: The estimated cost of the study is \$295,219 for contracted services. This figure includes the cost of research design, instrument development and clearance, data collection and analysis, and report writing and dissemination. In addition to the \$295,219, estimated administrative salary and expense costs to the Federal Government will total \$54,700. Funds for the study have been transferred to NIE from the National Occupational Information Coordinating Committee (NOICC) as partial funding for the study of which this comparative assessment is a part. The amount transferred is \$425,000; this includes the cost of data collection, processing, and analysis.

(l) Detailed Justification of How Information Once Collected Will Be Used: Background: The NOICC Steering Committee agreed in a memorandum dated December 9, 1977, to fund a number of research activities proposed by the Office of Youth Programs of the U.S. Department of Labor's Employment and Training Administration. Two of the efforts proposed by the Office of Youth Programs included (1) a national survey of how career information is being provided at the secondary school level so as to determine the quality of this information and its value to youth, and (2) a well-structured comparative test of the effectiveness of different information delivery systems on the career awareness of youth. The purpose of these research activities is to promote the fulfillment of the need for knowledge development of the Office of Youth Programs, as well as to provide an information base for NOICC's own initiatives in this area of inquiry. NIE's mission statement clearly complements both NOICC and DOL's concerns. One of NIE's primary focuses is the relationship between school and work and how schools can prepare students for successful career development,

including the development of career awareness and decision-making skills.

At the request of NOICC, and realizing that a unique opportunity existed for NIE to augment its current program of research in this area, NIE submitted a research prospectus to NOICC's Technical Advisory Board on April 28, 1977, which outlined a program of research specifically directed at conducting studies of career information sources and systems for secondary schools. The prospectus was received and approved by the NOICC Technical Advisory Board on May 4, 1977 with an agreement of a transfer of funds from NOICC to NIE. NIE has agreed to undertake this research endeavor.

The motivating assumption for this study is that youth need better information about potential occupations and work opportunities. However, the kind and quality of career information presently available to youth have not been well documented, and the comparative effectiveness of different ways of providing career information has been minimally studied. The findings of these studies should contribute to a better understanding of the career information needs of youth and means to meet the needs.

In addition, with respect to both program management and program evaluation, the study will assist NOICC in meeting its legislative mandate to improve coordination and communication between educators and those who plan training and research in information systems, to develop and implement an occupational information system, to assist in the planning and implementation of each State Occupational Information Coordinating Committee and to give special attention to the problems of unemployed youths.

With respect to research, the results of the studies will also assist NIE in fulfilling its legislative mandate. The specific findings will help explain how high school students make decisions about careers, what kind of information is available to them, and ways to improve the delivery of career information to improve student career decisions. Finally, the studies address the knowledge development needs of the U.S. Department of Labor's Youth Program.

(m) Methods of Analysis: Means and standard deviations will be computed for data that yield summary statistics to be presented in tabular form.

Factor analyses will be made of questionnaire items to examine the structure of the items and to develop coherent scales for criterion measures.

Analyses of variance (ANOVA) and covariance (ANCOVA) will be

conducted separately for each uncorrected criterion score, and for the score as adjusted to reflect between-school differences observed for nonusers. The ANOVA variables are poverty level of the student body (high, low), school setting (metropolitan, nonmetropolitan), and career information system type. Within each cell, students will be classified according to grade level and program type. If appropriate, the data will also be examined by race and sex. The sample is large enough to permit analysis by sex, and, if each of the categories of race has sufficient representation, as expected, the analysis by race will also be possible. The extent of usage of available resources and reading level of the respondent (as determined by the vocabulary section of the instrument) may be used as covariates in the ANCOVA. The vocabulary items are a selection from the STEP vocabulary test for grades 10-12 and constitute a surrogate for the complete test with an inevitable decrease in reliability. Despite this decrease in reliability, the shortened test, by helping to partial out one aspect of reading ability, should improve the validity of scores on one of the measures of effectiveness, namely, familiarity with the vocabulary and concepts commonly used to describe occupations.

Depending on the findings from the ANOVA, a regression analysis will be conducted to determine the contribution of independent variables in explaining each of the criterion measures.

Student interviews will be treated as individual case studies.

(n) Legislative Authority: "The Institute (National Institute of Education) shall, in accordance with the provisions of this section, seek to improve education in the United States through concentrating the resources of the institute on the following priority research and development needs * * *

"(d) preparation of youths and adults for entering and progressing in careers: * * *

"In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; * * * assist and foster such research collection, dissemination, or training through grants, or technical assistance to, or jointly finance cooperative arrangements with public or private organizations, institutions, agencies, individuals; * * * [Section 405 of the General Education Provisions Act, as amended, 20 U.S.C. 1221e.]

"There is hereby established a National Occupational Information

Coordinating Committee which * * * shall develop and implement * * * an occupational information system to meet the common occupational information needs of vocational education programs and employment and training programs at the national, State, and local levels, which system shall include data on occupational demand and supply based on uniform definitions, standardized estimating procedures, and standardized occupational classification; * * *

[Section 161(b)(1) of the Vocational Education Act of 1963, as amended, 20 U.S.C. 2391.]

Highlights from the Youth Employment and Demonstration Projects Act of 1977, relating to the National Occupational Information Coordinating Committee are summarized below; included are examples of occupational information system related activities that the Committee should be conducting in the spirit of this legislation:

(1) "In carrying out its responsibilities under this subsection [section 348(c)(1)] and under section 161 of the Vocational Education Act, the National Occupational Information Coordinating Committee shall give special attention to the problems of unemployed youths * * *

(2) "Assisting and encouraging the development of state occupational information systems, to be used in the maintenance of local job banks and job vacancy reports, accessible to local schools and including pilot programs in the use of computers to facilitate such access."

(3) "Providing technical assistance for programs of computer online terminals and other facilities to utilize and implement occupational and career outlook information and projections supplied by State employment services offices and to improve the match of youth career desires with available and anticipated labor demand."

(o) Timetable for Dissemination of Collected Data: The final report, which will include the data as tabulated and analyzed, will be published on or about September 30, 1981. Data will be further disseminated in journal articles and at professional meetings and workshops, as appropriate. Publications will be submitted for inclusion in the ERIC system. NOICC plans to distribute copies of the final report to all the statutory agencies that comprise NOICC (Office of Education, National Center for Educational Statistics, and the Employment and Training Administration of the Department of Labor). The data may also appear in a publication by NOICC reporting on the

status of occupational information resources in this country.

(p) Estimate of Total Person Hours and Costs: Total person/hours of the respondents are estimated as 972. There will be no costs to respondents (students, public secondary schools).

(q) Evidence of Urgent Need: NA.

(r) Copy of the Exact Data Instrument: Available from: Warren Chapman, ETS, Princeton, New Jersey 08541.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: In the summer of 1979 contact was made with the Committee on Evaluation and Information Services (CEIS) of the Council of Chief State School Officers (CCSSO) for review of plans and instruments related to Study 1 and assistance in their development. There were several meetings and telephone conferences with CEIS at which the overall design of the two studies was discussed, together with the implications of the studies for the respondents and modifications of the instruments for Study 1. These discussions resulted in recommendations from CEIS for positive action on both studies.

(t) Leadtime for Respondents: Data collection is tentatively scheduled for the period from February to May, 1981. Data from Study 1 sufficient to determine types of career information delivery systems and to identify schools that meet the requirements of the research design will become available in late May 1980. If three months are allowed for analysis of those data, the identification of schools can take place beginning in September 1980. This leaves five months leadtime to invite participation of the schools and to coordinate the research activities with them.

(u) Multiyear Approval: No multiyear approval is sought.

Data Activity Plan Summary

(a) Title of Proposed Activity: Application for Grants—Foreign Language and Area Studies Programs: 1. International Studies Centers and Foreign Language and Area Studies Fellowships. 2. Undergraduate International Studies Program. 3. Graduate International Studies Program. 4. Foreign Language and Area Studies Research Program. 5. Foreign Curriculum Consultant Program. 6. Group Projects Abroad Program.

(b) Agency/Bureau/Office: Office of Education/Bureau of Higher and Continuing Education/Division of International Education.

(c) Agency Form Number: OE 324.

(d) Justification: 1. Because activities 1, 2 and 3 above are institution-based

the form collects data necessary for a comparative assessment of the capabilities and needs of institutions in developing and sustaining specialists in modern foreign languages and area studies. Activity 4 must comparatively assess the capabilities and materials dissemination potential of institutions and/or individuals to perform and implement the results of needed research, the results of which are basic tools to activities 1, 2 and 3.

The nature of the data collected is determined by the authorizing legislation and the General Provisions of the DHEW for grant administration.

2. The data will be used by the Division of International Education for awarding grants on a competitive basis.

3. Similar data already in existence would not suffice because data must be current in order to assure validity to the competition because resources and competitiveness change.

(e) Description of Survey Plan: N/A.

(f) Tabulation and Publication Plans: N/A.

(g) Time Schedule for Data Collection and Publication: Data collected late 1980 and awards will be announced Spring and Summer of 1981.

(h) Consultations Outside the Agency: 1. The material was discussed outside the bureau with the Office of Education's OMB liaison person.

2. Over a period of time feedback from the respondents led to the present version of the form.

3. N/A.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate average person-hours
Colleges and universities	304	140
Individuals	6	40
Local education agencies	1	60
Nonpublic junior colleges	2	60
Nonprofit organizations	10	160
Public junior colleges	12	120
State education agencies	6	160

(j) Sensitive Questions: N/A.

(k) Estimate of Cost to Federal Government: N/A.

(l) Detailed Information on How Information Once Collected Will Be Used: Program management—The data collected will determine grant eligibility and amount of grant award as well as providing an assessment of program capability compared with other applicants. The institutions or individual tendering the application will be accountable for grant funds.

Although funded applications are in the public domain and open to public scrutiny safeguards are employed to

protect proprietary information such as faculty salaries.

Applications not funded are returned to the applicant and/or destroyed.

(m) Method of Analysis: N/A.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Title VI of the National Defense Education Act (Pub. L. 85-864). For International Studies Centers, the Graduate International Studies Program and the Undergraduate International Studies Program:

Section 601. (a) "The Secretary is authorized to make grants to or contracts with institutions of higher education for the purpose of establishing, equipping, and operating graduate and undergraduate centers and programs for the teaching of any modern foreign language, for instruction in other fields needed to provide a full understanding of the areas, regions, or countries in which such language is commonly used, or for research and training in international studies and the international aspects of professional and other fields of study * * *

For Foreign Language and Area Studies Fellowships: Section 601. (b) "The Secretary is also authorized to pay stipends to individuals undergoing advanced training in any center or under any program receiving Federal financial assistance under this title, * * *

For the Foreign Language and Area Studies Research Program: Section 602. "The Commissioner is authorized, directly or by contract, to make studies and surveys to determine the need for increased or improved instruction in modern foreign languages and other fields needed to provide a full understanding of the areas, regions or countries in which such languages are commonly used, to conduct research on more effective methods of teaching such languages and in such other fields, and to develop specialized materials for use in such training, or in training teachers of such languages or in such fields."

The Mutual Educational and Cultural Exchange Act of 1961 (Pub. L. 87-256) For the Group Projects Abroad Program and the Foreign Curriculum Consultant Program:

Section 102. (b) "In furtherance of the purposes of this Act, the President is further authorized to provide for * * * (6) promoting modern foreign language training and area studies in United States schools, colleges, and universities by supporting visits and study in foreign countries by teachers and prospective teachers in such schools, colleges, and universities for the purpose of improving their skill in languages and their knowledge of the culture of the people of

these countries, and by financing visits by teachers from those countries to the United States for the purpose of participating in foreign language training and area studies in United States schools, colleges, and universities; * * *

In addition, certain U.S.-owned foreign currency funds are provided for programs operating under the authorities named above by Section 104(b)(2) of the Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 83-480) " * * * the President may use or enter into agreements with foreign countries or international organizations to use the foreign currencies, including principal and interest from loan repayments, which accrue in connection with sales for foreign currencies under this title for one or more of the following purposes: * * *

* * * For carrying out programs of United States Government agencies to— * * * finance with not less than 2 per centum of the total sales proceeds received each year in each country activities to assist international educational and cultural exchange and to provide for the strengthening of the resources of American schools, colleges, universities, and other public and nonprofit educational agencies for international studies and research under the programs authorized by title VI of the National Defense Education Act, the Mutual Education and Cultural Exchange Act of 1961, the International Education Act of 1966, the Higher Education Act of 1965, * * *

(o) Timetable for Dissemination of Collected Data: Data are not disseminated but are used by sponsoring agency on an annual cycle.

(p) Estimate of the Total Person Hours and Costs Required to Complete the Request: Total Person Hours—46,980; total costs to all Respondents—\$375,840 (@ average of \$8.00 per hour).

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: N/A.

(r) Copy of the Exact Data Instrument Available From: Dr. Richard T. Thompson, Division of International Education, Room 3923 ROB-3, U.S. Office of Education, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: In past years, the interaction of the submission process provided the feedback which led to the present version of the form.

(t) Assurance That Respondents Will Have Sufficient Time to Comply With Request: Responses are requested in fall or early winter each year. First-time applicants are assured the response time

required by Federal Register procedures, in addition continuation applications enjoy liaison with staff and are notified through the special terms and conditions of the previous grant.

(u) Specific Justification for Multi-year Approval: This application form is used annually by the programs listed above. The Foreign Language and Area Studies Research Program, the Foreign Curriculum Consultant Program and Group Projects Abroad Program hold annual competitions. The Graduate and Undergraduate International Studies programs hold annual competitions and also utilize the form each year for non-competing continuation grant applications. The International Studies Centers and Language and Area Studies Fellowships programs hold triennial competitions but also utilize the form for non-competing continuation grants in the intervening years.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Teacher Exchange Program

(b) Name of the Sponsoring Agency/ Bureau/Office: U.S. Office of Education, Bureau of Higher and Continuing Education, Division of International Education, Teacher Exchange Section

(c) Agency Form Number: OE Forms 356, 356-1, 356-2, 365-3

(d) Justification: The Office of Education cooperates with the International Communication Agency in administering the teacher exchange program as provided under the authority of the Mutual Educational and Cultural Exchange Act of 1961. In accordance with an agreement between the International Communication Agency and the Office of Education, funds are transferred to the Office to administer the program under policies established by the Board of Foreign Scholarships, a 12-member body appointed by the President. Section 106(a)(1) of the Act established the Board "for the purpose of selecting students, scholars, teachers, trainees, and other persons to participate in the programs * * *." The Office of Education, therefore, annually publishes a brochure in August announcing opportunities to teach or attend a summer seminar abroad during the following year. Recruitment of U.S. teachers takes place between September 1 and November 1.

(e) Description of Survey Plan: N/A.

(f) Tabulation and Publication Plans: N/A.

(g) Time Schedule for Data Collection and Publication: Material distributed September through October; collected on November 1, 1980 for programs

conducted in summer 1981 and academic year 1981-82.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of person-hours
Individual U.S. teachers.....	2,100	One half hour each

(j) Sensitive Questions: Selection criteria established by the Board of Foreign Scholarships for teachers selected to participate in the Government-sponsored international educational exchange program require ascertainment of some sensitive information. For example, participants must be responsible U.S. citizens, emotionally stable, in good health, have demonstrated ability to work effectively with students and colleagues, have interest and background to represent well our system of education abroad, be acceptable to the host country's school which may be of religious origin and only accept teachers of a particular denomination.

(k) Estimate of Cost to Federal Government: \$10,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Each application for the Teacher Exchange Program is reviewed carefully by a program specialist according to country involved to determine whether announced basic qualifications for consideration are met. If so, the applicant is requested to report to one of 65 regional interviewing committees, comprised of highly qualified, volunteer educators, for a personal interview. If recommended by the Interviewing Committee and three referees, and has concurrence of his/her school administrator as required:

a. The applications of those desiring to interchange positions are referred to the appropriate country's screening committee to be matched, if possible, with one of its applicants. Taken into consideration are similarity of respective teachers' particular assignments and responsibilities; type of school system, i.e., urban, rural or denominational; personal recommendations; academic background; language ability where required, and numerous other factors. If a match can be proposed, each applicant and respective school administrator is advised of it and requested to indicate concurrence of the exchange. When all parties concur to a proposed match, it is recommended by

OE to the Board of Foreign Scholarships for final approval. Teachers who have applied to teach abroad are notified of the Board's action in April or May. There are no OE funded grants; American teachers take their home salaries and pay their own travel costs, or are provided maintenance and round-trip travel by binational commissions abroad in the currency of the host country.

b. The applications from those wishing to attend a summer seminar abroad are reviewed by an appropriate committee comprised of OE staff and, usually, one or two outside specialists in the area of the particular country project, and by staff of the binational commission abroad. Consideration is given to candidates' training and experience, current assignment, numbers of students and colleagues likely to benefit from the recipient's experience, and to geographical distribution. The funding of seminar grants varies from country to country and year to year. For example, in FY 1980, the following grants were scheduled: bilaterally funded with Italy were three seminars, 15 grantees in each—U.S. Government share for the three, \$132,000; bilaterally funded with Israel were two seminars, 10 grantees in each—U.S. Government share, \$90,000; bilaterally funded with the People's Republic of China were two seminars, 10 grantees in each—U.S. Government share, approximately \$30,000. Grand total—about \$252,000. Using foreign currency in Egypt, 15 grants were scheduled for one seminar for \$60,000; in India, 45 grants were scheduled for three seminars for \$180,000, using Egyptian pounds and Indian rupees respectively. In all cases, the grants included round-trip travel, partial maintenance and course fees.

A primary purpose of these programs is to broaden the educator's understanding of another culture. This understanding, in turn, is expected to be shared with students, colleagues, members of civic and professional organizations, and other interested parties in his/her respective community here and abroad. With the cooperation of American schools, teachers from other countries teach for an academic year in the United States. All of those who participate in these programs have opportunities to develop a better understanding of themselves and their society through the perspectives gained by cross-cultural experiences.

(m) Methods of Analysis: N.A.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Public Law 87-256, the Mutual Educational and Cultural

Exchange Act of 1961, and Public Law 83-480, the Agricultural Trade Development and Assistance Act of 1954, section 104(b)(2) and (3). See (d) above.

(o) Timetable for Dissemination of Collected Data: Teachers who apply for seminars are notified in March or April of the Board of Foreign Scholarship's action; those who apply to teach abroad are notified of the Board's action in April or May.

(p) Estimate of Total Person-Hours and Costs Required To Complete Request: 1050 person hours.

(q) Evidence of Urgent Need or Very Unusual Circumstance Requiring the Data: N.A.

(r) Copy of the Exact Data Instrument: May be obtained from Mrs. Dorothy L. Stewart, Chief, Teacher Exchange Section, Division of International Education, BHCE, Office of Education, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: In August-September each year, 19,000 announcements of opportunities available under the Teacher Exchange Program are sent to public and private school, junior college and university administrators for circulation among their respective staffs. An additional 23,500 announcements are sent to foreign language and area studies professional groups and as requested by other groups.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply with Request: This on-going program is announced regularly in Spring and Fall issues of professional journals.

(u) Specific Justification for Multi-Year Approval: The Teacher Exchange Program has been in existence since 1947. The information needed from individual teacher applicants varies little, if at all, each year. In order to maintain the necessary supply to serve public requests promptly, it is desirable to reprint the same form each July for the recruitment period of September 1-November 1.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Validation Form—Basic Educational Opportunity Grant Program.

(b) Name of the sponsoring Agency/Bureau/Office: Office of Education/Bureau of Student Financial Assistance/Division of Certification and Program Review.

(c) Agency Form Number: OE-623.

(d) Justification: Prior to the 1978-79 academic year none of the information supplied on the application for a Basic Grant was verified before making payment of the award, unless an

educational institution requested documentation from a student. The General Accounting Office and the Office of Education issued studies in 1977 which indicated that as a result of this laxity in verification many students were submitting incorrect data and receiving overpayments. This misreporting was estimated to have cost the Federal government as much as \$150 million.

Consequently, starting with the 1978-79 academic year the Office of Education developed criteria designed to identify potentially misreported data on original Basic Grant applications, as well as on subsequently processed revisions of information on the Student Eligibility Report. Applicants meeting certain of these criteria, as well as applicants randomly chosen as a control group, are selected for validation of the information submitted for Basic Grant awards. These applicants are to provide their school financial aid offices with documentation to verify certain items used in the determination of Basic Grant eligibility. Financial aid administrators will then compare the documentation with the information on the Student Eligibility Reports, and request that the students and parents of dependent students, make any necessary corrections and sign the certification statement on its reverse side. Eligible students will receive payment when the data on the verified Student Eligibility Reports are found acceptable, or when reprocessed Student Eligibility Reports showing the corrected data are submitted by these students to their school financial aid offices.

While a completed Validation Form is in itself sufficient documentation for some items, an applicant must also supply other documents requested on this Form, such as Federal Income Tax Returns, in order to complete the validation procedures. In this context the Validation Form is an instrument allowing for the uniform collection of necessary data and an important tool for the standardization of institutional validation procedures. With the magnitude of the Basic Grant program, the Validation Form is a necessary reference for maintaining clarity in communication and minimizing the effort required to complete validation.

Although educational institutions were initially encouraged to participate in the validation effort, there was no requirement for them to validate applicant data during the first half of the 1978-79 academic year. Program regulations requiring the submission of documentation to verify applicant information as shown on the Student

Eligibility Report finally became effective in early 1979.

Recently Westat Inc. prepared a quality control study which found applicant reporting errors amounting to \$119 million during the 1978-79 academic year. Not only did it confirm the results of previous studies concerning error rates, but it also demonstrated the necessity for continuing the validation process. Although this report did not examine the effectiveness of institutional validation in identifying and correcting errors, preliminary studies of the applicant data bases for the 1978-79 and 1979-80 academic years showed, that after selection for validation, applicants made significant changes to the information critical in the calculation of Basic Grant eligibility. In addition, many of those involved with student financial assistance believe, that as an incidental effect of validation applicants have become more serious about correctly completing their Basic Grant applications. Moreover, encouraging correspondence from educational institutions has stated, that as a result of Office of Education mandated validation, they have successfully initiated efforts to validate the information of all their Basic Grant recipients.

(e) Description of Survey Plan: N/A. The primary purpose for conducting the validation is to improve the accuracy of data reported on Basic Grant applications by selecting, for the most part, applicants who have a high probability of having misreported data. The form for which we are requesting clearance will not be a vehicle for centrally collecting data. These forms will remain in files in the financial aid office. Analysis will be done as part of the application processing and the payment information systems maintained by the Office of Education, and will be based on Student Eligibility Reports generated through the normal corrections process.

(f) Tabulation and Publication Plans: N/A.

(g) Time Schedule for Data Collection and Publication: N/A.

(h) Consultations Outside the Agency:

Claire Matthews, Wesleyan University
Judy Maloney, Bloomfield College
Joel Bryers, University of Pennsylvania
Bob Evans, Oglethorpe University
Edward Harkenrider, Western Michigan University
Clifford Baker, West Texas State University
Mike Novak, University of Texas
Gregg Walker, Colorado State University
Paul Swaim, Pasadena City College
Wayne Sparks, Western Washington University

Charlie Callender, Social Security Administration
Pauline Adams, Social Security Administration
Willie J. Polk, Social Security Administration
Brian Cronin, Social Security Administration

Discussions with representatives of the Social Security Administration were held to arrange the details concerning the records which they are to supply, and to coordinate the design of the Social Security Verification Form with the procedures regarding its use.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Students in postsecondary education.....	200,000	0.33
Financial aid administrators.....	6,000	33.5

(j) Sensitive Questions: N/A.

(k) Estimate of Cost to Federal Government:

Development.....	\$450
Design.....	350
Printing.....	18,000
Distribution (including postage).....	28,000
Total.....	\$46,800

(l) Detailed Justification of How Information Once Collected Will Be Used: The data collected by the institutions will be used only to verify information on the respondent's Student Eligibility Report. This data will remain in the regular student-aid files at the institutions. Any corrections necessary as a result of validation will be made through the normal Basic Grant corrections process.

(m) Methods of Analysis: N/A.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

"Sec. 411(b) * * *

(2) Each student desiring a basic grant for any year must file an application therefore containing such information and assurances as the Commissioner may deem necessary to enable him to carry out his functions and responsibilities under this subpart. Sec. 411(b)

(3)(A) Payments under this section shall be made in accordance with regulations promulgated by the Commissioner for such purpose, in such manner as will best accomplish the purposes of this section. (20 U.S.C. 1070a) (Pub. L. 92-318) Sec. 411(b)

(d)(1) In addition to payments made with respect to entitlements under this subpart, each institution of higher education shall be eligible to receive from the Commissioner the payment of \$10 per academic year for each student enrolled in that institution who is receiving a Basic Grant under this subpart for that year.

Payment received by an institution under this subsection shall be used first to carry out the provision of section 493A of this Act and then for such additional administrative costs as the institution of higher education determines necessary.

(20 U.S.C. 1070a) (Pub. L. 92-318)

Sec. 190.14

The Commissioner will send to each eligible applicant a "Student Eligibility Report" (SER) which states the amount of the applicant's expected family contribution and information used in that calculation.

(20 U.S.C. 1070a)

(CFR Title 45, Part 190, Subpart B)

(FR Vol. 44, January 25, 1979, page 5264)

Sec. 190.77(a)

(1) The Commissioner may require that a student verify the information submitted on the application and included on the SER, by submitting appropriate documentation to the institution or to the Commissioner.

Sec. 190.77(b)

If an institution believes that any information on the SER used in calculating the student's expected family contribution is inaccurate, or if the application is chosen by the Commissioner for verification, the institution must request that the student verify the information on the SER.

(20 U.S.C. 1070a)

(CFR, Title 45, Part 190, Subpart C)

(FR Vol. 44, January 25, 1979, page 5267)

(o) Timetable for Dissemination of Collected Data: The data collected will not be disseminated.

(p) Estimate of the total Person-Hours and Costs Required To Complete the Request Students in postsecondary education: Total Person-Hours: 66,000; Total Cost: \$200,000; Data required to complete the Validation Form is available to the respondent at no cost. Only a time cost is involved.

Financial aid administrators: Total Person-Hours: 200,000; Total Cost: \$1,000,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: N/A.

(r) Copy of the Exact Data Instrument.

The exact data instrument will be available for public review and comment from: Jeanne B. Saunders, Chief, Student Validation Branch, Division of Certification and Program Review, ROB-3, Room 462, Washington, D.C. 20202, 245-9423. Copies of the exact data instrument will be available after February 15, 1980.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Financial aid administrators were chosen by region to participate in telephone conferences to discuss proposed changes in validation. Many especially supported the idea of comments appearing on the Student Eligibility Report requesting documentation for particular data items,

and found this strategy effective in focusing their validation efforts to detect misreporting. Several mentioned that they routinely requested documentation from all Basic Grant recipients at their schools, and that they foresaw no substantial difficulty with expanding the list of items for which documentation could be specially requested.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data collection will be conducted throughout the academic year by mail and/or personal interview. Validation Forms will accompany the Student Eligibility Reports sent to selected applicants or will be available at school financial aid offices as necessary. Selected applicants should have copies of the Form when they are informed of their selection for validation. The completed Validation Form must be submitted so that any necessary corrections may be processed, and a corrected Student Eligibility Report may be presented to the postsecondary school before attendance ends during the academic year, or within 90 days thereafter under extenuating circumstances. In most instances selected applicants will submit the completed Validation Forms when they present their Student Eligibility Reports for payment. Since selection for validation will cease at the midpoint of the 1980-81 academic year, all selected applicants should have sufficient time to assemble and submit the necessary documentation.

(u) Specific Justification for a Multi-Year Approval: N/A.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Federal Assistance under Title VII of the Higher Education Act of 1965, as amended.

(b) Name of the Sponsoring Agency/Bureau/Office: DHEW/OE/Bureau of Higher and Continuing Education/Division of Training and Facilities/Academic Facilities Branch.

(c) Agency Form Number: OE 668.

(d) Justification: 1. Submission of application will be required to compete for grant benefits under Title VII for the purpose of removing architectural barriers for compliance with Section 504 of the Rehabilitation Act of 1973. The statutory and regulatory requirements are such that benefits cannot be obtained under Title VII without an application form. 2. The information will be used by State Commissions and by the Office of Education in the grant selection and approval process.

(e) Description of Survey Plan: N/A.

(f) Tabulation and Publications Plans: N/A.

(g) Time Schedule for Data Collection and Publication: N/A.

(h) Consultations Outside the Agency:

The following individuals were contacted early in the development stage of the form:

S. C. Hychka, Director of Management Programs, National Association of College and University Business Officers, One Dupont Circle, Washington, D.C. 20036.
Charles J. Wheeler, Director, North Carolina Commission on Higher Education Facilities, 320 West Jones Street, P.O. Box 27322, Raleigh, North Carolina 27611.

Gordon R. Flack, Head, Division of Campus Planning and Physical Facilities Development, Texas Coordinating Board, Texas College and University System, P.O. Box 12788, Capital Station, Austin, Texas 78711.

Aaron M. Feirson, Program Liaison Staff, Office of Facilities Engineering, DHEW, Washington, D.C. 20202.

The National Association of College and University Business Officers (NACUBO) has already endorsed the form. In addition, the form has been used on a trial basis. None of the institutions of higher education exposed to the form have indicated any problems in meeting the requirements of the form.

(i) Estimation of Respondent Reporting Burden

Respondent type	Number	Estimate of average person-hour
Colleges and Universities.....	800	8

1. From past experience, since the beginning of the program in 1963, the contacts that the Office of Education has had with respondents concerning other Title VII applications, indicate that the average person-hour would be as shown above.

2. Allowances were made for time needed to gather and compile data needed, as well as clerical time needed to complete the form.

3. The reporting burden is not expected to vary to any considerable degree.

(j) Sensitive Questions: There are no questions of a sensitive nature. The information is used only by the State Commissions and the Office of Education.

(k) Estimate of Cost to Federal Government: N/A.

(l) Detailed Justification of How Information Once Collected Will Be Used: For determination of grant eligibility and/or amount of grant award.

(m) Methods of Analysis: N/A.

(n) Legislative Authority Specifically Requiring or Allowing the Data

Collection: "Any institution of higher education which desires to receive a grant under this part shall submit an application therefor at such time or times, in such manner, and containing such information as the Commissioner shall prescribe by regulation." Section 707, Title VII of the Higher Education Act of 1965, as amended.

(o) Timetable for Dissemination of Collected Data: The data is used only by the State Commissions and the Office of Education. Since \$24 million of Fiscal Year 1980 funds are available, the information must be made available to the users in time to finalize awards before the end of Fiscal Year 1980.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: \$96,000 at 6,400 person-hours.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: The program funds did not become available until fall, 1979. Accordingly, the data is urgently needed for the current fiscal year 1980 grant competition.

(r) Copy of the Exact Data Instrument: Thomas F. McAnallen, Chief, academic Facilities Branch, Division of Training and Facilities, Bureau of Higher and Continuing Education, U.S. Office of Education/DHEW, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Notification of intent to use the form was published in the *Federal Register* on September 1, 1978. However, program was unable to obtain Departmental approval of the form, without an appropriation of funds. Please note statement in (q) above.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The applications are first submitted to the State Commission. By regulation the State Commission is required to provide sufficient lead time for the respondents. At least two closing dates must be provided for each fiscal year.

(u) Specific Justification for a Multi-Year Approval: Multi-year approval of the form should be provided because of the possibility that funds will be appropriated for more than one fiscal year.

Data Activity Plan Summary

(a) Title of The Proposed Activity: Analysis of Alternative Comparability Measures

(b) Agency/Bureau/Office: U.S. Office of Education, Office of Evaluation and Dissemination.

(c) Agency Form Number: OE 677

(d) Justification: Part F, Section 102 of Pub. L. 95-561 states that "the

Commissioner shall * * * make a study of * * * alternative comparability requirements." (20 U.S.C. 2701) The purpose of the data collection effort is to inform Congress of the impact of alternative comparability requirements on the allocations of resources among Title I and non-Title I schools within a school district. In addition preceptions of respondents concerning the desirability and feasibility of alternatives will also be collected. Since the data generated must be particular to the 1980-81 school year, as prescribed by the statute, and will be generated by school districts adopting alternative requirements, the data collected will be unique.

(e) Description of the Survey Plan: From a list of school districts currently filing comparability reports, 500 school districts will be contacted to determine whether they are interested in volunteering to participate in the study. It is expected that from the list of 500 school districts initially contacted, only approximately 150 will express an initial interest in participating in the experiment and many of these may drop out as they become aware of the requirements for participation. Approximately 46 school districts will be involved with the study: 36 adopting an alternative comparability requirement and 10 using the current comparability requirement. Of the 36, 20 will be geographically distributed throughout the nation and 16 will be found in one over sampled State.

(f) Tabulation and Publication Plans: Information collected will be presented in the report to Congress, due September 30, 1981.

(g) Time Schedule for Data Collection and Publication: Information will be collected in November and December, 1980 and will be summarized in a report to Congress, September 30, 1981.

(h) Consultations Outside the Agency: All data collection will be coordinated with local coordinators (e.g. district Title I coordinators) who will indicate the least burdensome method by which data may be collected. Data will be collected in whatever format the school district finds least burdensome.

(i) Estimation of Respondent Reporting Burden:

a. Type: Local Education Agencies.
b. Number: 46.
c. Estimated Average Man-Hours Per Respondent: 16.0 hours.

a. Type: Principals.
b. Number: 80.
c. Estimated Average Man-Hours Per Respondent: 0.5 hours.

a. Type: State Education Agencies.
b. Number: 12.

c. Estimated Average Man-Hours Per Respondent: 2.0 hours.

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: Contract: \$350,000; sponsoring Federal Agency \$50,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Congress will use the information to decide if and how the current comparability requirement of Title I should be changed. In particular Congress's desire to change the requirement and the direction of the change will depend upon information collected concerning the flexibility and desirability of alternative requirement as ascertained through interviews with LEA officials, the administrative burden of demonstrating compliance under an alternative requirements as ascertained through both quantitative and qualitative data, and the ability of the alternative requirement to encourage the provision of additional educational services as ascertained through quantitative data.

(m) Methods of Analysis: Data will be aggregated to the school and school district (LEA) levels. Cross-tabulations, correlations, tests of significance, analysis of variance, etc. will be employed where appropriate.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection "The Commissioner shall . . . make a study of the feasibility and desirability of alternative criteria for demonstrating the comparability of services provided with State and local funds in each (Title I) project area * * * to those provided outside such areas * * *" (Part F, Section 102(a) of the Elementary and Secondary Education Act, as amended by Pub. L. 95-561, 20 U.S.C.

(o) Timetable for Dissemination of Collected Data: Data will be disseminated in summary form in the mandated report to Congress on September 30, 1981.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total person hours of respondents: 790; Total dollar costs to respondents: 10,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: Since quantitative data will be collected in the format most suitable to the school district, no "exact data instrument" will be employed. Information on the type of quantitative data requested and the exact data instrument for qualitative data collection may be obtained by June 1, 1980 upon request to Peter Stowe.

Room 3040, FOB6, 400 Maryland Ave., S.W. Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Chief State School Officer, the State Title I Coordinator, and the State CEIS Representative for each State have received a memorandum describing the reasons for the study, a solicitation of their participation in the study and a project summary of the study. At the LEA level superintendents and district Title I coordinators have received memoranda explaining the study and seeking their participation. These latter memoranda were also sent to the above mentioned State representatives. Each participating school district will be contacted to establish the least burdensome method by which information may be collected from that school district.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data collection will occur in the months of November and December 1980. School districts volunteering to participate in the study will be aware of the data to be collected before they make their budgetary allocations according to their alternative criteria which they must do in April or May of 1980. A substantial portion of the quantitative data are already collected by participating school in demonstrating compliance with the current comparability requirement.

(u) Special Justification for a Multi-Year Approval: No multi-year approval is requested.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Program Objectives of SAFA Construction.

(b) Agency/Bureau/Office: U.S. Office of Education, Office of Evaluation and Dissemination.

(c) Agency Form Number: OE 758.

(d) Justification: Section 417(a)(1) of Pub. L. 93-380 states that "the Secretary shall transmit to (Congress) * * * an annual evaluation report * * * (which) shall—

(A) set forth goals and specific objectives in qualitative and quantitative terms for all programs and projects . . . and relate those goals and objectives to the purposes of such program * * * (20 U.S.C. 1226c).

The purpose of the data collection effort is to determine the program goals and objectives for the SAFA construction program and to develop measures by which the progress of the program towards meeting those objectives may be obtained. No previous activity of this nature has been

undertaken for the SAFA construction program.

This project is part of an OE-wide, multi-year effort to set forth specific goals and objectives for each federal education program.

(e) Description of the Survey Plan: The SAFA construction program authorizes funds for four major categories of Federally-connected districts: those experiencing substantial increases in enrollments of Federally-connected pupils, those needing temporary facilities, on-base schools and schools located on Indian lands. Interviews will be conducted at approximately four school districts from each of the above four categories. Methods for selection of school districts to represent each of the four funding categories will be based on a number of considerations yet to be determined but will include the number of applications and the amount requested which the school districts have submitted under the relevant sections in the past.

(f) Tabulation and Publication Plans: Information concerning program objectives and procedures will be presented in a report expected to be completed in October, 1980.

(g) Time Schedule for Data Collection and Publication: Information will be collected in May 1980 and will be presented in a report to the Secretary in October 1980.

(h) Consultation Outside the Agency: Collected information will be qualitative, involving perceptions of the local and State education officials involved with the application for SAFA construction funds.

(i) Estimation of Respondent Reporting Burden Respondents:

a. Type: Local Education Agency.
b. Number: 16.
c. Estimated Average Man-Hours per Respondent: 1.0.

a. Type: Principals.
b. Number: 30.
c. Estimated Average Man-Hours Per Respondent: 0.5.

a. Type: Public Elementary/Secondary Schools.

b. Number: 30.
c. Estimated Average Man-Hours Per Respondent: 1.0.

a. Type: School Administrators and Supervisors.

b. Number: 15.
c. Estimated Average Man-Hours Per Respondent: 1.0.

a. Type: State Education Agency.

b. Number: 16.
c. Estimated Average Man-Hours Per Respondent: 1.5.

(j) Sensitive Questions: None.

(k) Estimate of Costs to Federal Government \$50,000.

(l) Detailed Justification of How Information Once Collected Will Be Used.

The purpose of the information collection effort is to obtain from school districts and State officials their perceptions of (a) the goals and objectives of the SAFA construction program, and (b) the activities involved in achieving these goals and objectives. This information will be used to ensure that a consensus with respect to program objectives and assumptions is reached, that program objectives and assumptions are well defined and plausible, and that further program evaluation is feasible and likely to be useful. This information will also be used to provide program management with methods by which success in meeting program objectives may be measured to aid them in managing the program.

(m) Methods of Analysis: Analytical methods of data analysis are not expected to be employed. Information collected will be used to articulate the goals of the program and the program activities. No inferential analysis will be conducted and very little if any descriptive statistical analysis is expected to be conducted.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Secretary shall transmit to (Congress) * * * an annual evaluation report * * * (which shall—

(A) set forth goals and specific objectives in qualitative and quantitative terms for all programs and projects * * * and relate those goals and objectives to the purposes of such programs * * * (Section 417(a)(1) of Pub. L. 93-380, 20 U.S.C. 1226c.)

(o) Timetable for Dissemination of Collected Data: Information on program goals, objectives, and activities will be presented in summary form in a report to be released in October 1980.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total person hours of respondents: 100. Total dollar costs to respondents: \$1,200.

(q) Evidence of any Urgent Need or Very Unusual Circumstances Requiring the Data: The study has been requested by Congress. Unless the OE Evaluation Plan priorities should change, data will be collected in late Spring 1980 and a waiver of the February 15 announcement deadline will be sought. Otherwise, data will be collected in the Fall 1980.

(r) Copy of the Exact Data Instrument: Information on the exact data instrument may be obtained by April 1, 1980 upon request to Peter Stowe, Room

3040, F0B6, 400 Maryland Ave., S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications with the Respondent Population: It is anticipated that respondent populations will make input to the study.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Information collected in this study will involve individual program participants' perceptions of program goals, objectives, and activities. This information will be collected in May 1980. School district officials providing this information will be contacted one month in advance.

(u) Specific Justification for a Multi-Year Approval: No multi-year approval is requested.

Data Activity Plan Summary

(a) Title of the Proposed Activity: An Assessment of Inservice Training of Regular Classroom Teachers.

(b) Agency/Bureau/Office: Department of Health, Education and Welfare/U.S. Office of Education/Office of Evaluation and Dissemination.

(c) Agency Form Number: OE 759.

(d) Justification: (1) The implementation of Pub. L. 94-142 has resulted in thousands of handicapped children being placed in regular classroom situations. As a result there is a need to provide regular classroom teachers with inservice training to enable them to provide appropriate education for the handicapped children in their classrooms. Programs to develop and implement inservice training for regular educators teaching handicapped children in regular classrooms settings are provided for under the Comprehensive System of Personnel Development (CSPD) requirements of Pub. L. 94-142 as well as by Pub. L. 91-230. At present there exists no nationwide, comprehensive understanding of: (1) The status of implementation by the States of the Pub. L. 94-142 CSPD requirements, or the problems the States are encountering in attempting to implement them; (2) The nature and effectiveness of the inservice training for regular educators (REGI) programs being funded under Pub. L. 91-230; or (3) the extent of the compatibility and coordination of the inservice training efforts for regular educators being provided through CSPD and REGI activities. The present study is designed to address these three areas to provide the information base for informed policy and program management decisions.

(2) The data collected in this study will be used by program managers to improve the management of the involved programs, by the Secretary to

assess the need for changes in relevant regulations, and will be presented to Congressional committees and their staffs for consideration in making policy and legislative decisions.

(3) No similar data exists relevant to the national status of these programs and the issues listed above.

(e) Description of Survey Plan: (1) The potential respondent universes consist of: (a) all State Departments of Special Education; (b) all State Manpower Planning Committees organized as a result of Pub. L. 94-142 CSPD requirements; (c) all LEAs; (d) all public school educators and administrators; and (d) all REGI projects funded under Pub. L. 91-230.

(2) The survey will use a national stratified multistage clustered probability sampling design. (a) A probability sample of 25 States and Trust Territories will be selected. Within selected States the following respondents will be selected: the State Director of Special Education; two members of the State Pub. L. 94-142 Manpower Planning Committee (where one exists); the State coordinator of inservice training; the State CSPD coordinator; and an SEA financial officer. (b) An average of three REGI projects will be randomly selected from within each sampled State. At each REGI project, the Project Director and one staff member will be selected as respondents. (c) From among all LEAs that have personnel who have participated in the training provided by a REGI project, one LEA will be randomly selected for participation. The respondents from the selected LEA will be the Director of Special Education, the coordinator of inservice training and the financial officer. (d) From within the selected LEA three schools will be randomly selected—two schools from among those schools having teachers participating in the REGI project, and one school from among those with no teachers participating in the REGI training. (e) From within the participating schools the following respondents will be selected: four teachers participating in the REGI training and two teachers not participating, randomly selected, and the principal. From within the non-participating schools, four teachers will be randomly selected as respondents, along with the principal. Each data collection instrument will be pretested on fewer than nine respondents. Pretesting is scheduled to take place March-April 1980.

(3) Data will be collected by Applied Management Sciences, which is responsible for the design and implementation of the study. Individual

data will be kept strictly confidential and no personally identifiable data will be disclosed. The data tape delivered to the Government will be stripped of all personal identifiers.

(f) Tabulation and Publication Plans: Data will be available in the form of a final report and executive summary by October 1, 1981. These documents will be placed in ERIC as well as distributed to appropriate audiences.

(g) Time Schedule for Data Collection and Publication: (1) Data will be collected from October 1980 through March 1981. (2) Elapsed time between completion of data collection and publication of results will be approximately six months.

(h) Consultation Outside the Agency: Availability and reportability of data have been discussed with respondent groups in four States.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of Average person-hours
State Director of Special Education	25	1.00
State CSPD Coordinator	25	1.00
State Inservice Training Coordinator	25	.75
PL94-142 Manpower Planning Committee member	50	.75
SEA financial officer	25	1.00
REGI Project Director and Staff	150	2.00
LEA Director of Special Education	75	.75
LEA Director of Inservice Training	75	.75
LEA Financial Officer	75	1.00
Principals, School	225	.50
Teachers, elementary/secondary	1,425	1.00

(j) Sensitive Questions: None.

(k) Estimate of Cost to the Federal Government: \$469,656.00.

(l) Justification of How Information Once Collected Will Be Used: The objectives of this evaluation are to: (1) provide a national description of the status of implementation by the States of the CSPD requirements of Pub. L. 94-142, along with the problems being encountered in attempting to implement these requirements; (2) provide a national description of the program of regular inservice training (REGI) projects funded under Pub. L. 91-230; and (3) assess the coordination between, and relative effectiveness of, inservice training for regular educators provided under REGI projects and CSPD activities. The results of the study will be used to enhance the effectiveness of program management, identify problems which may indicate a need for changes in regulations or policy, and to identify "best practices" for national dissemination.

(m) Methods of Analysis: Data will be aggregated at the national level. A wide variety of analytic methods will be

applied, ranging from simple tabulations and crosstabulations for descriptive purposes, to multidimensional scaling techniques and analysis of covariance in a multiple regression/correlation format. Tests of significance of difference of means will be employed to compare the effectiveness of regular inservice training provided under various conditions.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Planning and evaluation activities are authorized under the General Education Provisions Act which states in part: " * * * the Secretary shall transmit to (appropriate Congressional committees) an annual evaluation report which evaluates the effectiveness of applicable programs * * * such report shall * * * contain information on progress being made * * * describe the cost and benefits of the applicable program * * * identify which sectors of the public receive the benefits of such program * * * " (20 U.S.C. 1226C.)

(o) Timetable for Dissemination of Collected Data: Data will be available to users by October 1, 1981 in the form of a project final report and executive summary.

(p) Estimate of Person-Hours and Costs Required to Complete the Request: Total respondent burden is estimated to be 2,156 person hours. Total dollar cost to respondents beyond costs normally (2,156 hrs. x \$12.00/hr. = \$25,872 incurred is estimated to be none.

(q) No urgent need or very unusual circumstance requiring the data.

(r) Data instruments will be available for public review and comment by May 1, 1980, from: Dr. Emmett L. Fleming, Project Officer, Office of Evaluation and Dissemination/USOE/DHEW, FOB #6, Room 4083, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Through the use of unstructured personal interviews communications regarding this study have been held with State Directors of Special Education and relevant staff, REGI project directors, LEA Directors of Special Education and directors of inservice training, and regular classroom teachers in the States of Kentucky, New Jersey, Ohio and Oregon.

(t) Assurance that Respondents Will Have Sufficient Lead Time to Comply With Request: Data collection will be conducted between October 1980 and May 1981. Respondents selected for the sample will be notified a minimum of three months before data will be collected from them, with an average lead time of six to seven months. No

preparation by respondents is necessary.

(u) No justification for a multi-year approval.

Data Activity Plan Summary

(a) Title of Proposed Activity: Assessment of the ESEA Title I Programs for the Handicapped.

(b) AGENCY/BUREAU/OFFICE: U.S. Office of Education/Office of Resources and Operations/Office of Evaluation and Dissemination.

(c) AGENCY FORM NUMBER: OE 760.

(d) JUSTIFICATION: This program was first authorized in November 1965; since funding began in 1966, over \$937 million were provided in grants to State Agencies through FY 1979. There has, however, been no evaluation of the impact of this program during this time. Thus, the study is needed in order to satisfy the information needs of program managers and agency policy makers. In addition, the Congress has indicated its desire for evidence of impact each year since 1977. The impact evaluation was delayed until a study initiated by the Bureau of Education for the Handicapped (BEH) was completed so that duplication of effort and data collection could be avoided. The BEH study (now completed) did not collect impact data and, in addition, did not study a representative sample of provider institutions (State-supported or State-operated institutions for the handicapped).

(e) Description of Survey Plan: Data will be collected from Federal program personnel and from legislative staff through interviews and record searches. A mail survey will go to the 58 State Education Agencies and 140 other State Agencies administering Title I funds for the handicapped. In addition, on-site interviews will be conducted in SEAs and SAs in 25 States. Data will also be collected on-site, a representative sample of provider institutions through interviews and data collections to be designed when the study is initiated. The sampling design has not yet been developed; the universe to be sampled was 3,754 providers in FY 1978. Accordingly, a sample of approximately 500 provider institutions is probable.

(f) TABULATION AND PUBLICATION PLANS: The information from this study will be published in the form of a Final Report and Executive Summary to be delivered when the contract is completed. This is expected to be completed in October 1981. The report will consist of the tabulated data and accompanying narrative which will describe:

• The management of the program at Federal, State and local levels.

• The extent and type of services to the handicapped that result from Title I support.

• The effect that these services have on the providers and the recipients.

(g) Time Schedule for Data Collection and Publication:

Event and Date

Contract Award, June 1980.

Forms Clearance Package, November 1980.

Forms Clearance, January 1981.

Data Collection, February-April 1981.

Data Analysis and Interpretation, May-August 1981.

Draft Final Report, September 1981.

Final Report, October 1981.

(h) Consultations Outside the Agency: Officials of SEAs, SAs, and provider institutions will be consulted during the development of the data collection forms and of the research design for the study. In addition, individuals with expertise in educational services to the handicapped and evaluation methodology will be consulted.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
State Education Agencies (Mail Survey)	58	1
State Education Agencies (Interviews)	30	2
Other State Agencies (Depts. of Health, Human Services, Welfare, etc.) (Mail Survey)	140	1
Other State Agencies (Interviews)	50	2
Other Organizations: Directors, Provider Institutions	500	1
Other Organizations: Financial Officers, Provider Institutions	500	1
Other Organizations: Education Directors, Provider Institutions	500	1

(j) Sensitive Questions: Not Applicable.

(k) Estimate of Cost to Federal Government: \$700,000.

(l) Detailed Justification of How Information Will be Used: Data collected in this study will have multiple uses:

Program Management and Policy Makers. Data will be available to determine the extent of compliance for the whole program. There will also be evidence of the degree of program effectiveness. Policy makers will be able to determine if a revision of regulations is needed and/or if new legislation is required. Program managers will have information on any needs for technical assistance.

Evaluation. The objectives of this study are:

• To determine the effectiveness of Federal program management.

- To determine the degree to which Title I has contributed to organization and support of services to the severely handicapped at State and local level.

- To identify the types of services and resources Title I funds have provided at the State and local level.

- To determine how the legislative objectives are constrained and affected by the State and local service delivery structure.

General Purpose. These data will also be used by the Congress to determine if new legislation is needed.

(m) **Methods of Analysis:** Most data will be aggregated at the national level but some may be aggregated at the State level, e.g., descriptive information about provider institutions and practices within a state. Several methods of analysis will be used, e.g., tabulations of descriptive data, cross-tabulations, regression, analysis, and univariate and multivariate analysis of variance.

(n) **Legislative Authority Allowing Data Collection:** Evaluation activities are authorized under the General Education Provisions Act which states in part: " * * * the Secretary shall transmit to (appropriate Congressional committees) an annual evaluation report which evaluates the effectiveness of applicable programs * * * such report shall * * * contain information on progress being made * * * describe the cost and benefits of the applicable program * * * identify which sectors of the public receive the benefits of such program." (20 U.S.C. 1226C).

"Sec. 183. (a) **Independent Evaluations.**—The Commissioner shall provide for independent evaluations which describe and measure the impact of programs and projects assisted under this title. Such evaluations may be provided by contract or other arrangements, and all such evaluations shall be made by competent and independent persons, and shall include, whenever possible, opinions obtained from program or project participants about the strengths and weaknesses of such programs and projects.

"(b) **Evaluation Standards and Schedule.**—The Commissioner shall (1) develop and publish standards for evaluation of program or project effectiveness in achieving the objectives of this title, and (2) develop, in consultation with State educational agencies and representatives of local educational agencies, a schedule for conducting evaluations under section 124(g) designed to ensure that evaluations are conducted in representative samples of the local educational agencies in any State each year. Such standards will be developed only after widespread consultation and hearings with practicing State and local agency evaluators, and the Commissioner's standards will reflect the input of these groups.

"(c) **Jointly Sponsored Studies.**—The Commissioner shall consult with State and local educational agencies in order to provide for jointly sponsored objective evaluation studies of programs and projects assisted under this title within a State.

"(d) **Evaluation Models.**—The Commissioner shall provide to State educational agencies, models for evaluations of all programs conducted under this title, for their use in carrying out their functions under section 172, which shall include uniform procedures and criteria to be utilized by local educational agencies and State agencies, as well as by the State educational agency in the evaluation of such programs. In developing evaluation design models the Commissioner shall consult with State and local evaluators experienced in conducting such evaluations.

"(e) **Technical Assistance.**—The Commissioner shall provide such technical and other assistance as may be necessary to State educational agencies to enable them to assist local educational agencies and State agencies in the development and application of a systematic evaluation of programs in accordance with the models developed by the Commissioner.

"(f) **Specifications of Objective Criteria.**—The models developed by the Commissioner shall specify objective criteria which shall be utilized in the evaluation of all programs and shall outline techniques (such as longitudinal studies of children involved in such programs) and methodology (such as the use of tests which yield comparable results) for producing data which are comparable on a statewide and nationwide basis.

"(g) **Report to Congress.**—The Commissioner shall make a report to the respective committees of the Congress having legislative jurisdiction over programs authorized by this title and the respective Committees on Appropriations no later than February 1, 1980, 1982, and 1984 concerning the results of evaluations of programs and projects required under this section, which shall be comprehensive and detailed, as up-to-date as possible, and based to the maximum extent possible on objective measurements, together with other related findings and evaluations and his recommendations with respect to legislation.

"(h) **Information Dissemination.**—The Commissioner shall also develop a system for the gathering and dissemination of results of evaluations and for the identification of exemplary programs and projects, or of particularly effective elements of programs and projects, and for the dissemination of information concerning such programs and projects or such elements thereof to State agencies and local educational agencies responsible for the design and conduct of programs and projects under this title, and to the education profession and the general public.

"(i) **Maximum expenditures.**—The Commissioner is authorized, out of funds appropriated to carry out this title in any fiscal year, to expend such sums as may be necessary to carry out the provisions of this section, but not to exceed one-half of 1 per centum of the amount appropriated for such programs. In carrying out the provisions of this section, the Commissioner shall place priority on assisting States, local educational agencies, and State agencies to conduct evaluations and shall, only as funds are available after fulfilling that purpose, seek to conduct any national evaluation of the program.

(o) **Timetable for Dissemination of Collected Data:** The data will be disseminated within 30 days of receipt of the Final Report. The Report will be delivered to the appropriate

Congressional committees and to interested Federal personnel. The Executive Summary will be mailed to appropriate State and local officials.

(p) **Estimate of Total Person-Hours and Costs Required To Complete Request:** This request will require a total of 1,858 person hours. There are \$22,296 (1858 hrs. × \$12.00/hr.) dollar costs to respondents.

(q) **Evidence of Urgent Need or Very Unusual Circumstances Requiring the Data:** No urgent need or very unusual circumstances requiring the data.

(r) **Copy of Exact Data Instrument:** The exact data instrument is not available at this time. When it is available, a notice will be published in the **Federal Register**. The instrument can be obtained from: Dr. Emmett L. Fleming, Project Officer, Office of Evaluation and Dissemination/USOE/DHEW, FOR #6, Room 4083, 400 Maryland Avenue, S.W. Washington, D.C. 20202.

(s) **Early Involvement and Communications With Respondent Populations:** The data collection instruments will be pretested on up to nine respondents from each population. In addition, a CEIS representative will be involved in all stages of the project and substantive experts will be consulted as appropriate.

(t) **Assurance of Sufficient Lead Time To Comply With Request:** Data will be collected February-April 1981. All respondents will be notified a month in advance of site visits or will be given one month to respond to and return mail surveys. Since all data collected will be either readily available data or data collected on a one-time only basis, this lead time has proven to be sufficient in past studies.

(u) **Specific Justification for Multi-Year Approval:** No justification for multi-year approval.

Data Activity Summary Plan

(a) **Title of the Proposed Activity:** An Impact Evaluation Study of Programs and Projects Funded under Pub. L. 92-318, Indian Education Act—Part A.

(b) **Agency/Bureau/Office:** U.S. Office of Education/Office of Resources and Operations/Office of Evaluation and Dissemination.

(c) **Agency Form Number:** OE 761.

(d) **Justification:** Interested in and demand for impact evaluation information on Part A Programs' effectiveness has grown steadily during the past two years. During the 1980

appropriation hearings by the Interior Subcommittees, both Subcommittees opened their hearings with a request for information on the impact of these programs and projects. Impact evaluation information is also needed for the 1983 legislative reauthorization of the Indian Education Act. If an impact evaluation study is to be implemented in time, it must commence this fiscal year. Furthermore, no national impact data exist on these programs and projects to date. However, descriptive information on these Part A programs and projects was collected in the recently completed study which will be utilized as a planning data source in this impact evaluation study. It should be noted that project evaluation summaries prepared by participants will not serve the purpose of this national evaluation.

(e) Description of Survey Plan: (1) Potential respondent groups for this evaluation study include: Local Education Agencies, Project Directors, Project Staff, Indian Parents, and Indian Students.

(2) The tentative survey design calls for a systematic random sample of local education agencies funded with Part A funds at the end of 1979. The population to be sampled consists of approximately 1148 local education agencies (LEAs). The Office of Indian Education shall provide a list of these funded projects which provides the LEA information for sampling. Using this information, the programs and projects will be stratified by grant size, region, and Indian enrollment. It is also proposed that projects be stratified by type (academic, cultural, or mixed), using information from a small exploratory feasibility study which is part of Phase I of this evaluation study. It is estimated that a sample of approximately 325 local education agencies will be selected for this evaluation study. Data will be collected on site through interviews and students in the sample will be requested to take a battery of pre and post tests. The survey design of the study is not yet completed.

(3) The agency statistician who will review the statistical aspects of the survey design is Dr. Emmett L. Fleming, Jr.

(4) No contractor has yet been selected to perform this evaluation study.

(f) Tabulation and Publication Plans: The information from this study will be published in the form of a Final Report and Executive Summary to be delivered when the contract is completed. This is expected to be completed in March 1983. The report will consist of the tabulated data and accompanying narrative which will describe:

- The management of the program at Federal and local levels.
- The extent and type of services to Indian children that result from Title IV, Part A.

- The impact that these services have on the participants and staff.

The final report shall also be placed in the ERIC system for greater dissemination. Also Executive Summaries and policy implication memorandum shall be prepared and disseminated to USOE policy makers and Congressional staff members.

(g) Time Schedule for Data Collection and Publication:

Event and Date

Contract Award, September 1980.

Forms Clearance Package, May 1981.

Forms Clearance, July 1981.

Data Collection, September 1981, and May 1982.

Data Analysis and Interpretation, November 1982.

Draft Final Report, January 1983.

Final Report, March 1983.

(h) Consultation Outside the Agency: Officials of LEAs and Part A Projects will be consulted during the development of the data collection forms and of the research design for the study. In addition, individuals with expertise in educational services to Indians and evaluation methodology will be consulted.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of Average person-hours
Project Directors (Interviews)	325	2.00
Project Staff (Interviews)	650	1.00
Parents (Mail Questionnaires)	3250	0.30
Students (Test batteries)	6500	1.50

(j) Sensitive Questions: No sensitive questions.

(k) Estimate of Cost to Federal Government: \$1,300,000.

(1) Detailed Justification of How Information Will be Used: Data collected in this study will have multiple uses: *Program Management and Policy Makers*. Data will be available to determine the effectiveness and impact of current projects funded under Part A. Policy makers will be able to determine if a revision of regulations is needed and/or if new legislation is required. Program managers will have information on any needs for technical assistance.

Evaluation. The study is expected to provide answers to the following questions: (1) How effective have programs funded under Part A been in achieving their educational objectives and the purposes of Part A? Have

children in programs focused on basic skills improved their academic performance? Have programs designed to increase the relevance of school curriculums to the culture and heritage of the children involved improved student retention and attendance rates? (2) What process, management, or administrative improvements are needed?

(3) What improvements need to be made in the delivery of financial aid in LEAs?

(4) What improvements need to be made in instructional techniques and materials and in staff training activities?

(5) What improvements need to be made in the required project evaluations for Part A?

General Purpose. These data will also be used by the Congress to determine if new legislation is needed.

(m) Methods of Analysis: Data will be aggregated at the national level. A wide variety of analytic methods will be applied, ranging from simple tabulations and crosstabulations for descriptive purposes, to multidimensional scaling techniques, analysis of covariance in a multiple regression/correlation format, and other appropriate multivariate techniques. Test of significance of difference of means shall be employed to compare the impact of Part A programs on Indian students.

(n) Legislative Authority Allowing Data Collection: Evaluation activities are authorized under the General Education Provisions Act which states in part: " * * * the Secretary shall transmit to (appropriate Congressional committees) an annual evaluation report which evaluates the effectiveness of applicable programs * * * such report shall * * * contain information on progress being made * * * describe the cost and benefits of the applicable program * * * identify which sectors of the public receive the benefits of such program." (20 U.S.C. 1226C).

(o) Timetable for Dissemination of Collected Data: The data will be disseminated within 30 days of receipt of the Final Report. The Report will be delivered to the appropriate Congressional committees and to interested Federal personnel. The Executive Summary will be mailed to appropriate State and local officials.

(p) Estimate of Total Person-Hours and Costs Required To Complete Request: This request will require a total of 12,025 person hours. There are 1300 school personnel hours and an approximate cost of 1300 hrs. $\times$ \$12.00/hr. = \$31,200.00.

(q) Evidence of Urgent need or Very Unusual Circumstances Requiring the Data: No urgent need or unusual circumstances.

(r) Copy of Exact Data Instrument:

The exact data instrument is not available at this time. When it is available, a notice will be published in the Federal Register. Instruments can be obtained as follows: Dr. Emmett L. Fleming, Project Officer, Office of Evaluation and Dissemination, OHDPD, 400 Maryland Avenue, Southwest, Room 4079, FOB #6, Washington, D.C. 20202.

(s) Early Involvement and Communications With Respondent Populations: The data collection instruments will be pretested on up to nine respondents from each population. In addition, a CEIS representative will be involved in all stages of the project and substantive experts will be consulted as appropriate.

(t) Assurance of Sufficient Lead Time To Comply With Request: Data will be collected September 1981 and May 1982. All respondents will be notified a month in advance of site visits or will be given one month to respond to and return mail surveys. Since all data collected on a one-time only basis, this lead time has proven to be sufficient in past studies.

(u) Specific Justification for Multi-Year Approval: No multi-year approval necessary.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Equipment list for construction, reconstruction or renovation projects authorized under Title VII of the Higher Education Act 1965, as amended.

(b) Name of the Sponsoring Agency/Bureau/Office: DHEW/OE/Bureau of Higher and Continuing Education/Division of Training and Facilities/Academic Facilities Branch.

(c) Agency Form Number: OE Form 1136-1.

(d) Justification: 1. The equipment lists are required to ascertain that recipients of Federal funds do not purchase elaborate and costly initial equipment above and beyond that needed for Title VII approved projects. In addition to costs expended for construction, reconstruction or renovation, the Title VII program authorizes financial assistance to meet the cost for initial equipment. However, all such costs must meet the statutory and regulatory costs eligibility requirements. Accordingly, program uses the lists to determine the extent of Federal cost participation for the Title VII approved projects.

2. The data are used only by the Office of Education program for the sole purpose of computing the amount of Federal Financial assistance that has been earned on Title VII approved projects.

3. The information requested in the equipment list is not available from any other source.

(e) Description of Survey Plan: 1. Respondents are limited to institutions of higher education with Title VII approved projects that have not been closed out.

2. Information sufficient to identify the institution and the project, and the Title VII grant or loan recipient will be requested to indicate if the list constitutes an inventory of items already purchased, or if the items on the list have not been purchased. Also, information is requested to indicate if the list is a complete or partial listing of all initial equipment items for the project. In addition, specific information is requested with regard to the description of the items, the purchase dates, quantities, unit prices, and total costs. The Title VII grant or loan recipient will be requested to certify that the equipment listed will be housed and used in the Title VII supported facilities. Submission of equipment list will be required to maintain project grant or loan eligibility.

(f) Tabulation and Publication Plans: N/A.

(g) Time Schedule for Data Collection and Publication: The equipment list must be submitted to the Office of Education before the project closeout. A Title VII grant or loan recipient will be required to submit and itemized equipment list only once and in connection with the project closeout. However, some Title VII recipients may want to seek equipment list approval from the Office of Education several times during the life of the project, to make sure eligible items are being purchased.

(h) Consultations Outside the Agency: None were consulted since only the basic, minimum information required is requested.

(i) Estimation of Respondent Reporting Burden

Respondent type	Number	Estimate of Average Person-hours
Colleges & Universities	150	1.5

1. The estimated average person-hours required per response was arrived at after a review of the size of equipment lists submitted in the past on Title VII projects.

2. Respondents keep records of costs for Title VII supported facilities. Accordingly, there is no unusual delay in gathering or compiling the data.

3. There is not any considerable variation in the reporting burden. This would depend on the size of the project.

(j) Sensitive Questions: There are no sensitive questions. The equipment list is kept by the Office of Education. However, one copy may be returned to the respondent, if equipment items are declared ineligible for Federal cost participation purposes:

(k) Estimate of Cost to Federal Government: \$4,500.

(l) Detailed Justification of How Information Once Collected Will Be Used: The equipment list is used to determine the extent of grant or loan eligibility of projects funded under Title VII.

(m) Method of Analysis: The equipment list will be used to ascertain that Federal funds are expended only for initial equipment meeting the regulatory requirements.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The term 'development cost', with respect to an academic facility, means the amount found by the Commissioner to be the cost, to the applicant for a grant or loan under this title, of the construction, reconstruction, or renovation involved * * * to permit its use for such facility." (Section 782(3)(A) of Title VII of the Higher Education Act of 1965, as amended).

"Equipment" means manufactured items which have an extended useful life and are not consumed in use and which have an identity and function which are not lost through incorporation into a different or more complex unit or substance." (Paragraph 170.1, Part 170 of Title 45 of the Code of Federal Regulations).

"Initial equipment" means all items of equipment other than built-in equipment, which are necessary and appropriate for the initial functioning of a particular academic facility for its specific purpose. No equipment shall be considered as initial equipment unless it has been acquired or contracted for prior to the date on which the facility is first used for education of students." (Paragraph 170.1, Part 170 of Title 45 of the Code of Federal Regulations).

(o) Timetable for Dissemination of Collected Data: The information is used only by the Office of Education program. Thus, there is no dissemination of collected data.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: 225 person-hours for \$3,375.

(q) Evidence of Any Urgent Need for Very Unusual Circumstances Requiring the Data: The equipment list is needed by the Office of Education program only

in connection with closeouts of projects funded under Title VII.

(r) Copy of the Exact Data Instrument: Thomas F. McAnallen, Chief, Academic Facilities Branch, Division of Training and Facilities, Bureau of Higher and Continuing Education, Office of Education/DHEW, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication with Respondent Populations: No contact has been made since only data required to meet regulatory and statutory requirements is to be collected.

(t) Assurance that Respondents Will Have Sufficient Lead Time to Comply with Request: The respondents have sufficient time since the information is required only once in connection with project closeouts.

(u) Specific Justification for a Multi-Year Approval: Several years may be involved from the time of a Title VII award until the completion of a project and the closeout. Accordingly, multi-year approval is required, especially in view of the fact that all Title VII awards are not made in the same year. This data collection instrument has been used, substantially in its existing form, since 1965 for all Title VII projects and will continue to be needed as long as there are Title VII projects which have not been completed and closed out.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Certificate of Project Costs.

(b) Name of Sponsoring Agency/Bureau/Office: DHEW/OE/Bureau of Higher and Continuing Education, Division of Training and Facilities/Academic Facilities Branch.

(c) Agency Form Number: OE Form 1143.

(d) Justification: 1. The purpose of the form is to gather information sufficient to determine the eligibility of costs incurred on projects funded under Title VII of the Higher Education Act of 1965, as amended. Before closing out projects and making final payments, the Office of Education program must ascertain that costs meet the statutory and regulatory requirements.

2. The form has been designed specifically for the program use to determine the eligibility of construction, reconstruction, or renovation costs of approved Title VII projects.

3. There are no similar data which can be used to meet the program requirements for verification of cost eligibility.

(e) Description of Survey Plan: 1. In connection with project closeouts, institutions are required to submit information relating to (1) the project

number, (2) name and address of grantee, (3) project description, (4) the facilities cost, (5) reimbursable sales taxes, and (6) certification as to the correctness of the statements.

2. In the event an institution fails to respond, the full amount of the grant may not be earned, since the Office of Education may not be able to determine the eligibility of costs incurred.

(f) Tabulation and Publication Plans: N/A.

(g) Time Schedule for Data Collection and Publication: There is no specific date of the data collection, since it is done only once in connection with the project closeout.

(h) Consultations Outside the Agency: 1. There was no need to consult with anyone outside the agency, since only the basic, minimum information required by statute and regulation is requested, in order that a determination of cost eligibility can be made.

2. All Title VII recipients maintain records of costs expended for the Federally-assisted projects.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges & Universities	400	1

1. Through years of experience in using the form and working with respondents, the Office of Education has estimated that the average person-hour for completing the form is one person-hour.

2. The estimate takes into consideration the time needed to gather and compile the data.

3. As a rule, the reporting burden will vary only because of the size of the project.

(j) Sensitive Questions: There are no sensitive questions. All information pertains strictly to costs which are used only by the Office of Education in calculating the extent of Federal participation.

(k) Estimate of Cost to Federal Government: \$4,500.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information will be used to determine the eligibility of project costs for Federal participation.

(m) Methods of Analysis: Only tabulations of cost data are to be reported.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The term 'development cost,' * * * means the amount found by

the Commissioner to be the cost, to the applicant for a grant or loan under this title, of the construction, reconstruction, or renovation involved." (Section 782(3)(A) of Title VII of the Higher Education Act of 1965, as amended).

"No equipment shall be considered as initial equipment unless it has been acquired or contracted for prior to the date on which the facility is first used for education of students." (Section 170.1, Part 170 of Title 45 of the Code of Federal Regulations)

"For a project for which an application is filed for the first time under any program of the Act on or after July 1, 1972, the following shall be excluded from the eligible development cost: (1) Any cost for the acquisition of land which was incurred more than 2 years prior to the date an application is filed; (2) Any cost for the acquisition of an existing structure incurred more than 1 year prior to the date an application is filed; (3) Any cost for initial equipment incurred before the date an application is filed; or (4) Any cost for construction (including new construction, remodeling, rehabilitation, or conversion) or for built-in equipment where the contract has been entered into prior to the date an application is filed and prior to the concurrence of the Commissioner in the award of the contract." (Section 170.6(b), Part 170 of Title 45 of the Code of Federal Regulations)

(o) Timetable for Dissemination of Collected Data: The information is collected only once from the respondent. The information is used only by the Office of Education for project closeout procedures.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: 400 person-hours for \$3,500.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: There is no urgent need of specific time for the data since it is used only in connection with project closeouts.

(r) Copy of the Exact Data Instrument: Thomas F. McAnallen, Chief, Academic Facilities Branch, Division of Training and Facilities, Bureau of Higher and Continuing Education, U.S. Office of Education/DHEW, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Continuous contact is made with respondents during the life of a project.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: During contacts with the Office of Education during the life of the project, respondents become fully aware

of the reporting requirements of the closeout of projects.

(u) Specific Justification for a Multi-Year Approval: The form has been used since the existence of the program, dating back to the 1960's. It will be continued to be required as long as Title VII projects remain to be closed. Accordingly, multi-year approval is essential.

Data Activity Plan Summary

(a) Title of the proposed activity: Special Programs for the Disadvantaged: Financial Status and Performance Reports.

(b) Name of the sponsoring agency/bureau/office: U.S. Office of Education, Bureau of Higher and Continuing Education, Division of Student Services and Veterans Programs.

(c) Agency form number: OE 1231.

(d) Justification: The Higher Education Act of 1965 (Public Law 89-329 as amended by Public Law 90-575) authorizes the awarding of grants "to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation or who may be physically handicapped, to enter, continue, or resume a program of postsecondary education," including in part:

(1) Programs, to be known as "Talent Search" designed to: a. Identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training.

b. Publicize existing forms of student financial aid, including aid furnished under Title IV.

c. Encourage secondary school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary school programs.

(2) Programs to be known as "Special Services for Disadvantaged Students," of remedial and other special services for students with academic potential: a. Who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant or contract.

b. Who, by reason of deprived educational, cultural, or economic background, or physical handicap, are in need of such services to assist them to initiate, continue, or resume their postsecondary education.

c. Who, by reason of limited English-speaking ability, are in need of bilingual educational teaching, guidance, and counseling in order to enable them to pursue a postsecondary education.

Grants are awarded to institutions of higher education, including those with vocational and career education programs, combinations of such institutions, public and private agencies, and organizations (including professional and scholarly associations), and, in exceptional cases, secondary schools and secondary vocational schools, to operate projects providing the services authorized as indicated above.

In order to assure accountability for Federal funds (currently \$70.5 million) invested in these projects, data should be collected from each project relative to client eligibility and project activities. To assist the Talent Search and Special Services project staffs in program management, project monitoring, and responsiveness to Congressional, HEW, OE, and other reporting needs, the above data plus additional data on client characteristics are needed. Regulations for the Talent Search Program are found in 45 CFR 159, published May 24, 1977 and regulations for Special Services are found in 45 CFR 157, published May 24, 1977. In accordance with subpart I of OMB Circular A-110, Standard Form 269 is included in order to report on a project's financial status. There are no similar

data already available in the subject field which could be used for these purposes.

(e) Description of survey plan: (1) Each Talent Search and Special Services project receiving a federally funded grant is required to submit a *Financial Status Report* and a *Performance Report* which must be signed and dated by the Project Director. In program year 1980-81 an estimated 160 Talent Search grants and 484 Special Services grants will be funded.

(2) Computer Sciences Corporation, our current data preparation contractor, is responsible for mailing report forms, logging in and editing reports, keypunching, and compiling data. CSC is aware of the impact of the Privacy Act of 1974 on the handling of OE data, and is in full compliance with it. Strict confidentiality is observed in the processing and filing of sensitive material, and reproduction of such material is performed according to Industrial Security Manual (ISM) standards in a locked room, with only those persons with appropriate clearance and need-to-know permitted. Requests for information, if any, are referred to OE.

(f) Tabulation and Publication Plans: (1) Separate computer generated reports for Talent Search and Special Services will be published in January.

(2) The reports will give data for each individual project and State and national summaries.

(g) Time Schedule for Data Collection and Publication: (1) Report forms are sent to the project directors in May. Reports are due on a staggered basis depending on the ending date of the grant period. In accordance with the Education Division General Administrative Regulations the Talent Search and Special Services projects are required to submit the *Financial Status Report* and the *Performance Report* as follows:

Report	Form	Period covered	Due date	Projects required to report
Annual Performance.....	1231	Beginning to end of budget year just completed...	30 days after end of budget period.....	Multiyear projects not in final year.
Financial Status.....		Beginning to end of budget year just completed...	30 days after end of budget period.....	Multiyear projects not in final year.
Final Performance.....	1231	Beginning to end of budget year just completed...	90 days after end of budget period.....	Multiyear projects in final year and single-year projects.
Financial Status.....		Cumulative for entire single or multiyear grant period.	90 days after end of budget period.....	Multiyear projects in final year and single year projects.

(2) The summary report is completed in January which is one month after the last reports are due.

(h) Consultations outside the agency: (1) Annual workshops are held for project directors at which time the

completion of required forms is discussed. The Office of Education welcomes any suggestions that these persons may have. There have not been any problems on which agreement could not be reached.

(i) Estimation of respondent reporting burden: It is estimated that 160 Talent Search projects and 484 Special Services projects will be funded for program year 1980-81. Since these are discretionary

grants that will not be funded until May, there is no accurate way to predict the respondent types. Therefore, an estimated breakdown by respondent type for program year 1980-81 is given below which uses percentage breakdowns that occurred in program year 1979-80.

Respondent type	Number	Estimate of average person-hours
Colleges and Universities.....	402	.5
Local education agencies.....	4	.5
Non-public junior colleges.....	12	.5
Nonprofit organizations.....	66	.5
Organizations other than schools or education agencies.....	4	.5
Public junior colleges.....	125	.5
State Institutions.....	3	.5
Vocational/technical/career postsecondary institutions.....	28	.5

Since the reports call for no data beyond that which good project management would require project directors to maintain, their completion is a simple matter of computing and recording totals. Average completion time is estimated to be one-half hour.

(j) Sensitive questions: Because no individual student data are collected, and no questions of a sensitive nature are asked, this section is not applicable to the report form.

(k) Estimate of cost to Federal Government: (1) It is estimated that the annual cost of this form is \$20,200. This includes \$18,200 for editing, coding, tabulating, and publishing of results and \$2,000 for printing and mailing.

(l) Detailed justification of how information once collected will be used: *Program Management:* Information collected will be used in determining project compliance with eligibility criteria imposed by program legislation. The data will check compliance with the Special Services regulation to have the ethno/racial composition of the students served reflect within a maximum 10 percent variance the ethno/racial composition of the students eligible to be served. The data collected also serve as an effective measure of project accountability to Congress under Pub. L. 89-329, IV Section 417B.

General Purpose: Detailed summary information maintained in the Program office serves as a data base from which to prepare budget reports and to respond to program information requests from Congress, Office of Management and Budget, the Department, various other Bureau programs, and other sources. An example of an issue that the data illuminates is the number of clients served as compared with the number proposed to be served. The data

highlight client retention and dropout prevention.

(m) Methods of analysis: Data are published by project and then summarized in a national total. Proposed methods of analysis include: correlations, test of significance, and analysis of variance.

(n) Legislative authority specifically requiring or allowing the data collection: Legislative authority comes from the General Education Provisions Act, Section 434(b)(3)(C) which states:

In the case of any application for assistance under any applicable program to which paragraph (1) does not apply and with respect to which the Commissioner determines that this section would simplify the administration of an applicable program, each such application shall be submitted to the Commissioner at such time, in such manner, and containing such information as the Commissioner shall prescribe by regulation and, as a precondition for approval, shall— . . .

(C) provide for making such reports as the Commissioner may require to carry out his functions.

Administrative authority comes from Part 100a.720 of Education Division General Administrative Regulations which states:

(a) This section applies to the reports required under Subpart I (Financial reporting) and J (Performance reporting) or Part 74 of this title.

(b) A grantee shall submit these reports annually, unless the appropriate official of the Education Division allows less frequent reporting.

(c) Timetable for dissemination of collected data: Data should be available in January. Currently there is no dissemination other than in-house distribution of summary reports; however, the data are widely disseminated as needed in response to requests.

(p) Estimate of the total person-hours and costs required to complete the request: The estimated average person-hours per respondent is .5 hours. It is estimated that a total of 644 Talent Search and Special Services grants will be funded. The completion of the reports will require a total of 322 person-hours at a total cost of \$4,000.

(q) Evidence of any urgent need or very unusual circumstance requiring the data: N/A.

(r) Copy of the exact data instrument: The report forms may be obtained from: Arnold H. Silver, Management Information Specialist, ISPSB/Information Systems Section, Education Department, Room 3514, ROB-3, 7th and D Streets, S.W., Washington, D.C. 20202.

(s) Brief account of early involvement and communications with respondent

populations: A "welcome aboard letter" is mailed to project directors at the beginning of the project year along with copies of the reports that are required to be filed at the end of the project year. The letter indicates the names and telephone numbers of individuals who can answer any questions. Each year workshops are held for project directors in which the report forms are thoroughly discussed.

(t) Assurance that respondents will have sufficient lead time to comply with request: Data is collected on a staggered basis depending on project expiration dates and will take place from May through December. Project directors are sent copies of the reports at the beginning of the project year and are notified when they will be due. Report forms are again sent to all project directors six weeks before they are due.

(u) Specific justification for a multi-year approval: The report forms have been used successfully in the past. Multi-year approval is justifiable as it would minimize the burden for the project directors to use the same forms throughout the grant.

Data Activity Plan Summary

(a) Title of the proposed activity: Comprehensive Planning Grants Program and State Administration—Application.

(b) Name of the sponsoring agency/bureau/office: U.S. Office of Education/Bureau of Higher and Continuing Education/Division of Training and Facilities/Community Service and Continuing Education Branch.

(c) Agency form number: OE 1279.

(d) Justification: To make grants to State Postsecondary Education Commissions to conduct State-wide comprehensive planning, both public and private, to State education agencies so that all persons within the State who desire, and who can benefit from such planning may have an opportunity to do so.

To make State administrative funds available to HEFA Commissions to pay for the proper and efficient administration of State plans.

(e) Description of survey plan: Application data will be forwarded to both State Postsecondary Education HEFA Commissions in the United States which have been designated to conduct planning and carry out State plans.

(f) Tabulation and publication plans: The information in the application packages will be used in the evaluation of applications from the State agencies.

(g) Time schedule for data collection and publication: Application packages will be sent out in March; closing date for applications will be April 15, and

awards for the Comprehensive Planning Program will be approved by June 30. There is no deadline date of award for State Administration grants.

(h) Consultations outside the agency: N/A.

(i) Estimation of respondent reporting burden:

Respondent type	Number	Estimate of average person-hours
SEA	57	13

(j) Sensitive questions: N/A.

(k) Estimate of cost to Federal Government: N/A.

(l) Detailed justification of how information once collected will be used: Information will be used by the staff to evaluate the eligibility of applicants for grants. Each application (comprehensive planning) will be reviewed and evaluated on the basis of the data published in the **Federal Register** and in accordance with the requirements of the law.

(m) Methods of analysis: N/A.

(n) Legislative authority specifically requiring or allowing the data collection: Sec. 1203. (a). "The Commissioner is authorized to make grants to any State Commission established pursuant to section 1202(a) to enable it to expand the scope of the studies and planning required in title X through comprehensive inventories of, and studies with respect to, all public and private postsecondary educational resources in the State, * * * (20 U.S.C. 1142b) Pub. L. 92-318.

(o) Timetable for dissemination of collected data: Awards will be made by June 30, 1980 for academic year 1980-81.

(p) Estimate of the total person-hours and costs required to complete the request: 741 total person-hours: Cost \$13,338.

(q) Evidence of any urgent need or very unusual circumstance requiring the data: N/A.

(r) Copy of the exact data instrument: May be obtained from Charles I. Griffith, Chief, Community Service and Continuing Education Branch, Room 3717, ROB-3, Washington, D.C. 20202.

(s) Brief account of early involvement and communications with respondent populations: The Comprehensive Planning Program has been in operation for six years, and the State Administration Program since 1964. Staff and State agency personnel are in constant contact with each other as the need arises. Technical assistance and site visits to monitor programs are also performed.

(t) Assurance that respondents will have sufficient lead time to comply with request: Respondents will have 45 days after receiving application package to meet the closing date for submission of their applications.

(u) Specific justification for a multiyear approval: N/A.

Data Activity Plan Summary

(a) Title of the proposed activity: Financial Status and Performance Report for Community Service and Continuing Education Programs, Title IA, HEA (State Grant Program at designated State Agency).

(b) Name of sponsoring agency/bureau/office: U.S. Office of Education, Bureau of Higher and Continuing Education, Community Service and Continuing Education Branch.

(c) Agency Form number: OE 3092.

(d) Justification: Pub. L. 89-329, Section 105(a); 20 U.S.C. 1005: (1) Funds will be expended solely for community service and continuing education programs including resource materials sharing programs (Sec. 105(a)(2), HEA).

(2) Funds will be used not to supplant State and local funds or funds of institutions of higher education, but to supplement and increase the amounts of such funds (Sec. 105(a)(4), HEA).

(3) There will be fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State (Sec. 105(a)(5), HEA).

(4) It is required that each State submit a report on the use of Federal funds in that State under any applicable program for which the State is responsible for administration (Sec. 437(a) of Pub. L. 93-380, General Education Provisions Act).

(e) Description of survey plan: Not applicable.

(f) Tabulation and publication plans: Not applicable.

(g) Time schedule for data collection and publication: December 31 each year.

(h) Consultations outside the agency: None.

(i) Estimation of respondent reporting burden:

Respondent type	Number	Estimate of average person-hours
Postsecondary Education	55	16
Commissions or Universities		

¹ One per State.
² Per State.

(j) Sensitive questions: None.

(k) Estimate of cost to Federal Government: \$2,750.

(l) Detailed justification of how information once collected will be used: Program management; determining the use of funds, assuring compliance with the legislation requirements for matching funds, supplementing rather than supplanting of funds, and assessment of new, expanded or improved community service and continuing education programs, including resource sharing programs.

(m) Methods of analysis: Not applicable.

(n) Legislative authority specifically requiring or allowing the data collection: " * * * Federal funds made available under this title will be so used as not to supplant State or local funds, * * * but to supplement and, to the extent practicable, to increase the amount of such funds that would in the absence of such Federal funds be made available * * * " Sec. 105(a)(4), Pub. L. 89-329.

" * * * Such Fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State * * * under this title." Sec. 105(a)(5).

" * * * funds paid to the State * * * will be expended solely for community service programs and continuing education programs * * * " Sec. 105(a)(2), Pub. L. 89-329, (20 U.S.C. 1005).

" * * * The Commissioner shall require that each State submit to him * * * a report on the uses of Federal funds in that State under any applicable program * * * " Sec. 437(a), Pub. L. 93-380.

(o) Timetable for Dissemination of collected data: Section 437(b) of the General Education Provision Act, Pub. L. 93-380 as amended (88 Stat. 571) states " * * * On or before March 31 of each year, the Commissioner shall submit to the Committee on Labor and Public Welfare of the Senate and to the Committee on Education and Labor of the House of Representatives an analysis of these reports and a compilation of data derived * * * " Section 422(b) of GEPA also states that " * * * The Commissioner's report shall be submitted to the Congress no later than June 30 of each calendar year * * * " Data is made available to the States and others at that time.

(p) Estimate of the total person-hours and costs required to complete the request: 880 Person-hours total.

Estimated \$500 per State for an overall total of \$27,500 nationwide for 55 States and Territories.

(g) Evidence of any urgent need or very unusual circumstance requiring the data: None.

(r) Copy of the exact data instrument: Form may be obtained from: John D. Adams, CSCE Branch, Bureau of Higher and Continuing Education, Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief account of early involvement and communications with respondent populations: Telephone contacts, and personal conversations with CSCE State Program Administrators plus mailout of form including instructions no less than thirty days prior to the end of the fiscal year.

(t) Assurance that respondents will have sufficient lead time to comply with request: Discussions with each State Agency has prepared them for planning and completing their financial information, statistical data and evaluation of operations. This report is due 90 days after the end of the fiscal year as required by statute, or December 31 of each calendar year.

(u) Specific justification for a multi-year approval: Due to the routine nature of the form and its data, the consistency of the request, and the successful use of the form in the past coupled with the law requiring the information, a multi-year approval should be made. Such a standardization indicates to the State agencies what information to collect in advance and leads to a much better relationship due to familiarity with the data collection form.

Data Activity Plan Summary

(a) Title of proposed activity: Terminal Report for Holders of Foreign Language and Area Studies Graduate Fellowships.

(b) Agency bureau office: U.S. Office of Education, Bureau of Higher and Continuing Education, International Studies Branch, Centers and Fellowships Section.

(c) Agency form number: OE Form 7614.

(d) Justification: The Fellowship recipients are to submit the Student Terminal Reports about 3 months after the end of their awards under Title VI Section 601(b) of the National Defense Education Act of 1958, as amended (20 U.S.C. 511). Additional monies or other benefits may be withheld under this program unless this report is completed and filed as required by existing regulations (45 C.F.R. 146.40). Program staff use the information in the Report as an indicator of progress and achievements of awardees and as a means of program evaluation.

(e) Description of survey plan: N/A.

(f) Tabulation and publication plans: N/A.

(g) Time schedule for data collection and publication: N/A.

(h) Consultations outside the agency: None.

(i) Estimation of respondent reporting burden:

Respondent type	Number	Estimate of average person-hours
Students in post-secondary education.....	1,000	½ hour.

(j) Sensitive questions: N/A.

(k) Estimate of cost to Federal Government: N/A.

(l) Detailed information on how information once collected will be used: Collected information will be used for Program Management: compliance review, assessment of program effectiveness.

Evaluation: determine the number of students who received instruction of the appropriate foreign language(s) and the number of students in priority languages and disciplines as published in the Federal Register; identify the number of students by MA or Ph.D degree with their career and employment plans; and review such data with the information requested by the original student application.

(m) Methods of analysis: N/A.

(n) Legislative authority specifically requiring or allowing the data collection: This information is required from all fellowship applicants under Title VI, Section 601(b) of the National Defense Education Act of 1958, as amended, in order to assure that recipients will be available upon completion of their training for teaching or other service of a public nature. No fellowship will be awarded unless the application is completed and filed according to the law and regulations (20 U.S.C. 511).

(o) Timetable for dissemination of collected data: Collected data used to review program compliance and when appropriate relevant findings may be communicated by phone or letter in 11/80.

(p) Estimate of the total person hours and costs required to complete the request: 500 total Person-Hours; COSTS—none.

(q) Evidence of any urgent need or very unusual circumstance requiring the data: N/A.

(r) Copy of the exact data instrument: Copies of the data instrument may be

obtained from Richard Thompson, Division of International Education, Room 3923, ROB3, U.S. Office of Education, Washington, D.C. 20202.

(s) Brief account of early involvement and communications with respondent populations: None.

(t) Assurance that respondents will have sufficient time to comply with request: The Report forms are sent in March or April to the institution and they in turn distribute them to the respondents. Responses are to be completed and returned by September.

(u) Specific justification for multiyear approval: N/A.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Foreign Languages and Area Studies Fellowships Institutional List of Principal/Alternate Candidates.

(b) Name of the sponsoring Agency/Bureau/Office: U.S. Office of Education, Bureau of Higher and Continuing Education, Division of International Education.

(c) Agency Form Number: OE 7632.

(d) Justification: This is necessary to comply with the selection process as put forth in the rules and regulations (45 CFR 146.36). This form lists fellowship nominees in ranked order together with the nominees' language of award and major discipline. It is filled out by the fellowships office of the institution and is used by the staff of DIE to award fellowships as well as monitor the results of the awards at the end of the academic year.

(e) Description of Survey Plan: NA

(f) Tabulation and Publication Plans: (See Section M).

(g) Time Schedule for Data Collection and Publication: The institutional list and individual student applications are sent out to participating schools in April and they are returned to us by August in order to be informed of the approved list of eligibles before the beginning of the academic year.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Financial Aid Officers at Colleges & Universities	100 (est)	1

(j) Sensitive Questions: NA.

(k) Estimate of Cost to Federal Government: NA.

(l) Detailed Justification of How Information Once Collected Will Be Used Program Management—Data will be used to determine grant eligibility and at the end of the academic year will be compiled for assessment of program effectiveness.

Evaluation—The primary objective of the final evaluation of the data is to determine which languages and academic disciplines are receiving what portion of Federal funds.

General Purpose—This data is for use by the staff of DIE to monitor program effectiveness. An assessment will be made as to the success of the Fellowships program in meeting the needs of the less commonly taught languages as set forth in the regulations.

(m) Methods of Analysis: Upon completion of the final evaluation descriptive data will be tabulated and knowledge gained is used to determine the extent to which fellowships have been awarded in priority disciplines and languages, in accordance with the rules and regulations (45 CFR 146.36).

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Commissioner shall select fellows and alternates from nominees submitted by institutions receiving quotas of fellowships for particular world areas. The Commissioner shall select, and the institutions shall nominate fellows and alternates on the basis of

*** whether the applicant will major in an area of the world listed in 146.33 (a); *** Whether the applicant's study program includes those disciplines listed in 146.33 (a) for the language and area to be studied." (Sec. 146.36 (b), (2), (3), Modern Foreign Language and Area Studies, Federal Register, vol. 42, No. 99, Monday May 23, 1977). "The Secretary shall advise and consult with *** educational programs with a view to securing full information concerning all specialized scholarships, fellowship, and programs *** which will strengthen the educational programs and objectives of the institutions of higher education utilized for such purposes by any department or agency." Sec. 1001 (c) Title X of the National Defense Education Act of 1958.

(o) Timetable for Dissemination of Collected Data: List of eligibles sent to institutions before the beginning of the academic year.

(p) Estimate of the total Person-Hours and Costs Required to Complete the

Request: 100 man hours, \$800.00.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Information needs to be collected by June in order to make awards by August.

(r) Copy of the Exact Data Instrument: Office of Education, Division of International Education, Centers Section, 400 Maryland Avenue, S.W., Washington, D.C.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: None.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: April-August (see item g).

(u) Specific Justification for a Multi-Year Approval: This is considered a routine administrative form necessary to the Division of International Education in successfully completing the awards process of the Foreign Language and Area Studies Fellowships according to the rules and regulations of the aforementioned program. Since the data collected from this form is required by the rules and regulations we request that a multi-year approval be granted.

Data Activity Plan Summary

(a) Title of Proposed Activity: Application for Discretionary Grants under the Gifted and Talented Children's Education Program.

(b) Agency/Bureau/Office: U.S. Office of Education/Office for the Gifted and Talented.

(c) Agency Form Number: OE Form 9048

(d) Justification: (1) Public Law 95-561, Part A, Title IX, Section 905, authorized the Commissioner of Education to establish discretionary grant and contract programs for professional development, model projects, information dissemination, statewide educational activities, and research. Only professional development, statewide educational activities and model projects proposals are solicited under this application. OE Form 9048 is the approved instrument for the funding and support of programs established under the authority of Pub. L. 95-561, Part A, Title IX, section 905.

(2) The application package for the discretionary program covered by OE Form 9048 provides instruction and information necessary to submit a request for Federal assistance. The information submitted by potential grantees will be used by the Federal government (OGT) to determine grant eligibility, technical acceptability of applications, and/or amount of grant award. The technical acceptability of

proposals is determined through a set of selection criteria addressing various aspects of the application proposals such as plan of operation, quality of key personnel, budget and cost effectiveness, evaluation plan, adequacy of resources, level and quality of program, selection of participants, specially trained personnel, mentors or advisors, replication, dissemination, and needs assessment. Procedures for the review of applications and a description of the grant award process may be found in the Education Division General Administrative Regulations (EDGAR).

(3) The submission of the OE Form 9048 package is the only method through which the above cited discretionary activities may be established; similar information/data are not available in any other form or from any other source.

(4) The submission of an application (proposal) containing an appropriate project description and budget is the only means by which the OGT can evaluate an applicant's intent, objectives, and proposed activities in submitting a proposal for support. Proposals must be prepared in sufficient detail to permit the OGT to make an accurate and objective determination of the quality and feasibility of the proposed effort. Such a requirement must necessitate a respondent burden in excess of the 0.5 hours generally accepted as the limit for reporting requirements.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plan: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Not Applicable.

(h) Consultations Outside Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of Average Person-hours
Local Education Agencies	100	37
State Education Agencies	30	37
Colleges and Universities	75	37
Non-profit Organizations	15	37
Other (Museums, orchestras, etc.) ...	5	37

(j) Sensitive Questions: There are no questions or requirements of a sensitive nature contained in the application form.

(k) Estimate of Cost to Federal Government: Not Applicable.

(l) Justification of How Information Once Collected Will be Used: The information submitted by applicants will be used by the OGT to determine grant eligibility, technical acceptability of

applications and/or amount of grant award. (Additional justification may be found in part (d)).

(m) Method of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: (1) "The Commissioner may make grants to State educational agencies, local educational agencies, institutions of higher education, and other public and private agencies and organizations to assist them in establishing or maintaining programs or projects designed to meet the educational needs of gifted and talented children including the training of personnel in educating gifted and talented children or in supervising such personnel." (Pub. L. 95-561, Part A, Title IX, section 905(1); 20 USC 3315; 45 CFR 195.53)

(2) "The Commissioner may enter into contracts with, and make grants to public agencies and private organizations including State and local educational agencies, to establish and operate model projects for the identification and education of gifted and talented children." (Pub. L. 95-561, Part A, Title IX, section 905 (3); 20 USC 3315; 45 CFR 195.52)

(3) "The Commissioner may make grants to State educational agencies to assist them in the statewide planning, development, operation, and improvement of programs and projects designed to meet the educational needs of gifted and talented children." (Pub. L. 95-561, Part A, Title IX, section 905.5; 20 USC 3315; 45 CFR 195.51)

(o) Timetable for Dissemination of Collected Data: Applicants will be notified by mail of grant award decisions within six months of the closing date for each grant activity identified in part (d).

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: Total Person-Hours, 8,325; Cost, \$81,169.

(q) Evidence of Any Urgent Need: Not Applicable.

(r) Copy of the Exact Data Instrument: A copy of the exact data instrument may be obtained from: Melvin R.

Ladson, Jr., Deputy Director, Office for the Gifted and Talented, Donohoe Building, Room 3831, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Involvement and Communications with Respondent Population: This revision to OE Form 9048 is required by the promulgation of the new EDGAR. The proposed regulations were published on June 25, 1979; public meetings were held in each of the ten HEW regional office cities on August 1, 1979, and written comments were

received to August 24, 1979. In general, EDGAR required a modification to the program narrative section of the application form, which in turn necessitated restructuring of the selection criteria used to determine the technical acceptability of proposals (applications).

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: The closing date for the preparation and transmittal of applications in response to the program covered by OE Form 9048 is published in the Federal Register prior to the start of the fiscal year in which applications are actually processed. Application packages are distributed to interested parties approximately 60 days prior to the published closing date.

(u) Justification for Multi-Year Approval: Multi-year approval is requested for OE Form 9048. This application form has been developed to ensure clarity and readability, and to eliminate unnecessary and burdensome requirements. As noted in part (s), the current submission responds to requirements of EDGAR, and once these changes are made, there should be no need to modify the application form in the near future. The form is required on an annual basis to fulfill legislative mandates and, therefore, should be considered a routine program management form justifying multi-year approval by FEDAC.

[FR Doc. 80-4594 Filed 2-12-80; 8:45 am]

BILLING CODE 4110-89-M

National Committee on Vital and Health Statistics, Subcommittee on Environmental Health Statistics; Meeting

Office of the Assistant Secretary for Health

Pursuant to the Federal Advisory Act (Pub. L. 92-463) notice is hereby given that the Subcommittee on Environmental Health Statistics of the National Committee on Vital and Health Statistics, pursuant to functions established by Section 306 (K), Paragraph (4) of the Public Health Service Act (42 U.S.C. 242K) will convene on Friday, February 29, 1980 at 9:00 a.m., in Room 1137 of the HEW North Building, 330 Independence Avenue SW., Washington, D.C. 20201.

Principal consideration and discussion will be devoted to issues which grew out of the last meeting of the full committee; the development and implementation of the environmental studies required by Pub. L. 95-623; the coordination of environmental, epidemiologic and other related health

studies; and the statistical validity and reliability of statistics and studies related to the effects of the environment on health.

Further information regarding this meeting of the subcommittee or other matters pertaining to the National Committee on Vital and Health Statistics may be obtained by contacting Samuel P. Korper, Ph.D., M.P.H., Executive Secretary, National Committee on Vital and Health Statistics, Room 17A-31, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: February 7, 1980.

Wayne C. Richey, Jr.,

Associate Director for Program Support, Office of Health Research, Statistics, and Technology.

[FR Doc. 80-4591 Filed 2-12-80; 8:45 am]

BILLING CODE 4110-85-M

Office of Education

Commission on the Review of the Federal Impact Aid Program; Hearing, Correction

AGENCY: Commission on the Review of the Federal Impact Aid Program.

ACTION: Notice of hearing; location correction.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program has recently published notice in 45 FR 6838-39 of its intention to hold a hearing in Chicago, Illinois on March 7, 1980. This notice announces that the hearing location has been changed and will be held at the Galaxy Ballroom, O'Hare Hilton Hotel, O'Hare International Airport, Chicago, Illinois 60666.

DATE: March 7, 1980. The Commission will meet at 9:30 a.m. and continue until 4:30.

ADDRESS: Galaxy Ballroom, O'Hare Hilton Hotel, O'Hare International Airport, Chicago, Illinois 60666.

FOR FURTHER INFORMATION CONTACT: Richard Dallas Smith, Executive Director, Commission on the Review of the Federal Impact Aid Program, 1832 M Street, N.W., Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C. on the 6th day of February, 1980.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 80-4662 Filed 2-12-80; 8:45 am]

BILLING CODE 4110-02-M

Education Appeal Board; Summaries of Final Decisions

AGENCY: Office of Education, HEW.

ACTION: Summaries of Final Decisions of the Education Appeal Board.

SUMMARY: This notice contains summaries of the three decisions of the Education Appeal Board which were adopted as the final decisions of the Office of Education, HEW, between June 29, 1979, and January 4, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. David S. Pollen, Chairman, Education Appeal Board, 400 Maryland Avenue, S.W. (Room 2141, FOB-8) Washington, D.C. 20202. Telephone (202) 245-7835.

SUPPLEMENTARY INFORMATION: On June 29, 1979, the Education Appeal Board succeeded the Title I Audit Hearing Board in the Office of Education, HEW, under interim final regulations published in the *Federal Register* on May 25, 1979 (44 FR 30528). For more information concerning the Education Appeal Board and its procedures, see the interim final regulations or contact the person named above.

A notice summarizing the fourteen decisions of the Title I Audit Hearing Board that were adopted as final decisions of the Office of Education before June 29, 1979, was published in the *Federal Register* on December 27, 1979 (44 FR 76592). This notice summarizes the three decisions of the Education Appeal Board that were adopted as the final decisions of the Office of Education between June 29, 1979, and January 4, 1980. Summaries of the Board's decisions will be published on a semi-annual basis, beginning with this notice, in order to keep the public informed as to the Board's activities.

The summaries are prepared as a convenience to the public and are intended only to highlight the holdings of the Education Appeal Board. The summaries are not official parts of the decisions and should not be relied upon as guidance from the Office of Education or legal precedent. Copies of the full decisions of the Education Appeal Board are available at the address given above on request and with payment of the costs of reproduction.

SUMMARY OF FINAL DECISION: *Appeal of the State of New Mexico*, Docket No. 5-(20)-76, August 17, 1979.

New Mexico appealed final audit determinations, made by the Deputy Commissioner for Elementary and Secondary Education, that local education agencies within the State had misspent Federal funds in migrant programs conducted under Title I of the

Elementary and Secondary Education Act. After the application of the statute of limitations and the Hearing Board's dismissal of two items on the motion of the Deputy Commissioner, the amount in dispute was reduced to \$98,124.00.

Before reaching the merits of the final audit determinations, the Hearing Panel ruled that the Commissioner of Education was authorized to seek the recovery of the Title I funds that the Commissioner determined had been misspent. The Hearing Panel also ruled that it was bound to enforce all applicable laws and regulations.

The Hearing Panel noted that for each audit determination, the controversy revolved around whether the State and local education agencies kept adequate records to document the use of Title I migrant funds. The Hearing Panel upheld two of the Deputy Commissioner's three audit determinations, finding that data submitted by the State did not prove that four local education agencies used Title I migrant funds solely to provide services to eligible migrant children, or that an area director who received approximately one-half of his salary from Title I migrant funds spent time in migrant education work.

However, the Hearing Panel found that bilingual instructional aides who provided assistance to teachers who were not bilingual were there to assist in the local education agency's migrant program. The Panel found that whatever benefits may have fallen to nonmigrant children were incidental, and ruled that the State did not have to refund the Title I migrant funds used to pay the instructional aides.

On May 25, 1979, the Hearing Panel issued a decision requiring New Mexico to refund \$93,020 to the U.S. Office of Education. On August 17, 1979, the Panel's decision was adopted as the final decision of the U.S. Office of Education.

SUMMARY OF FINAL DECISION: *Appeal of the State of Illinois*, Docket No. 3-(18)-76, August 29, 1979.

Illinois appealed a final audit determination, made by the Deputy Commissioner for Elementary and Secondary Education, that a local education agency had improperly used Federal funds under Title I of the Elementary and Secondary Education Act to pay salaries.

The Hearing Panel found that the payroll vouchers of the local education agency showed that ten school community representatives under a school community identification program at nine schools were paid with Title I funds. The Panel noted that the

State had introduced no documentary evidence to show that any subsequent correction or adjustment was made so that the salaries were paid from local funds. The Panel further found that three of the nine schools did not appear on the list of schools eligible to receive Title I services, and that none of the schools were listed among the schools for which the State had approved the payment of school community representatives from Title I funds.

On June 26, 1979, the Hearing Panel issued a decision requiring Illinois to refund \$30,495.75 to the U.S. Office of Education, noting that by operation of the statute of limitations and corrections in the record, the amount in dispute had been reduced. On August 29, 1979, the Panel's decision was adopted as the final decision of the Office of Education.

SUMMARY OF FINAL DECISION: *Appeal of the State of Wisconsin*, Docket No. 8-(23)-76, December 4, 1979.

Wisconsin appealed final audit determinations, made by the Deputy Commissioner for Elementary and Secondary Education, that four local education agencies in the State had misspent \$3,319,989 in Federal funds under Title I of the Elementary and Secondary Education Act. The amount in dispute was subsequently reduced through the application of the statute of limitations and the Hearing's Panel dismissal, on the motion of the Deputy Commissioner, of a portion of the appeal.

The Hearing Panel sustained the Deputy Commissioner's position with regard to five of seven disputed expenditures. The Panel found that a local education agency's use of Title I funds to support 15 summer school projects serving 23 elementary schools participating in Title I programs, while using local funds to operate 15 summer school projects for 98 elementary schools that were not Title I participating schools, violated the requirement that Title I funds be used to supplement, not supplant, State and local funds. The Panel concluded that neither Title I-funded field trips nor an environmental education mobile laboratory available to all children in certain grades were tailored to meet the special needs of educationally deprived children, because the benefits of the projects were not shown to be concentrated on the Title I eligible children. Where the salaries of an educational media specialist and a fiscal officer were prorated between Title I and local funds, and neither individual kept contemporaneous records of his activities, the Panel found that the State had not carried its burden of proving

that the individuals spent an appropriate amount of time on unique Title I activities.

The Panel ruled in favor of the State on the two remaining audit determinations. First, the Panel found that diagnostic special educational services operated by a local education agency on a referral basis for preschool and elementary school children with special learning problems was tailored to meet the needs of Title I children. Since the local education agency had made a good faith planning effort and served all the Title I eligible children who needed the service, the Panel found that referrals of ineligible children did not dilute the effectiveness of the program.

Second, the Panel found that even though a local education agency's project application indicated that Title I funds would be used to pay portions of the salaries of 13 teachers who provided Title I remedial reading services on a part-time basis, and 12 of the teachers named spent no time on the remedial reading project, the State had proved that the promised teacher time was in fact provided to the intended children through some contemporaneous records and other detailed information.

On September 26, 1979, the Hearing Panel issued a decision requiring Wisconsin to refund \$157,490 to the U.S. Office of Education. On December 4, 1979, the Panel's decision was adopted as the final decision of the Office of Education.

(Catalog of Federal Domestic Assistance Number not applicable)

Dated: February 2, 1980.

William L. Smith,

Commissioner of Education.

[FR Doc. 80-4593 Filed 2-12-80; 8:45 am]

BILLING CODE 4110-02-M

Applications for Review Accepted for Hearing by the Education Appeal Board

AGENCY: Office of Education, HEW.

ACTION: Notice of applications for review accepted for hearing by the Education Appeal Board.

SUMMARY: This notice lists applications for review that were received and accepted for hearing by the Education Appeal Board between May 1, 1979, and January 4, 1980.

EFFECTIVE DATE: February 13, 1980.

FOR FURTHER INFORMATION CONTACT:

Dr. David S. Pollen, Chairman, Education Appeal Board, 400 Maryland Avenue, S.W. (Room 2141, FOB-6), Washington, D.C. 20202. Telephone (202) 245-7835.

SUPPLEMENTARY INFORMATION: On May 25, 1979, interim final regulations published in the *Federal Register* established the Education Appeal Board as the successor to the Title I Audit Hearing Board in the Office of Education, HEW (44 FR 30528).

For information concerning the Education Appeal Board and its procedures, see the interim final regulations. For a list of appeals accepted for review by the Title I Audit Hearing Board before May 1, 1979, over which the Education Appeal Board assumed jurisdiction, see the notice of jurisdiction published in the *Federal Register* on July 26, 1979 (44 FR 43807).

This notice lists the applications for review that were received and accepted by the Education Appeal Board for hearing between May 1, 1979, and January 4, 1980. Three applications for review involved Federal audits of programs conducted under Title I of the Elementary and Secondary Education Act of 1965, as amended:

(1) *Appeal of the State of Oregon*, Docket No. 5-(51)-79, Audit Control No. 10-70003. The State appealed a final audit determination involving a teacher training project at Eastern Oregon State College that had been funded as a Title I migrant project. The amount in dispute is \$148,555.00 for fiscal years 1977 and 1978.

(2) *Appeal of the State of Indiana*, Docket No. 7-(53)-79, Audit Control No. 05-80002. The State appealed final audit determinations regarding State and local administration of Title I migrant programs for the period July 1, 1972, to August 31, 1975. The amount in dispute is \$240,493.00.

(3) *Appeal of the District of Columbia*, Docket No. 1-(56)-80, Audit Control No. 03-90000. The District of Columbia appealed final audit determinations regarding its procedures for controlling Title I grant expenditures for the period July 1, 1973, through September 30, 1977. The amount in dispute is \$585,733.79.

One application for review involved a Federal audit of programs conducted under Title VI, Part B of the Education of the Handicapped Act:

(1) *Appeal of the State of Nebraska*, Docket No. 4-(40)-78, Audit Control No. 07-70002. The State appealed audit determinations regarding the planning activities of 31 needs assessment projects during fiscal years 1973 and 1974. The amount in dispute is \$94,274.00.

Two applications for review involved Federal audits of programs conducted under the Elementary and Secondary Education, Vocational Education, and other Acts.

(1) *Appeal of the State of Nevada*, Docket No. 6-(52)-79, Audit Control No. 80102-09. The State appealed final audit determinations regarding its financial reporting system for the period July 1, 1972, through June 30, 1976. The amount in dispute is \$746,010.00.

(2) *Appeal of the State of California*, Docket No. 8-(54)-79, Audit Control No. 09-60451. The State appealed audit determinations regarding its procedures for charging to Federal grants and contracts the personal services costs of staff assigned to teams having multiprogram responsibilities. The amount in dispute is \$967,128.00.

Section 100e.43 of the interim final regulations establishing the Education Appeal Board provides that an interested person, group, or agency may, upon application to the Board Chairperson, intervene in appeals before the Education Appeal Board.

The application must indicate to the satisfaction of the Board Chairperson or, as appropriate, the Panel Chairperson, that the intervenor has an interest in and information relevant to the specific issues raised in the appeals. If an application to intervene is approved, the intervenor becomes a party to the proceedings.

All such applications or questions should be addressed to Dr. David S. Pollen, Chairman, Education Appeal Board, 400 Maryland Avenue, S.W. (Room 2141, FOB-6), Washington, D.C. 20202, telephone (202) 245-7835.

(20 U.S.C. 1234)

(Catalog of Federal Domestic Assistance Number not applicable)

Dated: February 1, 1980.

William L. Smith,

Commissioner of Education.

[FR Doc. 80-4592 Filed 2-12-80; 8:45 am]

BILLING CODE 4110-02-M

National Advisory Council on Adult Education, Program Effectiveness and Evaluation Committee; Change of Meeting Dates

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, sec. 10(a)(2), notice is hereby given that the Program Effectiveness and Evaluation Committee of the National Advisory Council on Adult Education will meet on March 6-7, 1980, rather than March 5-6, 1980, which was announced in the *Federal Register* of Tuesday, January 22, 1979, page 4472.

All other meeting arrangements will remain as announced January 22, 1980.

Signed at Washington, D.C. on February 6, 1980.

Gary A. Eyre,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 80-4628 Filed 2-12-80; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-10]

Notice of Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: Pima Ranch subdivision, Maricopa County, Arizona; Ahwatukee planned residential community, Phoenix, Arizona; Phillips Ranch planned community, Pomona, California; Countryside housing project, Tucson, Arizona; Soul City New Community, Warren County, North Carolina; and amendments to the Interstate Land Sales Full Disclosure Act. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Issued at Washington, D.C., February 5, 1980.

Richard H. Broun,

Director, Office of Environmental Quality.

Appendix

EIS on Pima Ranch, County of Maricopa, Ariz.

The Los Angeles Area Office of the U.S. Department of Housing and Urban Development is preparing an

Environmental Impact Statement (EIS) on the project described below. The purpose of the Notice is to solicit comments or recommendations for consideration in the EIS.

Description. The proposed project, designated as Pima Ranch, covers 2,670 acres of undeveloped foothills and alluvial plains located on the south side of the South Mountains, one mile west of I-10. Although the site remains within the jurisdiction of Maricopa County, annexation by the City of Phoenix is imminent. The proposed development will be a planned community designed to accommodate 20,000 to 25,000 residents in 8,500 dwelling units. Housing alternatives will include single-family and cluster concepts integrated into the unique environmental fabric of the site. Ancillary commercial, employment, and service uses are also included in the development concept. Development will occur in four phases over a twelve year period.

Need. This Office has determined that an EIS is necessary because the proposed project's size will exceed HUD's dwelling unit threshold level, as set forth in HUD's 24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality.

Potential environmental impacts which may result due to the development of Pima Ranch include the following (1) increased demand for public services; (2) increased levels of air pollution; (3) increased traffic volumes; (4) the inducement of additional growth; and (5) an increased supply of housing in an urbanizing section of Maricopa County.

Alternatives Perceived. The alternatives perceived available for consideration by the Department of Housing and Urban Development are: (1) accept the project as submitted; (2) accept the project with modification; and (3) reject the project.

Scoping. A scoping meeting will not be held and any comments will be considered in the Draft Environmental Impact Statement.

Comments. Comments or recommendations should be sent within 21 days of publication of this Notice in the Federal Register to John E. Bonkoski, Environmental Officer, Department of Housing and Urban Development, 2500 Wilshire Boulevard, Los Angeles, California 90057.

EIS on Ahwatukee—Phoenix, Ariz.

The Los Angeles Area Office of the U.S. Department of Housing and Urban Development is preparing an Environmental Impact Statement (EIS) on the project described below. The

purpose of this Notice is to solicit comments or recommendations for consideration in the EIS.

Description. The Ahwatukee planned residential community project is a proposed land development of 2,594 acres. Upon completion in 1985, this project will provide a total of approximately 7,300 dwelling units. Commercial and office development, as well as a regional shopping center, community recreational facilities, and functional open space will be included in the proposal.

The project site is located approximately 10 miles south-east from downtown Phoenix, adjacent to the Interstate Highway 10 on the east, Phoenix South Mountain Park on the north-west, and undeveloped land on the south.

Need. This Office has determined that an EIS is necessary because the proposed project's size will exceed HUD's dwelling unit threshold level, as set forth in HUD's 24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality.

Probable impacts perceived at this time are the extension of water, sewer, and infrastructure facilities; and the loss of desert and agricultural land.

Alternatives Perceived. The alternatives perceived available for consideration by the Department of Housing and Urban Development are: (1) accept the project as submitted; (2) accept the project with modification; and (3) reject the project.

Scoping. This Notice is part of the EIS scoping process. Comments will help to determine significant environmental issues and identify data that the EIS should address.

Comments. Comments or recommendations should be sent within 21 days of publication of this Notice in the Federal Register to John E. Bonkoski, Environmental Officer, Department of Housing and Urban Development, 2500 Wilshire Boulevard, Los Angeles, California 90057.

EIS on Phillips Ranch, Pomona, Calif.

The Los Angeles Area Office of the U.S. Department of Housing and Urban Development is preparing an Environmental Impact Statement (EIS) on the project described below. The purpose of this Notice is to solicit comments or recommendations for consideration in the EIS.

Description. The proposed project site is located entirely within the city boundary of Pomona. It is located immediately west of the Corona Expressway, and north of the Pomona

Freeway. The project is located on a 1,402 acre site and is geographically located on the northern spur of the Puente Hills, which form a natural barrier between the Downey plain to the south and the San Gabriel Valley to the north. The proposed development will contain a local of 3,156 single and multi-family dwelling units upon completion in approximately 1983. Total project population is estimated at 9,000-10,000 residents.

Need. This Office has determined that an EIS is necessary because the proposed project's size will exceed HUD's dwelling unit threshold level, as set forth in HUD's 24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality.

Potential environmental impacts which may result due to the development of Phillips Ranch include the following: (1) increased demand for public services; (2) increased levels of air pollution; (3) increased traffic volumes; (4) the inducement of additional growth; and (5) an increased demand on energy due to the increase in housing stock.

Alternatives Perceived. The alternatives perceived available for consideration by the Department of Housing and Urban Development are: (1) accept the project as submitted; (2) accept the project with modification; and (3) reject the project.

Scoping. A scoping meeting will not be held, and comments will be considered in the DEIS.

Comments. Comments or recommendations should be sent within 21 days of publication of this Notice in the Federal Register to John E. Bonkoski, Environmental Officer, Department of Housing and Urban Development, 2500 Wilshire Boulevard, Los Angeles, California 90057.

EIS on Countryside—Tucson, Ariz.

The Los Angeles Area Office of the U.S. Department of Housing and Urban Development is preparing an Environmental Impact Statement (EIS) on the project described below. The purpose of this Notice is to solicit comments or recommendations for consideration in the EIS.

Description. The proposed housing project, designated as Countryside, consists of 640 acres. The parcel is adjacent to 520-acre Arthur Pack Regional Park on the east, which is partially developed at this time. On the north, the tract adjoins a partially developed, low-density residential development. The south and west property boundaries abut vacant land. The project will consist primarily of

single-family and multi-family land uses, but some commercial and public facilities will also be developed within the project. It is estimated that the project will be completed by 1986 and will contain approximately 2,900 dwelling units.

Need. This Office has determined that an EIS is necessary because the proposed project's size will exceed HUD's dwelling unit threshold level, as set forth in HUD's 24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality.

Potential impacts perceived at this time include the following: (1) increased demand for public services; (2) increased levels of air pollution; (3) increased traffic; (4) the inducement of additional growth; and (5) an increased supply of housing in an urbanizing section in Pima County.

Alternatives Perceived. The alternatives perceived available for consideration by the Department of Housing and Urban Development are: (1) accept the project as submitted; (2) accept the project with modification; and (3) reject the project.

Scoping. This Notice is part of the EIS scoping process. Comments will help to determine significant environmental issues and identify data that the EIS should address.

Comments. Comments or recommendations should be sent within 21 days of publication of this Notice in the Federal Register to John E. Bonkoski, Environmental Officer, Department of Housing and Urban Development, 2500 Wilshire Boulevard, Los Angeles, California 90057.

EIS on Soul City New Community, Warren County, N.C.

The U.S. Department of Housing and Urban Development, New Community Development Corporation, Washington, D.C., intends to issue a Supplement to the Final Environmental Impact Statement for the Soul City New Community which is located approximately 10 miles north of Henderson, in Warren County, North Carolina.

This Supplement will evaluate the environmental impacts and economic consequences of the proposed action of accelerating and paying off the government guaranteed debentures, negotiating an orderly transfer of assets and liabilities to HUD and various governmental or non-profit entities in North Carolina and of withdrawing HUD support and further grants from the Soul City project.

Description. The new community project was originally planned to consist

of 5,300 acres, about 13,000 dwelling units, and a population of about 46,000 after 20 years. Current residential development consists of 33 units with a resident population of about 75 persons. A regional water system built with Federal grants will continue to be operated by a Regional Water Authority and that body will continue to operate this system as a public utility. HUD and EPA will live up to their commitments to complete design and construction of a 2 MGD Sewage Treatment Plant which will then be operated and maintained by Warren County as a public utility.

Need. This Office has determined that an EIS is necessary because of the size of the project.

Scoping. Since this is a Supplement, no scoping meeting is planned. Copies of the Supplement will be available in the near future. The comment period for the Draft Supplement will be forty-five (45) calendar days after the date of publication of notice in the Federal Register that such Draft Supplement has been filed. The original EIS for Soul City was issued in February Corporation, HUD, in Washington, D.C.

Comments. Comments concerning this Notice are invited from all affected and interested parties and should be received in writing as soon as possible, but no later than 21 days after publication of this Notice in the Federal Register. They should be directed to Daryl C. Ray, Environmental Clearance Officer, New Community Development Corporation, Room 5186, HUD Building, 451 7th Street, S.W., Washington, D.C. 20410.

EIS on Amendments to the Interstate Land Sales Registration Regulations

The Office of Interstate Land Sales Registration of HUD intends to prepare a supplement to a Final Environmental Impact Statement (FEIS) issued on April 10, 1979. The supplement will deal with implementation of amendments to the Interstate Land Sales Full Disclosure Act as amended by Public Law 96-153 passed December 21, 1979.

Description. The statutory amendments add new exemptions, delete others and require changes to implement the 1979 amendments to the Act. Changes will be made in contract revocation, statute of limitations, administrative procedure and state certification.

Need. The need for regulation is to implement legislative changes following enactment of 1979 amendments to the Act. The need for the supplement is to solicit comments and information from the land development industry, consumer protection groups, environmental groups, special interest

groups, state and local land registration officials and members of Congress.

Alternatives. All of the Regulation changes will be required to implement detailed statutory changes suggested. Alternatives will be considered.

Comments. Comments regarding this Notice should be sent to Alan J. Kappeler, Deputy Interstate Land Sales Administrator, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone (202) 755-8182. Comments should be forwarded within 21 days after publication in the *Federal Register*.

[FR Doc. 80-4584 Filed 2-12-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Status of Wilderness Review of Public Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of status of wilderness review of public land.

SUMMARY: This notice summarizes the present status of the wilderness review of roadless public lands and islands required by the Federal Land Policy and Management Act (FLPMA), section 603(a). The purposes of this notice are to provide (1) One source of information summarizing ongoing wilderness review activities, (2) advance notice of upcoming decisions, review periods, etc., and (3) a statistical update of the wilderness inventory in the contiguous Western States. This notice is divided into two parts: a calendar of events, and a statistical summary table on the status of the wilderness inventory in the contiguous Western States.

The Bureau of Land Management wilderness review includes (1) an inventory of public lands to identify roadless areas of 5,000 acres or more and roadless islands having wilderness characteristics; (2) a study of those areas found to have wilderness characteristics (wilderness study areas or "WSA's"); and (3) a report from the Secretary of the Interior to the President as to whether each WSA is more suitable for wilderness or other resource uses. The President will send his recommendations to Congress. Only Congress can actually designate an area as wilderness.

The inventory process has two stages: (1) an initial inventory designed to quickly identify and release from wilderness review those lands which clearly and obviously lack wilderness characteristics; and (2) an intensive

inventory for those lands which may possess wilderness characteristics. The initial inventory process was completed in the contiguous Western States by October 1, 1979. In instances where important resource use decisions are pending, the inventory process may be accelerated in order to reach final decisions as quickly as possible. Such inventories are referred to as "special project inventories" or "accelerated intensive inventories."

Final intensive inventory decisions made by BLM State Directors are subject to protest by the public. Any person adversely affected by a State Director's decision on a written protest, may appeal such decision to the Interior Board of Land Appeals (IBLA).

The FLPMA also requires early study of 55 natural and primitive areas which were formally identified by the Secretary of the Interior prior to November 1, 1975. By July 1, 1980, the Secretary must recommend to the President whether these areas are suitable or unsuitable for wilderness designation by the Congress. These areas are referred to as "instant study areas" (ISA's).

DATE: All information provided is current through January 31, 1980.

FOR FURTHER INFORMATION CONTACT: Andy Gibbs, Bureau of Land Management, Division of Wilderness and Environmental Areas, 18th and C Streets NW., Washington, D.C. 20240, Telephone: (202) 343-6064.

SUPPLEMENTARY INFORMATION: The calendar of events focuses only on the current status of all ongoing wilderness review activities. Those inventories already completed, as well as studies or reports not yet initiated, will not be reported. For detailed information regarding each specific activity, reference is made either to the appropriate notice previously appearing in the *Federal Register*, or to notices which are anticipated to be published in the upcoming 30 days. It must be noted that "anticipated" dates are projected only, and thus are subject to change.

Dated: February 8, 1980.

Ed Hastey,

Associate Director.

Calendar of Events

Arizona

Accelerated Intensive Inventory

—Harquahala Mountains (unit W2-5) final decision amended and announced in *Federal Register* January 3, 1980 (p. 856); appeal period ended February 2.

—Hualapai-Aquarius proposed decision announced in *Federal Register* September 7, 1979, (p. 52340); comment period ended December 12, 1979; final

decision anticipated late February 1980. Affects units: 2-37 to 2-43, 2-46, 2-48, 2-50, 2-51, 2-53, 2-54, 2-56 to 2-63, 2-65, 2-67.

—Overthrust Belt proposed decision announced in *Federal Register* September 7, 1979, (p. 52339); comment period ended December 12, 1979; final decision anticipated late February 1980. Affects units: 1-105, 1-106, 1-109, 1-112 to 1-115, 1-120 to 1-122, 1-128 to 1-130, 1-134, 1-135.

Study/Reporting

—Aravaipa Canyon Instant Study Area final environmental impact statement and suitability report complete; under Secretarial review.

California

Statewide Intensive Inventory

—Final decision announced in *Federal Register* January 7, 1980, (p. 1457); protest period ended February 5, 1980.

Accelerated Intensive Inventory

—California Desert Conservation Area (CDCA) amended decision announced in *Federal Register* January 7, 1980, (p. 1456); protest period ended February 5, 1980. Affects units: 145, 159, 184, 184A, and 184B.

Units Under Formal Appeal to IBLA

—Notice of appeal announced in *Federal Register* January 7, 1980, (p. 1456). Affects CDCA units: 117, 131, 136, 137A, 143, 150, 156, 158, 172, 207, 217, 221, 222, 227, 242, 251, 251A, 263 to 266, 271, 299, 305, 321, 325, 334, 343, 348, 376.

Notice of appeal announced in *Federal Register* January 7, 1980, (p. 1457). Affects non-CDCA initial inventory units: CA-010-031, 033, 047, 069, 087, 101; CA-020-701, 901, 1001; CA-030-300, 400, and 500.

Study/Reporting

—CDCA draft Plan Alternatives and Environmental Impact Statement anticipated February 1980.

Colorado

Statewide Intensive Inventory

—Proposed decision announced in *Federal Register* February 1, 1980 (p. 7312); began 90-day comment period.

Units under Formal Appeal to IBLA

—Notice of Appeal filed with IBLA January 21, 1980. Affects unit 070-031.

Eastern States

Statewide Initial Inventory (Minnesota Only)

—Proposed decision announced in *Federal Register* September 28, 1979, (p. 56049); comment period ended December 27, 1979, final decision anticipated March 1980.

Accelerated Intensive Inventory

—Koochiching Bogs (units 42 and 45) proposed decision announced in *Federal Register* December 4, 1979, (p. 69734); comment period ended January 28, 1980; final decision anticipated February 1980.

Idaho

Statewide Initial Inventory

—Deferred decision announced in *Federal Register* December 14, 1979 (p. 72659); protest period ended January 14, 1980; three protests received; protest decision

anticipated early February 1980. Affects units 16-48 a, b, and c, 16-53, 16-56a, 16-59, 16-70e, 17-19, 17-21, 17-26, 22-1.

Accelerated Intensive Inventory

- Challis Planning Area final decision announced in *Federal Register* January 4, 1980, (p. 1159); protest period ended February 4, 1980. Affects units: 46-2, 46-3, 46-7, 46-10, 46-11, 46-13, 46-14, 46-14a.
- Overthrust Belt final decision announced in *Federal Register* December 28, 1979, (p. 76867); protest period ended January 28, 1980. Affects units 34-1 to 34-4, 34-8, 35-77, 36-15, 36-18, 37-77, 37-88.
- Owyhee Planning Area final decision announced in *Federal Register* January 16, 1980 (p. 3114); protest period ends February 15, 1980. Affects units 16-16, 16-25, 16-26, 16-28, 16-31, 16-34, 16-36, 16-38, 16-40 to 16-47, 16-49, a, b, d, and e, 16-51 a and b, 16-52, 16-61, 16-64, 111-26.

Units Under Formal Appeal to IBLA

- Notice of Appeal announced in *Federal Register* September 27, 1979 (p. 55662); decision appealed from was set aside and the case was remanded January 11, 1980, for further consideration by BLM State Director; amended decision anticipated early February.

Montana

Statewide Intensive Inventory

- Proposed decision anticipated March 1980.

Accelerated Intensive Inventory

- Bitter Creek (unit 064-356 as affected by proposed Alaska Natural Gas Transportation System) proposed decision announced in *Federal Register* October 25, 1979 (p. 61464); comment period ended December 20, 1979; final decision anticipated February 1980.
- Overthrust Belt proposed decision announced in *Federal Register* September 26, 1979 (p. 55439); comment period ended January 15, 1980; final decision anticipated March 1980. Affects units 074-151 a and b, 074-155, 075-102, 075-105, 075-106, 075-110, 075-114, 075-115, 075-123 to 126, 075-133, 075-134, 075-138, 076-001 to 004, 076-007 to 011, 076-015, 076-022, 076-024 to 026, 076-028, 076-029, 076-031, 076-033, 076-034, 076-042, 076-043, 076-047, 076-051, 076-054, 076-059, 076-063, 076-069 to 071.

Nevada

Statewide Initial Inventory

- Decision on protest anticipated early February 1980. Affects all units identified for intensive inventory.

Accelerated Intensive Inventory

- Cedar Ridge (unit 010-088) proposed amendment announced in *Federal Register* December 12, 1979 (p. 71914); comment period ended January 15, 1980; amended decision anticipated February 1980.
- Macks Canyon and Hickson proposed decision announced in *Federal Register* November 29, 1979 (p. 68525); comment period ended December 28, 1979; final decision anticipated February 1980. Affects units 050-0408 and 060-366.
- Pueblo Mountain (units 020-642 a and b) proposed decision announced in *Federal Register* November 16, 1979, (p. 66077); comment period ended January 4, 1980; final decision anticipated February 1980.

- Overthrust Belt proposed decision announced in *Federal Register* July 19, 1979 (p. 42341); comment period ended October 23, 1979; final decision anticipated February 1980. Affects units: 0161, 0220 to 0226, 0230 to 0233, 0235, 0236, 0238, 0411, 0422, 0423, 0425, 0428, and 04R-15; also 0118, 0121 to 0125, 0156, 0157, 0162 to 0164; also 0136, 0137, 0139, 0143, 0144, 0145, 0155, 0159, 0166, 0412, 0414, 0438, 0440, 0441, and 0447.

Study/Reporting

- Pine Creek Canyon, Pinyon-Joshua, Bristlecone Pine, Goshute Canyon, Lahontan-Cutthroat Trout ISA's accelerated inventory proposed decision announced in *Federal Register* December 21, 1979 (p. 75731); comment period ended January 30, 1980; final decision anticipated February 1980.

New Mexico

Statewide Intensive Inventory

- Proposed decision anticipated March 1980

Accelerated Intensive Inventory

- Coyote (unit 020-036) final decision announced in *Federal Register* December 20, 1979 (p. 75526); protest period ended January 20, 1980, without protest; decision effective.

Oregon

Statewide Intensive Inventory

- Proposed decision anticipated late March 1980.

Accelerated Intensive Inventory

- John Day (units 5-1, 5-2 as affected by proposed Alaska Natural Gas Transportation System) final decision anticipated February 1980.
- Thirty selected units proposed decision announced in *Federal Register* October 4, 1979 (p. 57229); comment period ended January 4, 1980; final decision anticipated late March 1980. Affects units: 1-76 to 1-78, 1-105, 1-111, 2-1, 2-2, 2-11 to 2-17, 2-21, 2-23, 2-24, 2-26, 2-74, 2-79, 2-81, 2-82, 3-36, 3-151, 3-154, 3-156, 3-199, 5-14, 5-57, 5-58.

Units Under Formal Appeal to IBLA

- Notice of Appeal announced in *Federal*

Register November 29, 1979, (p. 68526); affects unit 11-6.

Utah

Accelerated Intensive Inventory

- Prairie Canyon interstate units (UT-060-110 and CO-070-001) final decision announced in *Federal Register* December 5, 1979 (p. 70000); protest period ended January 4, 1980, without protest; announced that decision was effective in *Federal Register* January 17, 1980 (p. 3392).
- Deep Creek Mountains (units 020-066 and 050-020) proposed decision announced in *Federal Register* November 28, 1979 (p. 68037); comment period ended January 15, 1980; final decision anticipated late February 1980.
- Unit 050-070 (as affected by Intermountain Power Project) decision on protest announced in *Federal Register* January 31, 1980, (p. 7015); 30-day appeal period ends March 1, 1980.
- Dirty Devil (unit 050-236) final decision anticipated February 1980.
- Overthrust Belt proposed decision announced in *Federal Register* October 4, 1979 (p. 57230); comment period ended November 18, 1979; final decision anticipated early February 1980. Affects units: UT-040-136, 269 to 271, 273, 278, and two interstate units with Nevada UT-040-123 (NV-050-0166) and UT-040-124 (NV-050-0143).

Study/Reporting

- Devil's Garden, Joshua Tree, Book Cliffs, and Link Flats ISA's proposed intensive inventory decision announced in *Federal Register* January 16, 1980 (p. 3114); 30-day comment period ends February 15, 1980.

Units Under Formal Appeal to IBLA

- Notice of Appeal filed with IBLA January 24, 1980. Affects units: 060-007, 060-011, 060-012, 050-283.

Wyoming

Accelerated Intensive Inventory

- Overthrust Belt final decision announced in *Federal Register* December 14, 1979 (p. 72659); protest period ended January 17, 1980; seven protests received; announcement forthcoming in February 1980. Affects units: 040-109 to 111, 126, 222, and 223.

BLM Wilderness Inventory Results as of Jan. 31, 1980

	Public lands subject to wilderness inventory (based on 1978 public land statistics)	Acres dropped from inventory	Acres still under inventory	Acres identified as wilderness study areas
State:				
Arizona	12,596,000	6,857,000	5,501,000	238,000
California	16,585,000	10,118,000	130,000	6,337,000
Colorado	7,996,000	6,690,000	1,256,000	50,000
Indiana	11,949,000	9,054,000	2,075,000	820,000
Montana	8,140,000	5,938,000	2,085,000	117,000
Nevada	49,118,000	31,594,000	16,548,000	976,000
New Mexico	12,847,000	10,486,000	2,242,000	119,000
North Dakota	68,000	68,000	0	0
Oklahoma	7,000	7,000	0	0
Oregon	13,992,000	6,892,000	7,100,000	0
South Dakota	277,000	272,000	5,000	0
Utah	22,076,000	15,842,000	5,993,000	241,000
Washington	310,000	296,000	14,000	0
Wyoming	17,793,000	16,697,000	1,040,000	56,000
Total	173,754,000	120,811,000	43,989,000	8,954,000

[FR Doc. 80-4610 Filed 2-12-80; 8:45 am]

BILLING CODE 4310-84-M

[W-70795]

Wyoming; Notice of Application

February 4, 1980.

Notice is hereby given that pursuant to sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct six-4½ inch pipelines related facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 16 N., R. 94 W.,
Secs. 18, 19, 29, 30, 31 and 32.
T. 16 N., R. 95 W.,
Secs. 24 and 25.

The proposed pipelines will transport natural gas from the Shallow Creek Well Nos. 2, 3, 4, 5, 6 and 7 to points of connection with a proposed pipeline all located within T. 16 N., Rs. 94 and 95 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301. Harold G. Stinchcomb,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-4629 Filed 2-12-80; 8:45 am]

BILLING CODE 4310-84-M

Arizona, Safford District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Safford District Grazing Advisory Board will be held on March 21, 1980.

The meeting will begin at 9:30 a.m. in the conference room of the Bureau of Land Management, 425 East 4th Street, Safford Arizona 85546.

The agenda for the meeting will include: (1) Election of officers; (2) allotment management plan development coordination and consultation procedures; (3) fiscal year 1980 allotment management plan

program schedule; (4) fiscal year 1980 Range Improvement program.

The meeting will be open to the public. Interested persons may make oral statements to the Board, or file written statements for the Board's consideration. Anyone wishing to make oral statement must notify the District Manager, Bureau of Land Management, 425 East 4th Street, Safford, Arizona 85546, by 4:15 p.m., March 18, 1980.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) on or before March 14, 1980.

Guy E. Baier,
District Manager.
February 1, 1980

[FR Doc. 80-4560 Filed 2-12-80; 8:45 am]

BILLING CODE 4310-84-M

Minnesota; Availability of BLM Maps for Public Lands and Minerals

Notice is hereby given that seven new Bureau of Land Management (BLM) maps showing the location of public lands and Federal mineral rights in northern Minnesota are available for sale to the public beginning February 13, 1980. These maps complete a series which includes 15 other Minnesota BLM maps published during the past year. The maps, prepared as a result of a Bureau-wide program to map areas of mineral interests, are published at the scale 1:100,000 (one centimeter-one kilometer), in a format of 1° longitude by 30' latitude (34 x 60 miles). They are sold for \$2.00 each.

The northern Minnesota maps cover the areas around Aitkin, Big Fork, Brule Narrows, Cass Lake, Pine River, Pokegama Lake, and Outer Island. Other maps in the series are: Roseau, Grygla, Baudette, Upper Red Lake, Blackduck, International Falls, Littlefork, Bigfork, Crane Lake, Vermilion Lake, Hibbing, Basswood Lake, Ely, Two Harbors, Saganaga Lake, and Grand Marais. Ultimately, more maps will be printed covering portions of east central Minnesota, northern Wisconsin, and Upper and Lower Michigan.

FOR FURTHER INFORMATION, CONTACT:

The Bureau of Land Management, Lake States Office, 125 Federal Building, Duluth, Minnesota 55802, (218) 727-6692; or Eastern States Office, 350 South

Pickett Street, Alexandria, Virginia 22304, telephone (703) 235-2840.

Roger L. Hildebeidel,
Director, Eastern States.

[FR Doc. 80-4691 Filed 2-12-80; 8:45 am]

BILLING CODE 4310-84-M

Office of Surface Mining Reclamation and Enforcement**Comments Received From Federal Agencies on the Montana State Permanent Program Submitted Under Pub. L. 95-87**

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM) U.S. Department of the Interior.

ACTION: Announcement of Public Disclosure of Comments on the Montana Program From The Environmental Protection Agency (EPA), The Department of Agriculture (USDA) and Other Federal Agencies.

SUMMARY: Before the Secretary of the Interior may approve permanent State regulatory programs submitted under Section 503(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the views of certain Federal agencies must be solicited and disclosed. The Secretary has solicited comments of these agencies, and is today announcing their public disclosure.

ADDRESSES: Copies of the comments received are available for public review during business hours at:

Montana Department of State Lands, 1625 Eleventh Avenue, Capitol Station, Helena, Montana 59601, telephone: (406) 449-4560

Office of Surface Mining, Reclamation and Enforcement, Brooks Towers, Room 5210, 1020 15th Street, Denver, Colorado 80202, telephone (303) 837-5421

Office of Surface Mining, Department of the Interior, Room No. 135, 1951 Constitution Avenue, NW., Washington, D.C. 20240, telephone: (202) 343-4728

FOR FURTHER INFORMATION CONTACT:

Mr. Leo Berry, Jr., Commissioner, Montana Department of State Lands, 1625 Eleventh Avenue, Capitol Station, Helena, Montana 59601, telephone (406) 449-4560

Mr. Donald A. Crane, Regional Director, Office of Surface Mining, Brooks Towers, Room 5010, 1020 15th Street, Denver, Colorado 80202, telephone: (303) 837-5421

Mr. Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20240, telephone: (202) 343-4225

SUPPLEMENTARY INFORMATION: The Secretary of the Interior is evaluating the Montana permanent regulatory program submitted by Montana for his review on August 3, 1979. See 44 FR 47414 (August 13, 1979), 44 FR 57851 (October 10, 1979), 44 FR 66761 (November 20, 1979), 45 FR 7320 (February 1, 1980). In accordance with Section 503(b)(1) of SMCRA and 30 CFR 732.13(b)(1) the Montana Program may not be approved until the Secretary has solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise relevant to the program as proposed. In this regard, the following Federal agencies were invited to comment on the Montana Program.

Advisory Council on Historic Preservation
Council on Environmental Quality
Department of Agriculture:
Agriculture Stabilization and Conservation Service
Forest Service
Science and Education Administration
Soil Conservation Service
Department of Energy
Department of the Interior:
Bureau of Indian Affairs
Bureau of Land Management
Bureau of Mines
Bureau of Reclamation
Fish and Wildlife Service
Geological Survey
Heritage Conservation and Recreation Service
National Park Service
Department of Labor: Mine Safety and Health Administration
Environmental Protection Agency
Missouri River Basin Commission
U.S. Army Corps of Engineers
Water Resources Council

Of those agencies invited to comment, OSM received comments from the following offices:

Advisory Council on Historic Preservation
Department of Agriculture:
Forest Service
Science and Education Administration
Soil Conservation Service
Department of Energy
Department of the Interior:
Bureau of Land Management
Bureau of Mines
Fish and Wildlife Service
Geological Survey
Heritage Conservation and Recreation Service
National Park Service
Department of Labor: Mine Safety and Health Administration
Environmental Protection Agency
U.S. Army Corps of Engineers

These comments are available for review and copying, during business hours, at the locations listed above under "ADDRESSES."

Dated: February 7, 1980.

Carl C. Close,
Assistant Director, State and Federal Programs.

[FR Doc. 80-4596 Filed 2-12-80; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL COMMUNICATION AGENCY

Treaty of Friendship and Cooperation Between the United States and Spain; Cooperative Research Grants—1980-81

The United States-Spanish Joint Committee for Educational and Cultural Affairs (Supplementary Agreement No. 4 of the Treaty of Friendship and Cooperation between the United States and Spain) announces the application period for Cooperative Research Grants for the academic year 1980-1981. The applicable norms are:

First—Purpose of the Grants

Applications will be considered to subsidize cooperative research projects between United States and Spanish institutions in the humanities, arts, psychology, anthropology, social sciences, political sciences, law, economic sciences, education, and the communication sciences, under the direction of a Spanish principal researcher and a United States principal researcher. The Cooperative Research Grant application should be prepared by means of direct contact between the Spanish principal researcher and the United States principal researcher. The Spanish principal researcher is responsible for the cooperative research project proposal in Spanish that is to be carried out by the Spanish institution. In like matter, the United States principal researcher will present, in English, the cooperative research project proposal that is to be carried out by the United States institution. The Joint Administrative Staff (Secretaría Ejecutiva) of the United States-Spanish Joint Committee will communicate all matters pertaining to the cooperative research project exclusively through the Spanish principal researcher.

Second—Institutions That May Apply

The following non-profit Spanish institutions, in collaboration with their cooperating non-profit United States institutions, may apply: (The joint applications will be presented by the Spanish institution).

(a) Ministerial administrative sections and institutions which pertain to ministries.

(b) Autonomous organizations such as agencies, bureaus, universities, etc. that pertain to ministries.

(c) Institutions, departments, centers, sections, and other research units integrated into autonomous organizations that pertain to ministries.

(d) University institutes, departments, chairs, and schools.

(e) Local public municipalities pertaining to cities or regions.

(f) Other institutions and foundations of a public or private nature that are legally independent and are registered as non-profit organizations.

Third—Amount, Nature, and Duration of the Grants

The amount of the grant will be that which is approved as based on budgets applied for by the Spanish institution and the United States institution. The Spanish budget will be paid to the applying Spanish institution and the United States budget to the applying United States institution. The normal duration of these grants will be for twelve months, the beginning date to take place from September 1, 1980 through August 31, 1981. This period of time refers exclusively to those grants which are here announced. However, should the nature of the cooperative research project be such that a greater length of time is needed (maximum of two years from the beginning date of the grant) each cooperative research project will have the opportunity to request renewal by submitting a renewal application on a year to year basis. Approval of the renewal application will be based on the favorable review of reports to be submitted at the end of each yearly grant period. The possible publication of the cooperative research project will be considered a favorable factor.

Fourth—Submission of the Applications

The application deadline for Cooperative Research Grants is May 9, 1980. All applications must be received by the Joint Administrative Staff with a postmark date of no later than May 9, 1980. The application forms may be obtained from the Joint Administrative Staff (Secretaría Ejecutiva) of the United States-Spanish Joint Committee for Educational and Cultural Affairs, Calle Cartagena, 83-85, 3°, Madrid 28, Spain; Telephone number 255-0800, extension 221.

Fifth—Completion of the Application Forms

The application, an original and six copies, will consist of the following parts:

A. Cover page.—The information that must be included on the cover page is the following: project title, total amount being applied for in dollars, proposed initiation date of the project and total duration of project in months (maximum 12 months).

In addition the following information is required:

(a) For each subproposal (Spanish institution's subproposal and United States institution's subproposal): Amount being applied for in dollars, full name of the principal researcher, National Identity Document Number for Spaniards and Social Security Number for Americans, the name of the actual center where each subproject will be carried out, address of the center and the name of the institution with which the center is affiliated if applicable.

(b) Name of the Ministry with which the Spanish institution is affiliated if applicable.

(c) For each subproposal: Name printed as signed of the principal researcher, signature, academic title and position, telephone number and date of signature. Name printed as signed of the principal researcher's immediate supervisor, signature, academic title and position, telephone number and date of signature. Name printed as signed of the individual who legally represents the institution, academic title and position, telephone number and date of signature.

B. Text of the Spanish institution's subproposal (in Spanish).—(a) Summary (about 200 words).

(b) Common objectives and results sought through the cooperative research project.

(c) Research plan of the Spanish institution.

(d) Means available (Personnel and facilities. The personnel must be Spanish or United States citizens only.)

(e) Bibliography on the subject.

(f) Principal Researcher's Curriculum Vitae.

(g) Budget.—The budget in dollars, prepared jointly by the United States and Spanish institutions, will consist of two separate columns in which will be shown the amounts applied for by the Spanish institution and the cooperating United States institution, and will include the following items:

(1) Salaries and wages (In the Spanish institution's budget persons who are listed on the permanent payroll of the applying institution cannot be included under "Salaries and Wages" unless the undersecretary of the respective department authorizes the appropriateness of the individual receiving two salaries).

(2) Material that can be inventoried.

(3) Expendable material.

(4) Travel.

(5) Other costs.

(6) Total cost in dollars.

The above described budget of the Spanish institution should be attached to the Spanish institution's subproposal.

C. Text of the United States institution's subproposal (in English).—

(a) Summary (about 200 words).

(b) Common objectives and results sought through the cooperative research project.

(c) Research plan of the United States institution.

(d) Means available (Personnel and facilities. The personnel must be United States citizens, legal residents of the United States or Spanish citizens).

(e) Bibliography on the subject.

(f) Principal Researcher's Curriculum Vitae.

(g) Budget: Instructions regarding the budget are the same as found above in Part B, item (g), sub-items (1) through (6). In addition, the United States institution's subproposal should contain a translation in English of the Spanish institution's detailed budget.

Neither the Spanish nor the United States institutions are allowed to include indirect costs of any type in their respective budgets. In addition, neither the Spanish nor the United States institutions are allowed to include Social Security nor other fringe benefits in the budget item entitled "Salaries and Wages."

D. Budget summary.

Sixth—Place To Submit Applications

The applications must be submitted to the Secretary of the United States-Spanish Joint Committee for Educational and Cultural Affairs at the previously mentioned address of the Joint Administrative Staff (Secretaría Ejecutiva).

Seventh—Selection Procedure.

That portion of the cooperative research project to be carried out in Spain will be evaluated by the Comisión Asesora de Investigación Científica y Técnica which is obligated to request reports from the respective ministries. The Comisión Asesora will recommend the awards to be granted under Cooperative Research Grants to the United States-Spanish Joint Committee for Educational and Cultural Affairs who will then study the recommendations for its final decision and the publication of the grants awarded in the *Boletín Oficial del Estado*. That portion of the cooperative research project to be carried out in the United States of America will be submitted for the evaluation process as is seen fit by the United States members

of the United States-Spanish Joint Committee for Educational and Cultural Affairs.

The United States-Spanish Joint Committee for Educational and Cultural Affairs will study the combined subproposals of the two cooperating institutions for its final decision. In order for a grant to be awarded a favorable evaluation of both the Spanish and United States subproposal is required.

Eighth

Obligatory reports regarding the progress of the cooperative research projects will be submitted in quadruplicate to the Comisión Asesora through the Secretary of the United States-Spanish Joint Committee for Educational and Cultural Affairs. These reports will be submitted by the Spanish and United States principal researchers. The reports will be evaluated by the previously mentioned Comisión Asesora and then will be presented to the United States-Spanish Joint Committee for its final evaluation. The principal researchers will receive detailed information regarding the submission of these reports. During the period of the grant the awarded institutions, through their principal researchers, will comply with the procedural methods as approved by the United States-Spanish Joint Committee for Educational and Cultural Affairs as previously proposed by the Comisión Asesora de Investigación Científica y Técnica. This includes the submission of the previously mentioned periodic reports and the naming of an adviser for each approved project.

John E. Reinhardt,
Director, International Communication Agency.

[FR Doc. 80-4558 Filed 2-12-80; 8:45 am]
BILLING CODE 8230-01-M

Travel Only Grants

The United States-Spanish Joint Committee for Educational and Cultural Affairs (Supplementary Agreement No. 4 of the Treaty of Friendship and Cooperation between the United States and Spain) announces the application period for Travel Only Grants for the academic year 1980-1981. The applicable norms are:

First—Purpose of the Grants

(a) Travel Only Grants are intended for visits of short duration, up to a maximum of 25 days, to the United States of America for Spanish citizens and to Spain for citizens of the United States of America with the object of

planning or carrying out cultural, artistic and educational activities and research in the humanities, arts, psychology, anthropology, social sciences, political sciences, law, economic sciences, education, and communication sciences. The applicants must hold doctoral degrees or in the area of the arts be extremely well qualified candidates.

(b) Travel Only Grants may also be applied for by persons who hold graduate degrees or in exceptional cases are extremely well qualified individuals, in the same disciplines mentioned in item (a) above who have been admitted to a United States or Spanish educational institution and whose expenses other than travel have been covered by other funds.

(c) The Travel Only Grants cannot be applied for to attend congresses, symposia, or scholarly or scientific meetings. Neither can a Travel Only Grant be applied for until two years have passed since the last Travel Only Grant was awarded by this program.

(d) Travel Only Grants will not be awarded retroactively.

Second—Amount and Nature of the Grants.

The financial terms of the grant will include the roundtrip travel cost and in the case of the item entitled "First, (a)" above will include per diem for the total number of days in the host country not to exceed 25 days. The grants may take place from September 1, 1980 through August 31, 1981.

Third—Submission of the Applications.

The applications can be submitted at any time after December 5, 1979, through March 6, 1981. The application forms may be obtained from the Joint Administrative staff (Secretaría Ejecutiva) of the United States-Spanish Joint Committee for Educational and Cultural Affairs, Calle Cartagena, 83-85, 3°, Madrid 28. Telephone number 255-0800, extension 221.

Fourth—Completion of the Application Forms

The application, an original and six copies, will consist of the following parts (in Spanish for Spanish applicants and in English for United States applicants):

A. *Cover page*.—The information that must be included on the cover page is the following: Full name of the applicant, National Identity Document Number for the Spaniards or Social Security Number for the United States applicants, area of specialization, applicant's home address and telephone number, applicant's institution, department and address of same if

applicable. Spanish applicants should include the ministry to which their institution pertains if applicable. They should also include the approximate date of travel to the host country, inclusive dates of the visit, the name of the colleague to be visited, and the colleague's institution, department, and address of same. The following will also be required:

(a) The applicant's name printed as signed, signature, academic title and position, telephone number and date of signature. The same information will be required of the applicant's immediate supervisor if applicable.

(b) The same information as required in item (a) above on the colleague to be visited. The same information on the colleague's immediate supervisor if applicable.

(c) The name printed as signed of the individual who legally represents the Spanish institution forwarding the application if applicable, and the signature, academic title and position, telephone number of this individual and date of signature.

B. *Text*.—Summary of the purpose of the trip.

C. *Applicant's curriculum vitae*.

D. *Budget*.—(a) Round trip most direct route tourist class airfare from applicant's permanent residence to grant destination.

(b) \$65 per diem in the host country during the stay (maximum 25 days).

Fifth—Place To Submit Applications.

The applications must be submitted to the Secretary of the United States-Spanish Joint Committee for Educational and Cultural Affairs at the previously mentioned address of the Joint Administrative Staff (Secretaría Ejecutiva).

Sixth—Selection Procedure.

The applications will be evaluated every three months by the Comisión Asesora de Investigación Científica y Técnica which is obligated to request reports on each application from the respective ministries. The Comisión Asesora will recommend the awards to be granted under Travel Only Grants to the United States-Spanish Joint Committee for Educational and Cultural Affairs who will then study the recommendations for its final decision and the publication of the grants awarded in the *Boletín Oficial del Estado*.

Seventh

Upon completion of travel, the grantees will be required to submit a report in triplicate to the Comisión Asesora de Investigación Científica y

Técnica through the Secretary of the United States-Spanish Joint Committee. The reports will be evaluated by the previously mentioned Comisión Asesora and then will be presented to the United States-Spanish Joint Committee for its evaluation.

John E. Reinhardt,

Director, International Communication Agency.

[FR Doc. 80-4559 Filed 2-12-80; 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 274 (Sub-2)]

Expediting Rail Abandonments—Public Use Condition

AGENCY: Interstate Commerce Commission.

ACTION: Notice of change in procedure.

SUMMARY: 49 U.S.C. 10906 provides that when the Commission permits an abandonment, if it finds the rail properties are suitable for public uses, it may prohibit disposal of the property for up to 180 days "after the effective date of the order." The Commission will now compute the public use condition it imposes to begin on the effective date of the decision in which the Commission makes the finding that the public convenience and necessity permit abandonment, if the application has been investigated. When there is no investigation the negotiation period will run from the decided date of the certificate and decision.

DATE: This change in procedure is effective February 13, 1980.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg (202) 275-7245.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to clarify the time period for the public use conditions imposed under 49 U.S.C. § 10906. This statute provides a negotiation period of up to 180 days from the effective date of the order, for the sale of properties which would be suitable for public purposes. The statute defines public purposes to include highways, mass transportation, conservation, energy production or transmission, or recreation. In the past, the period for negotiations has not been uniform—in some decisions the period has run from the issuance of a certificate, in others from the effective date of the certificate.

Congress provided this negotiation period because the benefit from the public use outweighs the inconvenience and financial drain on a railroad of not being able to dispose of a rail line for a

limited period after abandonment. In the same amendment to the Interstate Commerce Act which added the public use provisions, Congress also imposed rigid procedural time frames, designed to expedite the railroad abandonment process. Our implementation of the public use provision must balance the competing interests for expedited handling of abandonments and an adequate time for negotiation.

We have found no reason for the negotiation period to begin to run only after a certificate has been issued. An equal period for negotiating will be available if the time runs from the effective date of the decision in which the Commission finds that public convenience and necessity permit abandonment. This procedure allows for the negotiation period without unduly delaying the time when the railroads can dispose of the abandoned line.

When there is no investigation, the public use negotiation period will run from the decided date of the certificate and decision authorizing abandonment. Our different treatment results from the procedure we have designed to comply with the different statutory timetable and procedures for abandonment proceedings which are investigated and those which are not. Because of the 60-day time limit when there is no investigation, we issue a combined certificate and decision. When we conduct an investigation, we issue a separate decision with our findings and conclusions, and at a later date, a certificate is issued.

Dated: January 29, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-4603 Filed 2-12-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: February 5, 1980.

In our decision of January 29, 1980, a 12-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

Although the weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 12.2 percent, we are

authorizing that the 12-percent surcharge for this traffic remain in effect. All owner-operators are to receive compensation at the 12-percent level. In addition, no change will be made in the existing authorization of a 2.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, nor the 4.6-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday, 12:01 a.m., February 8, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioners Clapp and Trantum absent and not participating.

Agatha L. Mergenovich,
Secretary.

Appendix.—Fuel Surcharge

Base Date and Price Per Gallon (Including Tax)		
January 1, 1979.....		63.5¢
Date of Current Price Measurement and Price per Gallon (Including Tax)		
February 4, 1980.....		109.5
Average Percent: Fuel Expenses (Including Taxes) of Total Revenue		
(1)	(2)	(3)
From transportation performed by owner operators	Other (Including less-truckload traffic)	Bus carriers
(Apply to all truckload rated traffic)		
16.9%	2.9%	6.3%
Percent Surcharge Developed		
12.2	2.1%	4.6%
Percent Surcharge Allowed		
12.0%	2.1%	4.6%

[FR Doc. 80-4602 Filed 2-12-80; 8:45 am]

BILLING CODE 7035-01-M

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 sections 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 on or before March 14, 1980. 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.

Agatha L. Mergenovich,
Secretary.

MCF-14146F, filed August 20, 1979. Transferee: TRUCKER'S, INC., 4316 South Main Street, P.O. Box 337, Stafford, TX 77477. Representative: Damon R. Capps, Suite 1230, Capital National Bank Bldg., 1300 Main Street, Houston, TX 77002. Transferor: J. V. HARRISON TRUCK LINES, INC., P.O. Box 15057, Houston, TX 77020. Representative: Joe G. Fender, Fender & Crawford, Suite 1150, 711 Louisiana, Houston, TX 77002. For purchase by transferee of the entire operating rights of transferor as set forth in Certificate MC 85715 issued August 2, 1968; July 22, 1966; and November 10, 1969, as follows: Reinforcing Rods, Bar Steel, Steel Form and Plates, Iron Products of the same kind and character, and heavy Iron and Steel Items, between Houston, Texas, and all points in Texas; Oilfield Equipment and Pipe, when moving as oilfield equipment between all points in Texas; PIPE when it is to be used in the construction and maintenance of pipelines of any and every other character or use other than oilfield equipment; except the carrier is prohibited from transporting pipe when not moving as oilfield equipment when such pipe is less than four (4") inches in diameter and is also less than twenty-eight (28') feet in length between all points in Texas; Trenching machines, tractors, drag-lines, back fillers, caterpillars, road building machinery, batch bins, ditching machinery, bulldozers, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile driving rigs, paving machines and equipment, graders, construction equipment, boilers,

scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit breakers, turbines, bridge construction equipment, shovels, planes, lathes, air compressors, rotaries, prefabricated houses, bulk station storage tanks, heavy tanks, pump machinery, erection machinery and equipment, refinery machinery and equipment, boats and prefabricated steel girders, thrashing machines, sawmill machinery, telephone and telegraph poles, creosote and other pilings, heavy furnaces or ovens, punches, iron or steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron or steel castings, sheets and plates, industrial hammers, industrial machinery including laundry, ice-making, air-conditioning, baker, bottling, gin, crushing, dredging, mill, brewery, textile, water plant and wire covering, twisting or laying, derricks, hoists, steam or internal combustion engines, rollers, power shovels, safes, vaults, bank doors and gasoline, fuel oil and other storage tanks, pipe (including iron, steel, concrete, composition, or corrugated), presses, when said commodities are not moving as oilfield equipment between all points in Texas restricted in that the holder of this authority may transport the above named commodities together with its attachments and its detached parts thereof between incorporated cities, towns and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, requires the use of special devices, facilities or equipment for the safe and proper loading or unloading thereof; (1) Conveyors, hoppers, ladders and monorail systems between points in Texas; (2) Iron and steel Articles as defined in Appendix V of the report in Descriptions in Motor Carrier Certificates, 61, M.C.C. 209, between points in Texas; Restricted (A) to such commodities named in (1) and (2) above, the transportation of which because of size or weight require the use of special equipment, and (B) to such commodities named in (1) and (2) above when incidental to and moving in connection with the commodities authorized to be handled pursuant to restriction (A) above; and Iron and Steel Articles, from Corpus Christi, Galveston, and Houston, Texas, to points in Texas.

Note.—Transferee holds authority in MC 139284 Sub 1 and R-3, R-4, and R-5 from this Commission. Temporary authority under Section 210 (a) (b) is sought. Transferee also seeks by application to convert Transferor's

certificate of registration to authority under Section 207 of the Interstate Commerce Act.
[FR Doc. 80-4608 Filed 2-12-80; 8:45 am]
BILLING CODE 7035-01-M

Graves Truck Line, et al.; Decision

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The 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 petition to intervene either with or without leave must be filed with the Commission on or before March 14, 1980, with a copy being furnished the applicant. Protests to these applications 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). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons 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. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides 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.

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 applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or (b) 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 national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or the following operating rights applications directly related thereto filed on or before March 14, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or

grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: January 29, 1980.

By the Commission, Review Board Number 5, Members Krock, Pohost, and Taylor.
Agatha L. Mergenovich,
Secretary.

MC-F14236F, filed November 28, 1979. GRAVES TRUCK LINE, INC. (Graves) (P.O. Drawer 1387, Salina, KS 67401)—Purchase—Stewart Motor Freight, Inc. (Stewart) (1508 Woodweather Road, Kansas City, MO 64101). Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Graves seeks to purchase the operating rights to Stewart. ANR Freight System, Inc., (ANR), which controls Graves through 100 percent stock ownership, and in turn American Natural Resources Company (Resources), which controls ANR through 100 percent stock ownership, both non-carrier holding companies, seek to acquire control of the rights through the transaction. Graves is purchasing the interstate operating rights contained in Stewart's Certificate No. MC 121030 (Sub-2), which authorizes the transportation, as a motor common carrier, over irregular 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 Lawson, MO, and points within 10 miles of Lawson (except that area within the city limits of Excelsior Springs, MO), on the one hand, and, on the other, points in MO. Graves, pursuant to certificates issued in MC-53965 and sub-numbers thereunder, is authorized to operate as a common carrier of general commodities in the states of KS, NE, CO, IA, MO, OK, and TX, and of meat and packinghouse products in that part of the United States in and west of MI, OH, KY, NC, SC, and GA. Resources and ANR also commonly control Garrett Freightlines, Inc., a common carrier pursuant to MC 263, Associated Truck Lines, Inc., a common carrier pursuant to MC 69833, The Luper Transportation Company, a common carrier pursuant to MC 123004, and Capitol Truck Lines, Inc., a common carrier pursuant to MC 966. Condition: ANR shall continue to be deemed a carrier within the meaning of 49 U.S.C. § 11348(a) subject to all the applicable statutory provisions (and related regulations) specified in section 11348(a), as provided in our decisions in docket Nos. MC-F-13560, MC-F-13816,

and MC-F-14003F. However, Resources shall be exempted from the accounting, reporting, and securities provisions of 49 U.S.C. § 11348. (Hearing site: Salina, KS, or Kansas City, MO.)

Notes.—(1) Application has been filed for temporary authority under 49 U.S.C. 11349. (2) A directly related gateway application has been filed in MC 53965 (Sub-168F), published in this same Federal Register issue.

MC 53965 (Sub-168F), filed November 28, 1979. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, P.O. Drawer 1387, Salina, KS 67401. Representative: John E. Jandera, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. 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 Kansas City, KS, on the one hand, and, on the other, points in MO. (Hearing site: Kansas City, MO.)

Notes.—(1) The purpose of this application is to eliminate the gateway of Lawson, MO, and points within 10 miles of Lawson in order to provide a through service. Applicant also intends to join the authority at Kansas City, KS, for service between points on its regular-route system and points in MO. (2) This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC-F-14236F, published in this same Federal Register issue.

MC-F-14256F, filed December 10, 1979. Applicant: BRISTOL-JENKINS BUS LINE, INC. (Bristol) (408 East Mary Street, Bristol, VA 24201)—PURCHASE (PORTION)—GREYHOUND LINES, INC. (Greyhound) (Greyhound Tower, Phoenix, AZ 85077). Representative: Anthony P. Carr, Greyhound Tower, Phoenix, AZ 85077. Bristol seeks authority to purchase a portion of the interstate operating rights of Greyhound. D. S. Francis, the sole stockholder of Bristol, seeks to acquire control of such rights through the transaction. Bristol is purchasing that portion of Greyhound's authority contained in Certificate No. MC 1515 (Sub-194) which authorizes the transportation of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, as a common carrier, over regular routes, between Ashland and Jenkins, KY, serving all intermediate points: from Ashland over U.S. Hwy 23 to Prestonburg, then over relocated combined U.S. Hwys 23 and 460 to Allen, then over U.S. Hwy 23 via Shalbiana to Jenkins. Bristol is authorized to operate as a common carrier of passengers in the States of KY,

TN, and VA, pursuant to Certificates issued in MC 118689 and sub-numbers thereunder. (Hearing site: Washington, DC.)

Note.—A directly related extension application has been filed in MC 1515 (Sub-283F), published in this same Federal Register issue.

MC 1515 (Sub-283F), filed December 10, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077—Extension. Representative: Anthony P. Carr (same address as applicant). To operate as a *common carrier*, by motor vehicle, over regular routes, transporting *passengers and their baggage* and *express and newspapers*, in the same vehicle with passengers, between the junction of Interstate Hwy 64 and U.S. Hwy 23 south of Ashland, KY, and Ashland, KY, over U.S. Hwy 23, serving all intermediate points. (Hearing site: Washington, DC.)

Notes.—(1) Applicant proposes to tack the authority sought herein to its existing authority in Docket No. MC 1515. (2) The purpose of this application is to link Greyhound's existing regular-route service between Ashland, KY, on the one hand, and, on the other, Cincinnati, OH, and Richmond, VA. (3) This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC-F-14256F, published in this same Federal Register issue.

[FR Doc. 80-4607 Filed 2-12-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-138]

Interstate Truck Traffic Through Medina, Ohio

AGENCY: Interstate Commerce Commission.

ACTION: Notice of denial of petition for rulemaking.

SUMMARY: The Commission is denying a petition filed by a citizen's committee requesting the adoption of a rule prohibiting all authorized motor common carriers of freight from operating on a section of Ohio Highway 18 through the City of Medina, OH. The petition pertains to matters that are properly within the province of appropriate governmental bodies of the State of Ohio, Medina County, and the City of Medina rather than issues to be addressed by the Commission under the Interstate Commerce Act.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., 202-275-7292.

SUPPLEMENTAL INFORMATION: The Medina Committee to Save Our Square requests by petition that this Commission institute a rulemaking proceeding aimed at restricting travel on Ohio Highway 18 through Medina, OH,

by authorized motor carrier common carriers of freight. It requests that the Commission promulgate a rule prohibiting all regulated interstate carriers from operating on Ohio Highway 18 between the junction of Ohio Highway 18 and Interstate Highway 71 on the east, and the junction of Ohio Highway 18 and Ohio Highway 20 on the west (probably U.S. Highway 20 is intended). The proposed rule would make an exception for interstate carriers making pickups or deliveries to places located between those two junctions.

The committee argues that the promulgation of such a rule would stop an excessive number of interstate trucks from passing through the Medina town square. This traffic, it contends, causes noise and air pollution, damages historic buildings, and disrupts the business and recreational activities that take place at the town square.

The Committee states, among other things, that the City Council of Medina is concerned about its authority to take action against trucks of interstate motor carriers that use Ohio Highway 18 through its city. With regard to this concern, we note that the granting of certificates by this Commission does not grant immunity to interstate motor carriers from having to comply with the applicable highway traffic laws and ordinances of the State of Ohio, Medina County, and the City of Medina.

On this issue, the Interstate Commerce Act states in 49 U.S.C. 10922(f) that, "A certificate issued under this section does not confer a proprietary or exclusive right to use the public highways or public waterways." We are not aware of any provisions of the act or of the Commission's regulations that would prevent the appropriate State and local governments from restricting the motor vehicle traffic in the involved area so as to protect the town square. Some States and cities, for example, have adopted restrictions regarding types and sizes of vehicles that are allowed to operate on certain streets, parkways, or highways. Also, in some cases, truck traffic is required to operate on specified streets or to use alternate bypass highways.

Upon consideration of the circumstances involved in the committee's request, we conclude that these matters are properly within the province of the State of Ohio and the appropriate local governmental bodies of Medina County and the City of Medina rather than issues to be addressed by the Commission under the Interstate Commerce Act. This conclusion is consistent with our views stated in *Illinois Central Gulf R. Co. Abandonment*, 360 I.C.C. 188, 199 (1979).

Existing carriers may lawfully operate through Medina if they hold unrestricted irregular-route authority and must operate via that city if they hold regular-route authority. Therefore, a restriction of the type suggested by petitioner would be a partial revocation of these carriers' certificates or permits. The statute allows us to revoke operating rights only under the circumstances specified in 49 U.S.C. 10925. Since those circumstances are not present here, we believe the relief sought by petitioner is beyond our statutory authority.

Even if the Commission should have jurisdiction to promulgate a rule such as that requested by the committee, we do not believe that it would be consistent with efficient administration of the Interstate Commerce Act to exercise our jurisdiction and to institute a rulemaking proceeding.

On the Nation's highways there are many thousands of trucks which are engaged in private carriage, in hauling exempt commodities, and in interstate commerce. Those trucks are not regulated by the Commission and would not be subject to the committee's proposed rule. On the other hand, the State of Ohio and local governments, under their police powers, are empowered to regulate all of the involved motor vehicle traffic through appropriate highway traffic laws and ordinances. Under the circumstances, it would not seem to be efficient administration of the act to promulgate a rule which would have only a limited effect.

We note that the record contains a letter to the committee's representative, dated August 31, 1979, from the Commission's General Counsel. In view of the above conclusions, it will not be necessary for the committee to submit the supplementary environmental evaluation mentioned in that letter.

We find: This Commission does not have the authority under 49 U.S.C. 10925 to grant the relief sought and that, even if we did have the necessary authority, granting the relief sought would not be consistent with efficient administration of the Interstate Commerce Act. This action will not significantly affect either the human environment or the conservation of energy resources.

It is ordered: The petition is denied.

Dated: January 18, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-4604 Filed 2-12-80; 8:45 am]

BILLING CODE 7035-01-M

Operating Rights Application(s) Directly Related to Finance Proceedings

The following operating rights application(s) are filed in connection with pending finance applications under section 11343 (formerly section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 10926 (formerly section 212(b)) of the Interstate Commerce Act.

On applications filed before March 1, 1979, an original and one copy of *protests* to the granting of authorities must be filed with the Commission on or before March 14, 1980. Such protests shall conform with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities.

Applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *General Rules of Practice* also but are subject to petitions to intervene either with or without leave. An original and one copy of the petition must be filed with the Commission within 30 days after date of publication. A petition for intervention 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, 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.

Verified statements in opposition should not be tendered at this time. A copy of the protest or petition to intervene 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.

Agatha L. Mergenovich,
Secretary.

MC 139284 (Sub-5F), filed August 20, 1979. Applicant: TRUCKER'S, INC., P.O. Box 337, 4316 South Main Street, Stafford, TX 77477. Representative: Damon R. Capps, Suite 1230, Capital National Bank Bldg., 1300 Main Street, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate and foreign commerce, over irregular routes, transporting: (1) Reinforcing rods, bar steel, steel forms and plates, iron products of the same kind and character, and heavy iron and steel items, between Houston, TX, and points in TX. (2) Oilfield equipment and pipe, when moving as oilfield equipment between points in Texas. (3) Pipe when it is to be used in the construction and maintenance of pipe lines of any and every other character or use other than oilfield equipment; except the carrier is prohibited from transporting pipe when not moving as oilfield equipment when such pipe is less than four (4") inches in diameter and is also less than twenty-eight (28') feet in length between points in TX. (4) Trenching machines, tractors, drag lines, back fillers, caterpillars, road building machinery, batch bins, ditching machinery, bull dozers, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile driving rigs, paving machines and equipment, graders, construction equipment, boilers, scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit breakers, turbines, bridge construction equipment, shovels, planes, lathes, air compressors, rotaries, prefabricated houses, bulk station storage tanks, heavy tanks, pump machinery, erection machinery and equipment, refinery machinery and equipment, boats and prefabricated steel girders, threshing machines, sawmill machinery, telephone and telegraph poles, creosote and other pilings, heavy furnaces or ovens, pipe (including iron, steel, concrete, composition or corrugated) punches, presses, iron or steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron or steel castings, sheets, and plates, industrial hammers, industrial machinery, including laundry, ice making, air conditioning, baker, bottling, gin, crushing, dredging, mill, brewery, textile,

water plant and wire covering, twisting or laving, derricks, hoists, steam or internal combustion engines, rollers, power shovels, safes, vaults, bank doors, and gasoline, fuel oil and other storage tanks, when said commodities are not moving as oilfield equipment between points in TX and as follows: The holder of this authority may transport the above named commodities together with its attachments and its detached parts thereof between incorporated cities, towns and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, requires the use of "special devices, facilities or equipment" for the safe and proper loading or unloading thereof. The term "special devices, facilities or equipment" is construed to mean only those operated by motive or mechanical power.

Note.—This authority evidences a right to engage in operations, in interstate or foreign commerce, as described only insofar as such operations do not duplicate those authorized in Certificate No. MC 85715 (Sub-No. 3) issued by the Interstate Commerce Commission. The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matter is directly related to MC-F-14146, published in a previous section of this Federal Register issue.

MC 58672 (Sub-3F), filed November 4, 1979. Applicant: DUGAS EXPRESS COMPANY, 101 Knox Street, Lewiston, ME 04240. Representative: Normand F. Doyon, 101 Knox Street, Lewiston, ME 04240. Authority sought to operate as a *common carrier*, by motor vehicle, 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 Portland, ME and Lewiston, ME as follows: from Portland over U.S. Hwy 202 to Lewiston, and return over the same route, serving all intermediate points.

Note.—This application is directly related to the application in No. MC-F-14206, Dugas Express Company—Purchase—Warren's Express, Inc., published in the Federal Register on December 11, 1979. The purpose of this application is to convert applicant's certificate of registration to a certificate of public convenience and necessity.

[FR Doc. 80-4609 Filed 2-12-80; 8:45 am]
BILLING CODE 7035-01-M

United Parcel Service; Released Rates Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice, Released Rates Application No. MC-1505.

SUMMARY: United Parcel Service, Inc. (an Ohio Corporation), seeks authority to amend Released Rates Order No. MC-676 to extend its authority to new operating authority sought in Certificate MC-115495, Subs 38TA, 39TA and 41TA which includes authority to serve retail stores and handle small parcel traffic having a prior or subsequent movement by air through Denver, CO. Applicant also seeks to extend the coverage of Released Rates Order No. MC-676 to include any future operating authority which may be granted by the Commission.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. Everett Hutchinson, Attorney at Law, Fulbright & Jaworski, Suite 400, 1150 Connecticut Ave NW., Washington, 20036. Tel. (202) 452-6844

FOR FURTHER INFORMATION CONTACT: Max Pieper, Unit Supervisor, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423. Tel. (202) 275-7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730, formerly sections 20(11) and 219 of the Interstate Commerce Act.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-4605 Filed 2-12-80; 8:45 am]
BILLING CODE 7035-01-M

United Parcel Service; Released Rates Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice, Released Rates Application No. MC-1506.

SUMMARY: United Parcel Service, Inc. (a New York Corporation), seeks authority to amend Released Rates Order No. MC-534 to extend its coverage to new operating authority sought in Certificate MC-116200 (Sub Nos. 15TA and 16TA) which includes authority to serve retail stores and handle small parcel traffic. Applicant also seeks to extend the coverage of Released Rates Order No. MC-534 to include any future operating authority which may be granted by the Commission.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. Everett Hutchinson, Attorney At Law, Fulbright & Jaworski Suite 400, 1150 Connecticut Ave. NW., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Max Pieper, Unit Supervisor, Bureau of Traffic, Interstate Commerce

Commission, Washington, D.C. 20423.
Tel. (202) 275-7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730, formerly sections 20(11) and 219 of the Interstate Commerce Act.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-4006 Filed 2-12-80; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

Important Notice

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

Notice No. 230

MC 26396 (Sub-312TA), filed November 20, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE

WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Steel tanks* from Billings, MT to points in ND and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Empire Steel and Manufacturing Co., 501 North 18th Street, Billings, MT 59101. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 26396 (Sub-313TA), filed November 21, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Starch* (except in bulk) from Keokuk, IA to points in WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hubinger Co., 601 Main, Keokuk, IA 52627. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 41116 (Sub-67TA), filed November 15, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman (same address as applicant). Applicant is seeking authority as a *contract carrier* to transport *paper, paper products and poly film* between the facilities of International Paper Co. at or near Camden and E. Camden, AR, on the one hand, and on the other, points in AR, LA, MO, NM, OK, and TX, for 180 days. This will be under a continuing contract or contracts with International Paper Company. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): International Paper Company, 220 E. 42nd St., New York, NY 10017. Send protests to: Robert J. Kirspeil, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 42146 (Sub-26TA), filed November 14, 1979. Applicant: A. G. BOONE COMPANY, P.O. Box 668126, Charlotte, NC 28266. Representative: Floyd C. Hartsell, P.O. Box 668126, Charlotte, NC 28266. *Contract carrier—Irregular routes; Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses and in connection therewith equipment, materials, and supplies used in the conduct of such business for the account of Oroweat Baking Company* between points in Gaston County, NC and Mecklenburg County, NC, on the one hand, and, on the other hand, points in SC, GA and FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Oroweat Baking Company, 1029 Cox Rd., Gastonia, NC 28052. Send protests

to: Sheila Reece, T/A, 800 Briar Creek Rd—Rm CC516, Charlotte, NC 28205.

MC 51146 (Sub-780TA), filed November 15, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. Dujardin (same address as applicant). *Iron and steel castings* from Marshalltown, IA to Racine, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Twin Disc's, Inc., 1328 Racine Street, Racine, WI 53403. Send protests to: John E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm 619, Milwaukee, WI 53202.

MC 51146 (Sub-781), filed November 15, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. Dujardin (same address as applicant). *Toilet preparations and related sundries carried by retail chains* from Detroit, MI to points in NJ, NY, NC, DE, MD, PA, SC, VA & GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Supreme Distributors Company, 6501 E. McNichols, Detroit, MI 48205; and Advance Promotions, Inc., 5570 Bellevue, Detroit, MI 48211. Send protests to: John E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm 619, Milwaukee, WI 53202.

MC 51146 (Sub-783TA), filed November 16, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil Dujardin, P.O. Box 2298, Green Bay, WI 54306. *New, contract, and institutional furniture* between Green Bay, WI and Tupelo, MS on the one hand, and, on the other, points in and east of WI, IL, KY, TN & MS & points in TX & LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Krueger Metal Products, Inc., 1056 W. Mason St., Green Bay, WI 54306. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 51146 (Sub-785TA), filed November 21 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil Dujardin, (same address as applicant). *Aluminum containers* from Houston, TX to LaCrosse, WI and St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Kaiser Aluminum and Chemical Corp., P.O. Box 225297, Dallas, TX 75265. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 51146 (Sub-784TA), filed November 19, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil Dujardin (same address as applicant). *Pulp and pulpboard products* from facilities of Western Kraft Paper Group at Hawesville, KY to Delaware, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Kraft Paper Group, P.O. Box 130, Hawesville, KY 42348. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 56667 (Sub-783TA), filed November 16, 1979. Applicant: LEITCHFIELD TRANSFER CO., P.O. Box 366, Leitchfield, KY 42754. Representative: John M. Nader, Attorney, 1600 Citizens Plaza, Louisville, KY 40202. Steel Castings from the facilities of Campbell-Hausfield, Inc., at Leitchfield, KY, to Harrison, OH and Richmond, IN, and (2) equipment, materials, and supplies, except in bulk, used in the manufacture and distribution of air compressors, from Harrison, OH and Richmond, IN, to facilities of Campbell-Hausfield, Inc., at Leitchfield, KY. Restricted in (1) and (2) above, to the transportation of traffic originating at or destined to said facilities of Campbell-Hausfield, Inc. Supporting shipper(s): Lee A. Marksbury, Campbell-Hausfield, Inc., Industrial Park, Leitchfield, KY 42754. Send protests to: Ms. Clara L. Eyl, D/S, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 59317 (Sub-15TA), filed October 18, 1979. Applicant: BISOM TRUCK LINE, INC., 725 First St., North, Newton, IA 50208. Representative: William L. Fairbank, 1980 Financial Ctr., Des Moines, IA 50309. *Weed and brush cutters and hydraulic log splitters* from Forrest, IL, to points in IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bachtold Brothers, Inc., 619 North Center St., Forrest, IL 61741. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 61016 (Sub-56TA), filed October 26, 1979. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, Massachusetts 01103. Representative: Peter Picknelly (same address as applicant). *Passengers and their baggage in special round-trip operations*, beginning and ending at Hartford, New Haven, Bridgeport, and Stamford, CT and extending to Atlantic City, NJ. Restriction: Restricted to the transportation of passengers traveling in the same vehicle with passengers originating at or destined to Springfield,

MA, for 180 days. Supporting shipper(s): Barnum Travel Bureau, Inc., 1229 Post Road, Fairfield, CT 06430; Thomas F. Doyle, S C Director Mail Processing, 22 Auldwood Rd., Stamford, CT 06902; Graham Travel, 135 College Street, New Haven, CT 06511; and Gilbert-Love Travel, Inc., 880 Asylum Avenue, Hartford, CT 06105. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 71296 (Sub-8TA), filed November 13, 1979. Applicant: FORT TRANSPORTATION & SERVICE CO., INC., 1600 Janesville Ave., Fort Atkinson, WI 53538. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *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 (see attached). Supporting shipper(s): There are 27 supporting shippers. Send protests to: John E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 78687 (Sub-93TA), filed November 14, 1979. Applicant: LOTT MOTOR LINES, INC., West Cayuga Street (P.O. Box 751), Moravia, NY 13118. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, DC 20001. *Such commodities as are dealt in by wholesale, retail, and chain and grocery business houses*, (1) from Biglerville and Gardners, PA to points in NY; and (2) from Inwood, WV, to points in PA and NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Musselman Food Products, Inc., Biglerville, PA 17307. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC 100666 (Sub-504TA), filed November 13, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). *Composition board* from the facilities of Owens-Corning Fiberglass Corporation at Meridian, MS to points in OK and TX, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Owens-Corning Fiberglass Corporation, Fiberglass Tower, Toledo, OH 43659. Send protests to: Robert J. Kirspe, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 100666 (Sub-505TA), filed November 13, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as

applicant). *Lumber* from the facilities of Schutte Lumber Company at Kansas City, MO to points in IN, MI, MN, ND, OH, VA, and WV, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Schutte Lumber Co., 3100 SW Blvd., Kansas City, MO 64108. Send protests to: Robert J. Kirspe, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 101186 (Sub-19TA), filed October 24, 1979. Applicant: ARLEDGE TRANSFER, INC., P.O. Box 157, Burlington, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Common Carrier—Regular Routes: general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between Burlington, IA, and Memphis, TN, from Burlington, IA, over U.S. Highway 61 to the junction of Interstate Highway 270 in MO, then over Interstate Highway 270 to Interstate Highway 55, then over Interstate Highway 55 to Memphis, and return over the same route, serving no intermediate points, for 180 days. Applicant intends to interline with other carriers and also intends to tack at Burlington, IA, with its existing regular route authority in order to provide service between Memphis, TN, and its presently authorized points. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 45 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 102567 (Sub-247TA), filed October 9, 1979. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Freeway—Suite 130, Houston, TX 77040. *Molasses-based liquid animal feed, in bulk, in tank vehicles* from Gretna, LA to all points in AL and MS, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): National Molasses Company, Willow Grove, PA 19090. Send protests to: Robert J. Kirspe, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 103926 (Sub-100TA), filed November 12, 1979. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box 947, Mableton, GA 30059. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. (1) *Contractors' machinery and equipment, not limited to such commodities as are*

intended solely for use by contractors, between points in IL, IN, OH, and KY on the one hand, and on the other, points in GA, AL, FL, NC, SC, and TN and (2) tractors (except truck-tractors) and parts, implements, attachments, accessories, and supplies for the commodities named above, between points in IN, IL, OH and KY on the one hand, and, on the other, points in AR, NC, SC, FL, GA, TN, AL, and MS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 19 statements of support. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree ST. NW., Rm. 300, Atlanta, GA 30309.

MC 108207 (Sub-540TA), filed September 26, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same as above). *Toilet preparations and related sundries carried by retail chains (except in bulk) in mechanically refrigerated equipment from Detroit, MI to points in MN, KY, TN, MO, CA, AR, NM, KS, NE, SD, IA, AZ, TX, OK, MS, IL, WI, IN, LA, and OH for 180 days. Underlying ETA filed. Supporting shipper(s): Supreme Distributors Company, Advance Promotions, Inc., 5570 Bellview, Detroit, MI 48211. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.*

MC 109397 (Sub-483TA), filed November 11, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same as applicant). *Carbon black in rubber containers, from Aransas Pass, TX and Centerville, Tate, Cove, and United, LA to Eau Claire, WI; empty containers from Eau Claire, WI to Aransas Pass, TX and Centerville, Tate, Cove, and United, LA. Supporting shipper(s): Uniroyal, Inc., 799 Wisconsin St., Eau Claire, WI 54701. Send protests to: Vernon Coble D/S, 600 Fed. Bldg., 911 Walnut St., Kansas City, MO 64106.*

MC 111496 (Sub-29TA), filed November 9, 1979. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: R. E. Caturia (same address as applicant). *Common carrier: regular routes: General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and articles requiring special equipment) serving the plant site and warehouse facilities of Animal Fair, Inc. at or near Eden Valley, MN, as an off-route point in connection with carrier's regular route operations between St. Paul-Minneapolis, MN and Fargo, ND, for 180*

days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Animal Fair, Inc., Eden Valley, MN 55329. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 112617 (Sub-456TA), filed October 29, 1979. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same as above). *Dry Milled Corn Products, in bulk, in hopper-type vehicles, from Mt. Vernon, IN to Millstadt, IL and Louisville, KY. Supporting shipper(s): James Peck, Vice President, J. R. Short Milling Company, P.O. Box 766, Mt. Vernon, IN 47620. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.*

MC 114457 (Sub-553TA), filed November 16, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (address same as applicant). *Foodstuffs (except commodities in bulk) from Waukesha, WI to AR, MO, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Holsum Foods, Inc., 500 So. Prairie Ave., Waukesha, WI 53186. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.*

MC 114457 (Sub-554TA), filed November 16, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (address same as applicant). *Foodstuffs (except commodities in bulk) from Waukesha, WI, to points in CO, NE, and KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Holsum Foods, Inc., 500 South Prairie Ave., Waukesha, WI 53186. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.*

MC 115496 (Sub-126TA), filed November 9, 1979. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. (1) *Roofing and roofing materials from the facilities of Tamko Asphalt Products, Inc., at or near Frederick, MD, to NC, KY, and WV; (2) Unsaturated dry felt in rolls, from the facilities of Tamko Products Inc., at or near Knoxville, TN, to Frederick, MD for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Tamko Asphalt Products, Inc., 220 W. 4th St., Joplin, MO 64801. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.*

MC 118457 (Sub-39TA), filed November 13, 1979. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., 11104 West Becher Street, West Allis, WI 53227. Representative: David V. Purcell, 111 East Wisconsin Avenue, Milwaukee, WI 53202. *Meats, meat products, meat byproducts and articles distributed by meat packing houses (except hides and commodities in bulk) in vehicles equipped with mechanical refrigeration, from the facilities of Armour Fresh Meat Co. at or near Green Bay, WI to points in CT, DC, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA & WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Armour Fresh Meat Co., 2490 South Broadway, Green Bay, WI 54303. Send protests to: John E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.*

MC 116077 (Sub-432TA). Applicant: DSI TRANSPORTS, INC., 4550 One Post Oak Place/Suite 300, Houston, TX 77027. Representative: J. C. Browder (same as applicant). *Chemicals, in bulk, in tank vehicles from Dallas, TX to points in AL, AZ, AR, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MT, MS, MO, NE, NM, NC, ND, OH, OK, SC, SD, TN, UT, VA, WI, and WY, for 180 days. Supporting Shipper(s): Diamond Shamrock Corporation, P.O. Box 500, Deer Park, TX 77536. Send protests to: John F. Mensing, DS, ICC, 515 Rusk Ave. No. 8610, Houston, TX 77002.*

MC 116947 (Sub-79TA), filed October 30, 1979. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, GA 30310. Representative: William Addams, Suite 212 5299 Roswell Rd. NE., Atlanta, GA 30342. *Paints, stains and varnishes, NOI, caulking compounds, with related display and advertising materials, and materials, equipment and supplies used in the manufacture of paints, stains and varnishes and caulking compounds (except commodities in bulk), between the facilities of United Coatings, Inc., located at Charlotte, NC; Chicago, IL; Indianapolis, IN; and Memphis, TN; on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): United Coatings, Inc., 3050 N. Rockwell, Chicago, IL 60618. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.*

MC 119777 (Sub-430TA), filed November 7, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Representative: Carl U. Hurst, Atty. (same as applicant). *Building Materials (except in bulk), from the facilities of*

United States Gypsum Company at Chamblee and Morrow, GA, to KY and TN. Supporting Shipper(s): W. Glenn Tharp, Traffic Mgr., United States Gypsum Company, 53 Perimeter Center East, Atlanta, GA 30348. Send protests to: (Ms.) Clara L. Eyl, T/A ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 119777 (Sub-431TA), filed, November 15, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky, 42431. Representative: Carl U. Hurst, Atty. (same as above). Agricultural Systems and Irrigation Equipment, and materials and supplies used in the installation thereof, from the facilities of Olson Brothers Mfg. Co., at or near Atkinson, NE, to points in IA, KS, MO, MN, WI, IL, IN, OH, KY, TN, AL, GA, and SC. Supporting Shipper(s): Bob Carleton, T/M, Olson Brothers, Mfg. Co., Hwy. 11 North, Atkinson, Neb. 68713. Send protests to: (Ms.) Clara L. Eyl, T/A ICC, 426 Post Office Bldg., Louisville, KY, 40202.

MC 112617 (Sub-459TA), filed November 12, 1979. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Representative: Larry W. Thompson, Asst. Traffic Mgr. (same as above). Muriatic Acid, in bulk, in tank vehicles, from the plantsite of Cabott Chemicals, Tuscola, IL, to points in IN, KY, MO, IA, WI, OH, & TN. Supporting Shipper(s): Oscar T. Smith, President, S & B Services, Inc., 38 No. Elm St., Henderson, KY 42420. Send protests to: Ms. Clara L. Eyl, T/A ICC, 426 Post Office Bldg., Louisville, KY, 40202.

MC123407 (Sub-620TA), filed September 20, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr., (same address as applicant). Common carrier-irregular route, *insulating materials, loose in cartons, blankets in cartons, insulating paper and insulating roll board* from Erwin, TN, to points in and east of ND, SD, NE, CO, and NM. Underlying ETA a filed, seeking 30 day authority. Supporting Shipper(s): C-E Refractories, Div. of Combustion Engineering, Inc., P.O. Box 828, Valley Forge, PA 19482. Send protests to: Jacquelyn L. Banks, TA, ICC, 219 South Dearborn St., Chicago, IL 60604.

MC 124306 (Sub-75TA), filed October 5, 1979. Applicant: KENAN TRANSPORT COMPANY, INC., P.O. Box 2729, Chapel Hill, NC 27514. Representative: W. David Fesperman (same as above). *Zinc carbonate, in bulk, in tank vehicles*, from Sumter, SC to Chicago, IL and Sistersville, WV, for 180 days. An underlying ETA seeks 90

days authority. Supporting shipper(s): CP Chemicals, Inc., Hwy. 15, South, Sumter, SC 29150. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd—Rm CC516, Charlotte, NC 28205.

MC 125126 (Sub-6TA), filed November 19, 1979. Applicant: CO-TRUX RENTALS, INC., RFD No. 1, Honeyman Street, Princeton, NJ 08540. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Contract, irregular. *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses* (except frozen foods and commodities in bulk), from the facilities of The Clorox Company located at or near Frederick, MD to points in PA and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Clorox Company, 1221 Broadway Street, Oakland, CA 94612. Send protests to: District Supervisor, ICC, 744 Broad Street, Rm. 522, Newark, NJ 07102.

MC 125916 (Sub-15TA), filed October 29, 1979. Applicant: NORWOOD TRANSPORTATION, INC., 2232 South 7200 West, Salt Lake City, UT 84044. Representative: Macoy A. McMurray, Attorney, 800 Beneficial Life Tower, 36 South State Street, Salt Lake City, UT 84111. *Ore, in bulk, from Carlin, NV and points within 20 miles thereof to the plantsite of Idaho-Portland Cement Company, Inkom, ID, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Idaho Portland Cement Company, Inkom, Idaho. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 125196 (Sub-14TA), filed September 19, 1979. Applicant: NORWOOD TRANSPORTATION, INC., 2232 South 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, Attorney, 800 Beneficial Life Tower, Salt Lake City, UT 84111. *Ore, in bulk, from a point 30 miles south of Conner, MT to points on the U.S.-Canadian Border in the State of MT, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Chad K. Wood, 1183 North 75 East, Oren, UT 84057. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 125916 (Sub-16TA), filed November 6, 1979. Applicant: NORWOOD TRANSPORTATION, INC., 2232 South 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, Attorney, 800 Beneficial Life Tower, 36 South State Street, Salt Lake City, UT 84111. *Fertilizer and fertilizer ingredients, in bulk, from points in ID, UT and WY to points in CO, ID, NV, NM, UT and WY, for 180 days.*

Supporting shipper(s): Grand Valley Fertilizer, Box 146, Loma, CO 81524. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 134477 (Sub-386TA), filed November 8, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Toilet preparations and commodities used in the sale of toilet preparations (except in bulk)*, from facilities of Avon Products, Inc., at or near Glenview and Morton Grove, IL to points in IA, MN, ND, and SD for 180 days. Supporting shipper(s): Avon Products, Inc., 6901 Golf Road, Morton Grove, IL 60053. Send protests to: Judith L. Olson, TA, ICC, 414 Fed Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 134477 (Sub-387TA), filed November 8, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Canned goods (except in bulk)*, from facilities of Duran Canning Co., at or near Duran and Mondovi, WI to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC for 180 days. An Underlying ETA seeks 90 days authority. Supporting shipper(s): Durand Canning Co., P.O. Box 188, Durand, WI 54736. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 134477 (Sub-388TA), filed November 16, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Matches and woodenware (except commodities in bulk)*, from Dixfield and Oakland, ME, and Springfield, MA to Seattle, WA, for 180 days. Supporting shipper(s): Diamond International Corp., 733 Third Ave., New York, NY 10017. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 134477 (Sub-389TA), filed November 20, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Such commodities dealt in by retail and wholesale automotive supply housed (except commodities in bulk)*, from the facilities of Amsoil, Inc., at or near Superior, WI, to Points in CO, KS,

MA, OH, PA, SD, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Amsoil, Inc., Director of Distribution & Transportation, Amsoil Bldg., Superior, WI 54880. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Mpls., MN 55401.

MC 134477 (Sub-390TA), filed November 23, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55184. *Paints, stains, varnishes and compounds used for reducing, removing, thickening or thinning the above indicated commodities (except commodities in bulk)*, (1) from the facilities on the Valspar Corporation at or near Kansas City, MO to points in IL, IA, MN, NE, ND, SD, and WI; and (2) from the facilities of the Valspar Corporation at or near Baltimore, MD to points in IL, IN, IA, MN, MO, NE, ND, SD, and WI, for 180 days. Supporting shipper(s): The Valspar Corp., 1101 Third St. So., Minneapolis, MN 55415. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 134637 (Sub-2TA), filed November 9, 1979. Applicant: SILICA TRANSPORT, INC., Highway 69 E, Melbourne, AR 72556. Representative: Louis Tarlowski, 401 Union Life Bldg., Little Rock, AR 72201. Contract carrier over irregular routes: *Silica sand, silica flour, and resin-coated sand*, from the facilities of Silica Products Company, Inc., at Guion, AR, to points in KY, with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper(s): Silica Products Co., Inc., P.O. Box 248, Guion, AR 72540. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135326 (Sub-22TA), filed November 13, 1979. Applicant: SOUTHERN GULF TRANSPORT, INC., P.O. Box 7959, Shreveport, LA 71107. Representative: J. D. Haynes (same address as applicant). *Green veneer* from Anthony Forest Products at Plain Dealing, LA to International Paper Company at Nacogdoches, TX, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): International Paper Company, P.O. Box 160707, Mobile, AL 36616. Send protests to: Robert J. Kirspe, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 135326 (Sub-23TA), filed November 13, 1979. Applicant: SOUTHERN GULF TRANSPORT, INC.,

P.O. Box 7959, Shreveport, LA 71107. Representative: J. D. Haynes (same address as applicant). *Green veneer* from Anthony Forest Products at Plain Dealing, LA to International Paper Company at Gurdon, AR, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): International Paper Company, P.O. Box 160707, Mobile, AL 36616. Send protests to: Robert J. Kirspe, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 135797 (Sub-281TA), filed November 15, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). *Fiberglass insulation and insulation products (except commodities in bulk)* from the plantsite of Johns-Manville Sales Corp., at or near McPherson, KS to CO, MN, NE, ND and SD, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Johns-Manville Sales Corporation, 2222 Kensington Court, Oak Brook, IL 60521.

MC 136377 (Sub-1TA), filed November 5, 1979. Applicant: DYNE & LENIHAN TRUCKING, INC., 38 Campbell Street, Waldwick, NJ 07463. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Contract, irregular. (1) *Railway car brake shoes*, from Meadowlands, PA to New York, NY and (2) *Iron and steel scrap for remelting purposes*, from New York, NY to Meadowlands, PA. Under a continuing contract or contracts with the Abex Corporation, New York, NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Abex Corporation, 530 Fifth Avenue, New York, NY 10036. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 136407 (Sub-26TA), filed November 8, 1979. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Contract—irregular—*Memory storage machines, devices, and parts related to the operation, maintenance, and manufacture thereof*, between Boulder, Jefferson and Denver Counties, CO on the one hand and on the other points in the states of AZ, AR, CA, CT, IL, IN, LA, MD, MA, NM, MO, NJ, NY, OH, OR, TX, WA, and WI, for 180 days. Restriction: The authority granted herein is limited to a transportation service to be performed under a continuing contract(s) with Storage Technology Corp. Supporting shipper(s): Storage Technology Corporation, P.O. Box 306, Broomfield, CO 80020. Send protests to:

H. C. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 138157 (Sub-200TA), filed November 19, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). *Floor covering materials and materials, equipment and supplies used in the installation of floor covering*, from the facilities of Orcon Corp. in Union City, CA to points in the United States in and east of MT, WY, CO, and NM, for 180 days. Supporting shipper(s): Orcon Corp., 33430 Western Ave., Union City, CA 94587. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 138157 (Sub-201TA), filed November 19, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). *Carpet and materials, equipment and supplies used in the sale and distribution of carpet*, from points in GA, SC, and MS to points in and west of MT, WY, CO, OK, and TX, for 180 days. Restrictions: Restricted to traffic originating at the facilities of Mohasco Corp. Supporting shipper(s): Mohasco Corp., 57 Lyon St., Amsterdam, NY 12010. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 138157 (Sub-202TA), filed November 20, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). *Cleaning and building maintenance supplies and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities*, from the facilities of Purex Corporation at or near Huntington, WV to points in MN, WI, MI, IL, IN, OH, PA, NY, MA, CT, RI, DE, NJ, KY, VA, TN, NC, SC, GA, AL and FL, for 180 days. Restrictions: Restricted against the transportation of commodities in bulk and to traffic originating at the facilities of Purex Corporation. Supporting shipper(s): Purex Corporation, 24600 S. Main St., Carson, CA 90749. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 139906 (Sub-81TA), filed October 22, 1979. Applicant: INTERSTATE

CONTRACT CARRIER

CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. (1) *Such commodities as are dealt in by wholesale, retail and chain grocery, hardware and drug stores (except in bulk); and (2) materials, equipment and supplies used in the manufacture, sale and distribution of the commodities listed in (1) above (except in bulk), between Dallas, TX and points in its commercial zone, on the one hand, and, on the other, Los Angeles, CA; Atlanta, GA; Chicago, IL; New York, NY and Portland, OR, and points in their respective commercial zones.* Restriction: Restricted to traffic originating at or destined to the facilities of, or utilized by Boyle-Midway, Division of American Home Products Corporation, at or near the named points, for 180 days. Supporting shipper(s): Boyle-Midway, Division of American Home Products Corporation, 685 Third Avenue, New York, NY 01107. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 139906 (Sub-82TA), filed November 2, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Wearing apparel, from the facilities of K-Mart Apparel Corp. at Forrest Park, GA to Alsip, IL, Carson, CA and North Bergen, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): K-Mart Apparel Corp., 7373 West Side Avenue, North Bergen, NJ 07047. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.*

MC 139906 (Sub-83TA), filed November 8, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Merchandise, equipment and promotional gift items, accessories, and supplies sold, used or distributed by manufacturers of toilet preparations, health care products, cosmetics and beauty supplies (except commodities in bulk), from Phoenix, AZ to Ramsey, NJ and from St. Louis, MO to Phoenix, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Revlon, Inc., Talmadge Road, Box 984, Edison, NJ*

08817. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 139906 (Sub-84TA), filed November 8, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Footwear, and material, equipment and supplies used in the manufacture, sale and distribution of footwear (except in bulk), between the facilities of or utilized by the Keds Corporation at or near Naugatuck, Beacon Falls and Waterbury, CT; Atlanta, Dublin and Thomson, GA; Port Clinton, OH; and San Francisco, CA, and points in their respective zones, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Keds Corporation, 51 Maple Street, Naugatuck, CT 06770. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.*

MC 140407 (Sub-3TA), filed Nov. 6, 1979. Applicant: Harvey Keenan and Don Penick, d.b.a. DOUBLE EAGLE TRUCKING, a partnership, 241 Kennedy Rd., Onalaska, WA 98570. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. *Mattresses from Emeryville, CA to points in OR and WA for 180 days. A permanent will be filed. Supporting shipper(s): Relaxer Mattress Corp., 1327 Park Avenue, Emeryville, CA 94608. Send protests to: D. Merine Galbraith, T/A, ICC, 114 Pioneer Courthouse, Portland, OR 97204.*

MC 140647 (Sub-4TA), filed November 1, 1979. Applicant: CHARLES J. VAUGHN, 561, 5th Street North, Havre, MT 59501. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. *Boxes, fibreboard, or pulpboard, other than corrugated KDF, from the facilities of International Paper Co. at or near Minneapolis, MN to points in MT, WY, ID, WA, OR and ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Paper Company, 220 E. 42nd St., New York, NY 10017. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.*

MC 141187 (Sub-9TA), filed October 4, 1979. Applicant: BLUFF CITY TRANSPORTATION, INC., 2877 Farrisview Blvd., Memphis, TN 38118. Representative: James N. Clay, 2700 Sterick Bldg., Memphis, TN 38103. *Cast iron pipe fittings and rough iron castings, from Clito, GA to points in the*

United States west of the Mississippi River and MI, OH and PA, and *materials, supplies and machinery used in the production and distribution of cast iron pipe fittings and rough iron castings (except commodities in bulk and those which because of size or weight require the use of special equipment), from points in the United States west of the Mississippi River and MI, OH and PA, to Clito, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): ITT Grinnell Corp., P.O. Box 427, Statesboro, GA 30458. Send protests to: Floyd A. Johnson, Rm. 2006, 100 N. Main St., Memphis, TN 38103.*

MC 141197 (Sub-41TA), filed November 9, 1979. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, MO 64151. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. *Coal, from Craig County, OK to Riverton and Fredonia, KS and Asbury, MO. Supporting shipper(s): Leon's Coal, R.R. 1, Blue Jacket, OK 74333. Send protests to: Vernon Coble D/S, 600 Fed. Bldg., 911 Walnut St., Kansas City, MO 64106.*

MC 142186 (Sub-7TA), filed August 27, 1979. Applicant: WHEELS WEST, INC., 11631 Waddle Creek Road SW., Olympia, WA 98502. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Contract carrier: irregular routes: Parts and accessories for automobiles, trucks, utility trailers, mobile homes, off-highway pneumatic-tired machinery, and materials and supplies used in the production thereof, between Siloam Springs, AR, Lebanon, IN, and Longview, TX, on the one hand, and on the other, points in the United States (except AK and HI), under contract with Webb Division, Marmon Industries, Inc., of Lebanon, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Webb Division, Marmon Industries, Inc., 510 Indianapolis Avenue, P.O. Box 8, Lebanon, IN 46052. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.*

MC 143127 (Sub-59TA), filed November 14, 1979. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Linda A. Calvo, Traffic Mgr., (address same as above). *Glass bottles, from Joliet, IL, Coventry, RI and Vienna, WV to all points in the United States in and east of ND, SD, NE, CO, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Bottle Company, 1 Bala-Cynwyd Plaza, Bala-Cynwyd, PA 19004. Send protests to: Anne C. Siler, TA, ICC,*

910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC 143127 (Sub-60TA), filed November 23, 1979. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Linda A. Calvo, Traffic Mgr., (address same as above). *Pulpboard*, from Charlotte, NC to points in OH, PA, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carolina Paper Board Corp., 443 South Gardner, P.O. Box 668305, Charlotte, NC 28266. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC 144027 (Sub-16TA), filed November 14, 1979. Applicant: WARD CARTAGE AND WAREHOUSING, INC., Route #4, Glasgow, KY 42141. Representative: Walter Harwood, Atty., P.O. Box 15214, Nashville, TN 37215. (1) Such commodities as are dealt in by wholesale and retail chain grocery food businesses, retail chain department stores and drug stores (except frozen commodities and commodities in bulk), from the facilities of Colgate Palmolive Co., at or near Jeffersonville, IN, to points in KY, TN, GA, AL and FL and (2) materials and supplies used in the manufacture of the commodities listed in (1) above, from points in KY, TN, GA, AL and FL, to the facilities of Colgate Palmolive Co., at or near Jeffersonville, IN. Supporting shipper(s): H. Robert Schroeder, T/M, Colgate-Palmolive Company, State & Warner Sts., Jeffersonville, IN 47130. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 144027 (Sub-17TA), filed November 16, 1979. Applicant: WARD CARTAGE AND WAREHOUSING, INC., Route #4, Glasgow, KY 42141. Representative: Walter Harwood, Atty., P.O. Box 15214, Nashville, TN 37215. Household appliances; equipment, materials and supplies used in the manufacture and distribution thereof, except commodities in bulk, from the facilities of the General Electric Company at Appliance Park, Louisville, KY, to all points in AR and TN. Supporting shipper(s): L. R. Crompton, Mgr.-Traffic, General Electric Co., Appliance Park, Louisville, KY 40225. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 144606 (Sub-10TA), filed November 1, 1979. Applicant: DUNCAN SALES & LEASING CO., INC., 714 E. Baseline Rd., Buckeye, AZ 85326. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012. *Expanded plastic bottles*, (1) from Carson, CA to

Denver, CO, (2) from Denver, CO to Albuquerque, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Packaging West, Inc., 5155 E. 46th Ave., Denver, CO 80216. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 144606 (Sub-10TA), filed November 1, 1979. Applicant: DUNCAN SALES & LEASING CO., INC., 714 E. Baseline Rd., Buckeye, AZ 85326. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012. *Expanded plastic bottles*, (1) from Carson, CA to Denver, CO, (2) from Denver, CO to Albuquerque, NM, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER: Packaging West, Inc., 5155 E. 46th Ave., Denver, CO 80216. SEND PROTESTS TO: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper(s): Packaging West, Inc., 5155 E. 46th Ave., Denver, CO 80216. Send protests to: Ronald R. Mau, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 144667 (Sub-13TA), filed November 5, 1979. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Meat, meat products and meat by-products and articles distributed by meat packinghouses* from the facilities of Geo. A. Hormel & Co. at or near Austin, MN to Binghamton, NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Geo. A. Hormel & Co., Edward C. Hunkele, Supervisor-Motor Carrier Services, P.O. Box 800, Austin, MN 55912. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 144827 (Sub-41TA), filed November 21, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, Memphis, TN 38118. Representative: R. Connor Wiggins, Suite 909, 100 N. Main St., Memphis, TN 38103. *General commodities (except articles of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) which at the time are moving on Bills of Lading of freight forwarders*, and Cincinnati, OH to Dallas, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Florida-Texas Freight, Inc., P.O. Box 670777, Miami, FL 33167. Send protests to: Floyd A. Johnson, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 144827 (Sub-42TA), filed November 21, 1979. Applicant: DELTA

MOTOR FREIGHT, INC., 2877 Farrisview, Memphis, TN 38118. Representative: R. Connor Wiggins, Suite 909, 100 N. Main St., Memphis, TN 38103. *General commodities (except articles of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) which at the time are moving on Bills of Lading of freight forwarders*, from Cranston, RI to Dallas, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Florida-Texas Freight, Inc., P.O. Box 670777, Miami, FL 33167. Send protests to: Floyd A. Johnson, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 144827 (Sub-43TA), filed November 21, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, Memphis, TN 38118. Representative: R. Connor Wiggins, Suite 909, 100 N. Main St., Memphis, TN 38103. *General commodities (except articles of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) which at the time are moving on Bills of Lading of freight forwarders*, from Milford, CT and its commercial zone to Dallas, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Florida-Texas Freight, Inc., P.O. Box 670777, Miami, FL 33167. Send protests to: Floyd A. Johnson, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 145256 (Sub-4TA), filed July 27, 1979. Applicant: L.K.M. COMPANY, INC., 16637 Sylvester Road SW., Seattle, WA 98166. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. *Industrial fork trucks, farm implements, machinery and parts and accessories therefor*, from Carson, Los Angeles, and Oakland, CA to Wenatchee, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Valley Tractor & Equipment, Inc., P.O. Box 75, Wenatchee, WA 98801. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 145437 (Sub-12TA), filed November 20, 1979. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Ave., Milwaukee, WI 53209. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. Contract carrier; irregular routes; *Wearing apparel and materials, equipment and supplies used or useful in the manufacture, sale or distribution of wearing apparel from Medina, OH and Union, SC to Farmingdale, NY, restricted to a service performed under a*

continuing contract(s) with Jack Winter Apparel, Inc. and Mary Lester Fashion Fabrics, Inc. and further restricted against the transportation of commodities in bulk, in tank vehicles, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Jack Winter Apparel, Inc., Mary Lester Fashion Fabrics, Inc., 8100 N. Teutonia Ave., Milwaukee, WI 53209. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145437 (Sub-13TA), filed November 21, 1979. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Ave., Milwaukee, WI 53209. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. Contract carrier; irregular routes; *Wearing apparel and materials, equipment and supplies used or useful in the manufacture, sale or distribution of wearing apparel*, from Kenosha, WI to Carson City, NV and points in OR & WA; and from Carson City, NV to points in CA, OR & WA, restricted to a service performed under continuing contract(s) with Jockey International, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Jockey International, Inc., 2300 60th St., Kenosha, WI 53140. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145467 (Sub-3TA), filed November 8, 1979. Applicant: D & N ENTERPRISES, INC., P.O. Box 2228, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Lumber, lumber mill products and particleboard*, from points in CA on and north of Interstate Hwy 80; ID; points in MT west of Interstate Hwy 15; OR; and WA, to points in CO and WY, for 180 days. An underlying ETA seeks 90 days authority. (Contract carrier-irregular routes.) Supporting Shipper(s): Dier Lumber Co., Inc., 291 Roymar Road, Oceanside, CA 92054. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 145536 (Sub-2TA), filed September 28, 1979. Applicant: LARRY HENDERSON, 1037 Second Street, Moultrie, GA 31768. Representative: Larry Henderson (same as applicant). Contract Carrier, irregular routes, *transporting fertilizer and fertilizer material* from Pelham Phosphate Company at Pelham, GA to various destinations in AL and FL for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Pelham Phosphate Company, P.O. Box 468, Pelham, GA 31779. Send protests to:

Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 145727 (Sub-2TA), filed November 14, 1979. Applicant: TRI-COUNTY TRUCK CO., 262 Montgomery Ave., Oxnard, CA 93030. Representative: Fred Moore, P.O. Box 281, Littlerock, CA 93543. *Cement clinkers, in dump trucks*, from Los Angeles Harbor, CA to Monolith, CA, for 180 days. Supporting Shipper(s): Monolith Portland Cement Company, 1025 N. Brand Blvd., Suite 201, Box 4595, Glendale, CA 91202. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 115826 (Sub-562TA), filed November 16, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Potato products and frozen vegetables*, from points in WA and frozen vegetables from points in OR, to Turlock, CA, for 180 days. An underlying 90 day ETA seeks identical authority. Supporting Shipper(s): Banquet Foods Corporation, P.O. Box 1809, Turlock, CA 95380. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 146387 (Sub-3TA), filed November 19, 1979. Applicant: VANS BUILDERS SUPPLY, INC., 1422 Western Avenue, Las Vegas, NV 89102. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *Building materials* from points in Los Angeles County, CA and Clark County, NV to points in Marion, Lane, Multnomah and Deschutes Counties, OR for 180 days. Supporting Shipper(s): Jack Largent Company, 2315 Pringle Road, S.E., Salem, OR 97302; Ellis Pacific Company, Inc., P.O. Box 3889, Federal Way, WA 98003; and Bend Building Supply, Inc., P.O. Box 206, Bend, OR 97701. Send protests to: DS, W. J. Huetig, ICC, 705 North Plaza Street, Carson City, NV 89701.

MC 146857 (Sub-3TA), filed November 15, 1979. Applicant: W. K. THOMAS, INC., 72 Tait Street, Ludlow, Massachusetts 01056. Representative: Patrick A. Doyle, 60 Robbins Road, Springfield, MA 01104. Contract carrier: irregular routes: *Greeting cards, gift wrappings, stationery, booklets, wax candles, photo albums*, from Springfield and East Longmeadow, MA to points in NH, MA, CT, RI, PA, NY, OH, NJ, IN and IL, under contract with Sunshine Art Studios, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Sunshine Art Studios, Inc., 45 Warwick Street, Springfield, MA. Send protests to: David

M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 147976 (Sub-1TA), filed October 30, 1979. Applicant: TROY D. COLEMAN DBA COLEMAN SERVICE CENTER, P.O. Box 1117, Jonesboro, AR 72401. Representative: Troy D. Coleman, Same as applicant. Common carrier over regular routes: *Petroleum and petroleum products* in bulk, in tank vehicles, over Interstate Hwy 55 from Memphis, TN to Blytheville, AR, U.S. Hwy 63 to Walnut Ridge, AR, U.S. 63 and 14 Memphis, TN to Newport, AR, U.S. Hwy 49 Jonesboro, AR to Paragould, AR, Hwy 1 Jonesboro, AR to Helena, AR. Supporting Shipper(s): Texaco, Inc., 1111 Rusk Ave., Houston, TX 77052. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 148107 (Sub-2TA), filed October 1, 1979. Applicant: JESSEE J. MESA, d.b.a. J. J. MESA TRUCKING CO., 1500 South Zarzamora St., San Antonio, TX 78207. Representative: Kenneth R. Hoffman, 801 Vaughn Bldg., Austin, TX 78701. *General commodities (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* from the Department of Defense Depot at or near Memphis, TN to Fort Hood, TX for 180 days. Supporting Shipper(s): U.S. Army Legal Services Agency, Department of the Army (JALS-RL), Room 422, Nassif Building, 5611 Columbia Pike, Falls Church, VA 22041. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 148446 (Sub-3TA), filed November 9, 1979. Applicant: J. A. SCOTT d.b.a. SCOTT HEAVY HAULING, an individual, P.O. Box 1501, Wickenburg, AZ 85358. Representative: J. A. SCOTT (same address as applicant). Contract, (1) *tractors, industrial, construction, mining, and excavation machinery*; (2) *equipment, parts and attachments for the commodities described in (1) above*, from the facilities of Lakeshore, Inc. and its affiliates at or near Cleveland and Hudson, OH, Portland, OR, West Columbia, SC, Newport News, VA, Knoxville, TX, Erie and Shady Grove, PA to points in the states of CA, AZ, NV, UT, NM and ID, between points in the states of CA, AZ, NV, UT, NM and ID for the accounts of Lakeshore, Inc. and its affiliates, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Lake Shore, Inc., Box 809, Iron Mountain, MI 49801. Send Protests to: Ronald R. Mau, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 148607 (Sub-TA), filed October 24, 1979. Applicant: MAINE LINE TRANSPORT, INC., 184 Read St., Portland, ME 04112. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101. *Paper and paper products* in truckload quantities from Rumford, ME to Portland, ME. Supporting Shipper(s): Boise Cascade, P.O. Box 2885, Portland, Oregon 97208. Send protests to: Donald G. Weiler, DS, ICC, 76 Pearl St., Rm. 303, Portland, ME 04101.

MC 148656 (Sub-TA), filed November 13, 1979. Applicant: CONTINENTAL CAB COMPANY, INC., 405 Haddon Avenue, Box 188, Haddonfield, NJ 08094. Representative: Paul R. Fleagane, 405 Haddon Avenue, Box 188, Haddonfield, NJ 08094. *Passengers* to and from the airport. The counties of Camden, Burlington, Gloucester and Atlantic, New Jersey to and from the Philadelphia International Airport, for 180 days. Supporting Shipper(s): Mobil Research and Development Corp., Billingsport Rd., Paulsboro, NJ 08066; Stone Webster Engineering Corporation, State Hwy 70 and Cuthbert Rd., Cherry Hill, NJ; and The Bancroft School and Community Director, Haddonfield Campus, Haddonfield, NJ 08033. Send protests to: Irwin Rosen, T/S, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 148707 (Sub-1TA), filed November 16, 1979. Applicant: SELLAND LIVESTOCK, INC., Box 71, RR 1, Letcher, SD 57539. Representative: A. J. Swanson, P.O. Box 1103, 300 S. Thompson Ave., Sioux Falls, SD 57101. *Fertilizer* from Winona, Dakota, Washington and Ramsey Counties, MN; Woodbury and Pottawattamie Counties, IA to points in Aurora and Sanborn Counties, SD for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Farmers Union Cooperative Association, Storla Branch, Letcher, SD 57359. Sanborn County Farmers Union Oil Co., Box 5, Woonsocket, SD 57385. Send protests to: J. L. Hammond, DS, ICC, Room 322, Federal Bldg., Pierre, SD 57501.

Notice No. 263

January 25, 1980.

MC 1515 (Sub-284TA), filed December 6, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson (same address as applicant). Common, Regular Routes, *Passengers and their baggage and express and newspapers in the same vehicle with passengers*, between Exit 4 of Interstate Hwy 87, and the junction of NY State Route 155 and NY State Route 5, serving all intermediate points: From Exit 4 of

Interstate Hwy 87 over northbound and southbound access roads to junction NY State Route 155 then over NY State Route 155 to junction Albany County Airport access road, then over Albany County Airport access road to the Albany County Airport, then over unnumbered Airport Hwy to junction Albany Shaker Rd., then over Albany Shaker Rd. to junction NY State Route 155, then over NY State Route 155 to junction NY State Route 5, and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shippers: William S. Decker, 11 Mazoway Ave., Troy, NY 12180; Joan Angrisano, 35 Dodge St. Wgnantskill, NY; Miriam E. Ashley, 20 Madison Ave., Troy, NY 12180; Helen Whimple, 9 Checkerberry Lane, Troy, NY; and John G. Fagan, 42 No. Lake Ave., Troy, NY 12180. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Applicant intends to tack this authority with authority it presently holds in No. MC-1515.

MC 1515 (Sub-285TA), filed December 10, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson (same address as applicant). Common, (A) *Regular Route: Passengers and their baggage and express and newspapers in the same vehicle with passengers*, between Kingsland, GA and the Kings Bay Submarine Support Base at Kings Bay, GA, serving all intermediate points: From Kingsland, GA over GA Hwy 40 to junction unnumbered highway, then over unnumbered highway to the Kings Bay Submarine Support Base, and return over the same route, (B) *Irregular Route: Passengers and their baggage in one way and round trip charter and special operations*, from Camden County, GA to all points in the United States, including AK, but excluding HI, and return, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shippers: Betty Logan, 5626 Sheri Ln., Jacksonville, FL 32207; Elizabeth A. Tucker, 5231 Royce Ave., Jacksonville, FL 32205; Paula Godbee, 418 Capricorn Ln., Orange Park, FL 32073; Kings Bay Submarine Support Base, St. Marys, GA and Ground Transportation Services, 6937 La Mesa Dr., W. Jacksonville, FL 32217. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Applicant does intends to tack this authority with authority it presently holds in No. MC-1515.

MC 4484 (Sub-15TA), filed December 19, 1979. Applicant: CROWN TRANSPORT, INC., R. D. #2, Wampum,

PA 16157. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Iron and steel and iron and steel articles*, from the facilities of Connors Steel Company, Inc., at Huntington, WV to points in the U.S. in and east of MN, IA, KS, MO, OK and TX, restricted to traffic originating at the above-named facilities, for 180 days. Supporting Shipper(s): Connors Steel Company, Inc., P.O. Box 118, Huntington, WV 25706. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 8535 (Sub-107TA), filed December 17, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: Henry J. Bouchat (same as applicant). *Hardboard, fibreboard, or pulpboard, and materials and supplies used in their installation and distribution*, from Towanda, PA to points in GA, IL, IN, MI and TN, for 180 days. Supporting Shipper(s): Masonite Corporation, P.O. Box 311, Towanda, PA 18848. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 14454 (Sub-3TA), filed December 26, 1979. Applicant: KIMBEL TRUCKING COMPANY, a corporation, 920 South Santa Fe, Oklahoma City, OK 73109. Representative: E. E. Trumbull (same address as applicant). *Oilfield equipment, materials and supplies*, between points in the states of LA, AR, CO, & WY, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack this authority with authority it presently holds in No. MC 14454. Supporting Shipper(s): There are approximately 7 supporting shipper statements. These statements may be examined at Headquarters or at the field office listed below. Send protests to: Connie Stanley, ICC, R. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 99234 (Sub-18TA), filed December 20, 1979. Applicant: WESTWAY MOTOR FREIGHT, INC., 5231 Monroe Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. *Building materials, equipment and supplies; and iron and steel articles*, between points in the states of AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): 42 supporting shippers. Send protests to: District Supervisor R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 109725 (Sub-14TA), filed December 17, 1979. Applicant: K. F. CROCKER TRANSPORTATION CO.,

INC., Jewell Hill Road, Ashby, MA 01431. Representative: Mr. James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Molasses and liquid sweeteners, in bulk in tank vehicles*, from Boston MA to points in NY and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ingredient Technology Corporation, Specialty Food Products Division, 900 Route 9, Woodbridge, NJ 07095. Send protests to: John B. Thomas, ICC, 150 Causeway Street, Boston, MA 02114.

MC 110325 (Sub-125TA), filed December 21, 1979. Applicant: TRANSCON LINES, 101 Continental Boulevard, El Segundo, CA 90245. Representative: Wentworth E. Griffin, Griffin, Dysart, Taylor, Penner & Lay, P.C., 1221 Baltimore Avenue, Kansas City, MO 64105. *General commodities (except Classes A and B explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between the junction of U.S. Hwy 212 and Interstate Hwy 35-W and the junction of Interstate Hwy 35 and U.S. Hwy 6, serving no intermediate points, from the junction of U.S. Hwy 212 and Interstate Hwy 35-W, over Interstate Hwy 35-W to the junction of Interstate Hwy 35, then over Interstate Hwy 35 to the junction of U.S. Hwy 6 and return over the same route, between the junction of Interstate Hwy 35 and U.S. Hwy 6 and the junction of U.S. Hwy's 66 and 75, serving no intermediate points, from the junction of Interstate Hwy 35 and U.S. Hwy 6 over Interstate Hwy 35 to the junction of Interstate Hwy 435, then over Interstate Hwy 435 to the junction of U.S. Hwy 69, then over U.S. Hwy 69 to the junction of U.S. Hwy 66, then over U.S. Hwy 66 to the junction of U.S. Hwy 75, and return over the same route, for 180 days. An underlying ETA seeks up to 90 days operating authority.

Applicant request authority to interline at various points throughout Transcon Lines route system and to tack this authority with authority it presently holds in No. MC-110325 and Subs thereto. Supporting shipper(s): There are approximately (16) supporting shippers. Statements of support may be examined at Headquarter or the office listed below. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 110325 (Sub-126TA), filed December 18, 1979. Applicant: TRANSCON LINES, 101 Continental Boulevard, El Segundo, CA 90245. Representative: Wentworth E. Griffin,

Griffin, Dysart, Taylor, Penner & Lay, P.C., 1221 Baltimore Avenue, Kansas City, MO 64105. *General commodities, (except Classes A and B explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, serving Clinton and Maryville, TN as off-route points in connection with carrier's otherwise authorized regular-route operations, for 180 days. An underlying ETA seeks up to 90 days operating authority. Applicant request authority to interline at various points through Transcon Lines route system and to tack this authority with authority it presently holds in No. MC-110325 and Subs thereto. Supporting shipper(s): There are approximately 7 supporting shippers. Statements of support can be examined at Headquarter or the office listed below. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 111214 (Sub-17TA), filed December 26, 1979. Applicant: GREENWOOD STORAGE & TRUCKING CO., INC., P.O. Box 943, Greenwood, MS 38930. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Contract carrier; irregular routes; (1) pipe, pipe fittings, castings, and accessories and (2) material, equipment, and supplies (except in bulk) used in the manufacture and distribution of the commodities in (1) above, between the facilities of The Central Foundry Co. at or near Holt, AL, on the other hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, SC, TN and TX, for 180 days, for the account of Central Foundry Co.* Supporting shipper(s): The Central Foundry Company, P.O. Box 188, Holt, AL 35440. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 113784 (Sub-83TA), filed December 21, 1979. Applicant: LAIDLAW TRANSPORT LIMITED, 65 Guise Street, Hamilton, Ontario L8L 4M1. Representative: Douglas R. Gowland (address same as above). *Coke screenings*, from Saginaw, MI to the ports of entry on the International Boundary line between the United States and Canada located in MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hickman, Williams & Company, 100 Renaissance Center, Suite 1875, Detroit, MI 48243. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 115554 (Sub-26TA), filed November 1, 1979. Applicant:

HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89 B, R.R. 6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. (1) *telephones, telephone sets, and telephone equipment, and (2) parts, materials, equipment, and supplies used in the manufacture, distribution, installation, or operation of items named in (1) above (except commodities in bulk)* (a) from Shreveport, LA, to Goddard, KS, and (b) from Goddard, KS, to Dallas and Houston, TX, restricted to traffic originating at or destined to the facilities of Western Electric Company, Inc. located at or near the named origins and destinations in parts (a) and (b), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Electric Company, Inc., 9595 Mansfield Rd., Shreveport, LA 71130. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 115654 (Sub-184TA), filed December 26, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 Thirteenth St. NW., Washington, D.C. 20004. *Foodstuffs*, between Humboldt, TN, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KY, LA, MS, MO, OH, TN, Kansas City, KS, and that part of MI on and south of MI Highway 21, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anderson Clayton Foods Co., P.O. Box 6165, Dallas, TX 75222. J. Hungerford Smith Co., 1500 E. Central Ave; Humboldt, TN 38343. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 117765 (Sub-282TA), filed December 26, 1979. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *Beverages, carbonated or phosphated, non alcoholic, in containers*, from the facilities of Taylor Beverages, Inc., at or near Hazelwood, MO, to KS and OK, for 180 days. Supporting shipper(s): Taylor Beverages, Inc., 555 Brown Road, Hazelwood, MO 63042. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 119654 (Sub-83TA), filed November 2, 1979. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *Plastic containers (except in bulk)*, from the facilities of Hoover Universal, Inc.,

located at or near Franklin, IN to points in IL, KY, MI, MO, OH, WI and points in PA on and west of a line beginning at the NY-PA State line and extending along U.S. Hwy. 219 to junction U.S. Hwy. 119, then along U.S. Hwy 119 to the PA-MD State line; and (2) *Materials, equipment and supplies, used in the manufacture, distribution and sale of plastic containers (except commodities in bulk)*, from the destination points listed in part (1) to the facilities of Hoover Universal, Inc. located at or near Franklin, IN for 180 days. Supporting shipper: Hoover Universal, Inc., Rt. 2, Tri Port Road, Georgetown, KY 40324. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 East Ohio, Indianapolis, IN 46204.

MC 119654 (Sub-84TA), filed November 2, 1979. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, P.O. Box 509, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *Paper, paper products, tubes and cores*, (2) *Materials, equipment and supplies (except in bulk)*, between IL, IN, KY, MI, MO, OH, WI and those points in PA on and west of a line beginning at the NY-PA State line and extending along U.S. Hwy. 219 to junction U.S. Hwy. 119, then along U.S. Hwy. 119 to the PA-MD State line, for 180 days. Restricted to traffic originating at or destined to the facilities of Sonoco Products Co. Supporting Shipper: Sonoco Products Co., Hartsville, SC 29550. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio St., Indianapolis, IN 46204.

MC 119834 (Sub-6TA), filed November 29, 1979. Applicant: ROBERT N. TOOMEY TRUCKING COMPANY, 1516 South George St., York, PA 17403. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Biological soil inoculant and diesel based fuel extender*, from Dallas, TX and its commercial zone to Dillsburg, PA and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): J & J Agri Products & Services, Inc., 148 S. Baltimore St., Dillsburg, PA. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 119894 (Sub-17TA), filed November 19, 1979. Applicant: BOWARD TRUCK LINE, INC., 104 Roesler Road, Glen Burnie, MD 21061. Representative: M. Bruce Morgan (same as applicant). *Paper and paper products and scrap or waste paper*, between Newport, TN, on the one hand, and on

the other, all points in NC and SC and those in VA on and south of Interstate Hwy 64 and on and west of US Hwy 29, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Sonoco Products Company, P.O. Box 160, Hartsville, SC 29550. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 121195 (Sub-2TA), filed November 8, 1979. Applicant: COLORADO MOTOR EXPRESS, 3770 Holland Street, Wheat Ridge, CO 80033. Representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 80203. *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Denver, CO and Grand Junction, CO, and points within a 10 mile radius of Grand Junction, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): (21 supporting shippers). Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 121654 (Sub-35TA), filed November 23, 1979. Applicant: COASTAL TRANSPORT & TRADING CO., P.O. Box 7438, Savannah, GA 31408. Representative: Marc A. Pearl, Serby & Mitchell, P.C., 3390 Peachtree Road NE., Fifth Floor, Atlanta, GA 30326. *Refined sugar (except in bulk)*, from facilities of Colonial Sugars, Borden, Inc. at or near Kenner and Gramercy, LA to points in the US in and east of ND, SD, NE, KS, OK, and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Colonial Sugars, Borden, Inc., Gramercy, LA 70052. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 123285 (Sub-10TA), filed November 30, 1979. Applicant: CLETEX TRUCKING, INC., P.O. Box 812, Cleburne, Texas 76031. Representative: A. William Brackett, 1108 Continental Life Building, Fort Worth, TX 76102. *Flyash & lime, in bulk*, from Cleburne and Fairfield, TX to points in Washington, Humphreys, Holmes, Carroll, Montgomery, Choctaw, Oktibbeha, Winston, Neshoba, Lawrence, Copiah, Jefferson Davis, Walthall, Amite, Claiborne, Lamar, Forrest, Madison, Leake, Kemper, Olauderdale, Newton, Jasper, Clarke, Smith, Scott, Rankin, Simpson, Wayne, Jones, Covington, Pike, Wilkinson, A. Davis, Lincoln, Hinds, Warren, Yazoo and Sharkey Counties, MS, for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): Woodbine Corp., 2510 Decatur, Ft. Worth, TX

76106. Send protests to: Marianne Minnich, TCS, ICC, 9A27 Federal Bldg., 819 Taylor, St., Ft. Worth, TX 76102.

MC 123405 (Sub-42TA), filed November 9, 1979. Applicant: FOOD TRANSPORT, INC., R. D. #1, Thomasville, PA 17364. Representative: Christian V. Graf, Esq., 407 N. Front St., Harrisburg, PA 17101. *Frozen foods*, from the facilities utilized by Pet Inc., Frozen Foods Division at or near Fogelsville and Waynesboro, PA; Winchester, VA; and Martinsburg and Ranson, WV, to points in AL, FL, GA, KY, LA, MS, NC, OK, SC, TN, VA, and WV, restricted to traffic originating at and destined to the named origins and destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pet Inc., Frozen Foods Division, 400 S. 4 St., St. Louis, MO 63102. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 123744 (Sub-71TA), filed November 15, 1979. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. *Refractory products, and materials and supplies used in the manufacture or installation thereof*, from Hitchens, KY, to points on the International Boundary Line between the US and Canada in ME, MI, NH, MN, NY, and VT, for 180 days. Supporting shipper(s): U.S. Refractories Division of General Refractories Co., 50 Monument Rd., Bala Cynwyd, PA 19004. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106.

MC 124004 (Sub-55TA), filed December 31, 1979. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, NJ 07871. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Highway marking strip glass, Ballotini, broken glass and materials, equipment and supplies used in the manufacture and sale of the foregoing commodities*, (1) between Apex, NC; Cleveland, OH and Potsdam, NY and (2) Between Apex, NC; Cleveland, OH and Potsdam, NY on the one hand and on the other, Chicago, IL and points in GA, TN, PA, NJ, NY and MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Potters Industries, Inc., 377 Route 17, Hasbrouck Heights, NJ 07604. Send protests to: Joel Morrows, D/S, ICC, 744 Broad Street, Room 522, Newark, NJ 07604.

MC 124554 (Sub-39TA), filed November 19, 1979. Applicant: LANG CARTAGE CORP., 1308 S. West Ave., Waukesha, WI 53187. Representative:

Richard Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. Contract carrier; irregular routes; *Printed business forms and business supplies*, from LaCrosse, Viroqua, Waukesha and West Salem, WI to points in MN, WI & Upper Peninsula of MI; and *Microfiche viewers*, from W. Salem, WI to points in MN and the Upper Peninsula of MI, under continuing contract(s) with NCR Corp. of Miamisburg, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): NCR Corp., 9095 Washington Church Rd., Miamisburg, OH. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124774 (Sub-122TA), filed November 21, 1979. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Candy and confectionery* from Charlestown and Woburn, MA and North Reading, PA to points in AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, TN, TX, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Schrafft Candy Company, George J. Ward, Transportation Manager, 529 Main Street, Charlestown, MA 02129. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 125335 (Sub-93TA), filed November 30, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gaylin L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Foodstuffs*, from points in Berkeley County, WV and points in Adams, Cumberland, Dauphin, Franklin and York Counties, PA to points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Musselmans, Inc., Div. of Pet, Inc., Biglerville, PA. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 126255 (Sub-77TA), filed November 19, 1979. Applicant: BUTLER JONES AIR FREIGHT, INC., Salisbury-Wicomico Airport, P.O. Box 1964, Salisbury, MD 21801. Representative: Peter A. Greene, 900 17th St. NW., Washington, DC 20006. *General commodities* (except articles of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment), between Philadelphia International Airport, Philadelphia, PA,

on the one hand, and on the other, Norfolk and Newport News, VA, restricted to the transportation of traffic having a prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pilot Air Freight, Inc., Philadelphia Int'l. Airport, Phila., PA 19153. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 126514 (Sub-62TA), filed November 13, 1979. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603.

Commodities as are dealt in or used by manufacturers and converters of paper and paper products except commodities in bulk, between the facilities of Georgia-Pacific Corp. at Lyons Fall, Long Island, Plattsburgh, Thomson and Warwick, NY, Cincinnati, OH, Burlington, IA, Gary, IN, Gilman, VT, Hamlet, NC, Kalamazoo, MI, Lockport and Taylorsville, IL, Palatka, FL, Pine Bluff, AR, Reading, PA, Richmond, VA, St. Louis, MO, Tomahawk, WI, Woodland, ME and Bellingham, WA on the one hand, and, all points in the United States on the other, for 180 days. Supporting shipper: Georgia-Pacific Corp., 320 Post Rd., Darien, CT 06820. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper(s): Georgia-Pacific Corp., 320 Post Rd., Darien, CT 06820. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 126514 (Sub-63TA), filed November 13, 1979. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603.

Photographic apparatus, equipment, material, supplies and products used for photographic application, manufacturing or processing (except commodities in bulk), (a) between Rochester, NY and Lyoth, Los Angeles, Oakland, Palo Alto, San Francisco, Travis Air Force Base, Sunnyvale, S. San Francisco, CA, (b) between Windsor, CO and Lyoth, Los Angeles, Oakland, Palo Alto, San Francisco, Travis Air Force Base, Sunnyvale, S. San Francisco, CA, (c) between Whittier, CA and Phoenix, AZ; Restriction: Restricted to the transportation of shipments originating at or destined to the facilities of Eastman Kodak Co. at the origins or destinations named above, for 180 days. An underlying ETA seeks 90 days

authority. Supporting shipper: Eastman Kodak Co., 2400 Mt. Read Blvd., Rochester NY 14650. Send protests to Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper(s): Eastman Kodak Co., 2400 Mt. Read Blvd., Rochester NY 14650. Send protests to Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 128555 (Sub-41TA), filed December 26, 1979. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: Raymond P. Keigher, 1400 Gerard St., Rockville, MD 20850. Contract carrier—Irrregular routes: *Canned goods*, from the facilities of Woldert Canning, Inc., at or near Lindale, TX, to points in the U.S. (except AK, HI, ID, ME, MT, ND, NH, NV, OR, SD, UT, VT, WA, and WY) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Woldert Canning, Inc., P.O. Box 1140, Tyler, TX 75710. Send protests to: Donna M. Jones, T/A, ICC, BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 133194 (Sub-14TA), filed November 29, 1979. Applicant: WOODLINE MOTOR FREIGHT, INC., P.O. Box 1047, Russellville, AR 72801. Representative: Scotty D. Douthit, Sr., (same address as applicant). *Rough forgings NOIBN, iron or steel, pipe fittings NOIBN, iron or steel, with or without MTL, seats not plated* (except commodities in bulk, and those requiring special equipment), between the facilities of Ladish Company at or near (a) Russellville, AR and (b) Houston, TX, for 180 days. Underlying ETA seeks 90 days authority. Applicant intends to tack this authority with authority it presently holds in MC 133194. Supporting shipper(s): Ladish Co., 5481 S. Packard Ave., Cudahy, WI 53110. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 133194 (Sub-15TA), filed December 17, 1979. Applicant: WOODLINE MOTOR FREIGHT, INC., P.O. Box 1047, Airport Road, Russellville, Arkansas 72801. Representative: Scotty D. Douthit, Sr. (same address as applicant). Common carrier over regular routes: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between Harrison, Arkansas and Mountain Home, Arkansas and points within their commercial zones, serving all intermediate points and points within

their respective commercial zones, from Harrison, Arkansas over U.S. 65 to Junction U.S. 62 Mountain Home, Arkansas and return over the same route and between Flippin, Arkansas and Mountain Home, Arkansas and points within their commercial zones, serving all intermediate points and points within their respective commercial zones, from Flippin, Arkansas over Arkansas Highway 178 to Midway, Arkansas, then over U.S. 5 to Mountain Home, Arkansas and return over the same route for 180 days. Underlying ETA seeks 90 days authority. Applicant intends to tack and to interline at Little Rock, Fort Smith and Springdale, AR. Supporting shipper(s): La Barge Inc., Mountain Home, AR 72653. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 133735 (Sub-11TA), filed November 6, 1979. Applicant: AUDUBON-BROOKHISER TRANSPORT, INC., Wever, IA 52658. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. (1) *caustic soda, in bulk, in tank vehicles*, from the facilities of North American Tank Terminal, Lemont, IL, to the facilities of The Hubinger Company, Keokuk, IA; (2) *steepwater, in bulk, in tank vehicles*, from the facilities of The Hubinger Company, Keokuk, IA, to the facilities of Bristol-Myers, Syracuse, NY; and (3) *corn products, in bulk*, from the facilities of The Hubinger Company, Keokuk, IA, to points in OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Hubinger Company, 601 Main, Keokuk, IA 52632. Send protests to: Herbert W. Allen, DS, ICC 518 Federal Bldg., Des Moines, IA 50309.

MC 133805 (Sub-41TA), filed November 19, 1979. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Attorney, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Truck side frames, truck bolsters, steel center plates, railway car couplers and yokes, railway car doors and door parts, and railway car parts (except commodities requiring special equipment)*, for 180 days. Supporting shipper(s): FMC MRED, 4700 N.W. Front St., Portland, Oregon. Send protests to: Marianne Minnich, TCS, ICC, Rm. 9A27 Federal Bldg., 819 Taylor St. Fort Worth, TX 76102.

MC 133805 (Sub-42TA), filed November 19, 1979. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Attorney, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX

76112. *Foodstuffs (except in bulk)* from the facilities of Bartush-Schnitzius Foods Company at or near Dallas, TX to Albany, GA; Jackson, MS and Tampa, Orlando, and Jacksonville, FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): W. H. Reynolds Distributors, 3217 S. McDill Ave., Tampa, FL 33609. Send protests to: Marianne Minnich, TCS, ICC, Rm. 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 134404 (Sub-59TA), filed November 30, 1979. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Contract carrier, irregular routes for 180 days. Such commodities as are dealt in or used by manufacturers of bakery goods (except commodities in bulk) from McComb, OH to points in NY, NJ, CT, DE, PA, IL, IN and VA, under continuing contract(s) with Nabisco, Inc. of East Hanover, NJ. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nabisco, Inc., East Hanover, NJ 07936. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 135205 (Sub-1TA), filed November 20, 1979. Applicant: P. RODNEY HOFFMAN, INC., 247 Hopewell St., Birdsboro, PA 19508. Representative: Raymond A. Thistle, Jr., 5 Cottman Ct., Jenkintown, PA 19046. *Sand*, from Maurice River Township, Cumberland County, NJ to the facilities of the Birdsboro Corporation located in the borough of Birdsboro, Berks County, PA, and to the facilities of Hoffman Storage and Warehouse Co., located in Exeter Township, Berks County, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Birdsboro Corp., Birdsboro, PA. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 135524 (Sub-92TA), filed December 19, 1979. Applicant: G. F. TRUCKING COMPANY, 1028 West Rayen Ave., P.O. Box 229, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509. *Conveyors, conveyor systems and accessories, parts, materials, supplies and equipment*. From Danville, KY to Quemahoning Township, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Abex Corporation, 530 5th Ave., New York, NY 10036. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 136285 (Sub-35TA), filed December 20, 1979. Applicant:

SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 1375, Thomasville, GA 31792. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. (1) *General commodities (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, and motor vehicles), in containers or in trailers, having an immediately prior subsequent movement by water*, between Wilmington and Morehead City, NC on the one hand, and, on the other, points in NC, SC, TN, AL, VA, and WV, and, (2) *Empty containers, trailers, and trailer chassis*, between Wilmington and Morehead City, NC, on the one hand, and, on the other, points in NC, SC, VA, TN, AL, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) J. J. Ryan & Sons, Inc., P.O. Box 10221, Greenville, SC 29603; (2) Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63116; (3) Nissan Textile Machinery Corp., 8300 Arrow Bridge Rd., Charlotte, NC 28225; (4) Foote Mineral Co., Rt. 100, Exton, PA 19341; (5) Trans Freight Lines, Inc., P.O. Box 1707, Savannah, GA 31402. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 136315 (Sub-103TA), filed December 21, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. *Building materials (except in bulk)* from the facilities of or utilized by R. W. Smith Company, Inc. located at Galveston County, TX to points in AR, KS, LA, MS, OK and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): R. W. Smith & Co., Inc., Custom House Brokers & Freight Forwarders, U.S. National Bank Bldg., Galveston, TX 77550. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 136504 (Sub-5TA), filed December 21, 1979. Applicant: COLORADO-WYOMING TRANSFER CO., INC., 1548 6th Street, P.O. Box 4158, Santa Fe Station, Denver, CO 80204. Representative: Charles F. Reynolds (same address). *Building Materials*, from the supply points in the State of Washington, to AAA Wholesale, Inc., Denver, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): AAA Wholesale, Inc., 14805 E. Moncrieff Place, Denver, CO. Send protests to: District Supervisor H. C.

Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 136605 (Sub-141TA), filed December 26, 1979. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, 216 Trade Street, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Prefabricated metal buildings, knocked down, and parts, components and accessories* used in the manufacture thereof, from the facilities of Varco Pruden, Inc., located at or near Turlock, CA to points in WY, NV, ID, MT, UT, CO, NM, ND, OR, WA, and to the U.S.-Canada International Boundary line at or near ports of entry in WA, ID, MT and ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Varco Pruden, Inc., 530 S. Tegner Rd., Turlock, CA 95380. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 136605 (Sub-142TA), filed December 26, 1979. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: Thomas J. Burke, Jr., Jones, Meiklejohn, Kehl & Lyons, Suite 1600, 1600 Lincoln St., Denver, CO 80264. *Aluminum products* from the plantsites of MPC Industries and Aluminum Company of America at or near Los Angeles, CA to points in the Seattle, WA commercial zone, Wichita, KS and Riverdale, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Aluminum Company of America, 1501 Alcoa Bldg., Pittsburgh, PA 15219. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 139254 (Sub-22TA), filed November 2, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Contract carrier-irregular routes: (1) *Crude and synthetic rubber* (except in bulk) and (2) *Materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above* (except commodities in bulk) between Port Naches and Orange, TX, on the one hand, and, on the other, points in AZ and CA and points in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with B. F. Goodrich Co., Chemical Division, for 180 days. Supporting shipper(s): The B. F. Goodrich Co., Chemical Division, 6100 Oak Tree Blvd., Cleveland, OH 44131. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7 St., Philadelphia, PA 19106.

MC 139495 (Sub-507TA), filed November 14, 1979. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative:

Herbert Alan Dubin, 1320 Fenwick Lane, Silver Springs, MD 20910. *Such commodities as area dealt in and sold by distributors of paper products* (except in bulk) from Chillicothe, OH, Kingsport, TN, Mobile, AL, and Longview, TX to Amarillo and Lubbock, TX (restricted to traffic originating at and destined to the above named points), for 180 days, common, irregular; 90-day ETA filed simultaneously. Supporting shipper: Dixon Paper Co., 410 Raritan Way, Denver, CO 80217. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 139495 (Sub-509TA), filed November 19, 1979. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Springs, MD 20910. *Automatic washers and dryers and wringer washers* from Ripon, WI and Searcy, AR to points in U.S. (except AK and HI); for 180 days, common, irregular. Supporting shipper: Speed Queen Company, Doty St., Ripon, WI 54971. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 140024 (Sub-169TA), filed November 26, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Jeffrey A. Knoll (same address as applicant). *Knockdown buildings and knockdown metal storage bins and parts and accessories thereof* from Phoenix, AZ, Turlock, CA, La Grange, GA, Chicago, IL, Taylorville, IL, Terre Haute, IN, Sheffield, IA, Chetopa, KS, Oswego, KS, Omaha, NE, Oklahoma City, OK, Van Wert, OH, Milton, PA, Memphis, TN, Portland, TN, Houston, TX, Spanish Fork, UT and Waukesha, WI to points in the United States (except CT, DE, NJ, NY, ME, MD, MA, RI, NH and VT), restricted to traffic owned and distributed by the Nee-Lee Corporation for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): Nee-Lee Corporation, 3035 South 72nd St., Omaha, NE 68124. Send protests to: Roger Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 140024 (Sub-171TA), filed December 26, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 E. 52nd Avenue, Commerce City, CO 80022. Representative: Don L. Bryce (same address as above). *Lag Screw Bolts*, from Solvay, NY to points in McKinley County, NM, for 180 days. An underlying ETA granted for 90 days authority. Supporting shipper(s): Frazer & Jones Company, P.O. Box 1155, Syracuse, NY 13201. Send protests to: District Supervisor, R. L. Buchanan, 492 U.S.

Customs House, 721 19th Street, Denver, CO 80202.

MC 140174 (Sub-4TA), filed November 19, 1979. Applicant: BROOKS TRUCKING, INC., P.O. Box 187, East North St., Vanlue, OH 45890. Representative: Richard H. Brandon, P.O. Box 97, 220 West Bridge St., Dublin, OH 43017. *Contract carrier: irregular routes: Steel tubing, steel bars and steel coils, and materials, equipment, machinery and supplies, used in the manufacture and shipping of steel tubing, steel bars and steel coils*, between Shelby, OH, on the one hand, and on the other, points in the U.S. except AK and HI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ohio Steel Tube Company, Shelby, OH. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 140265 (Sub-10TA), filed November 14, 1979. Applicant: LARRY E. HICKOX TRUCKING, Box 95, Casey, IL, 62420. Representative: Michael W. O'Hara, 330 Reich Building, Springfield, IL 62701. *Contract carriers: irregular routes: Household products, cleaning compounds, deodorants and commodities as are dealt in by wholesale, retail, chain, grocery and food business houses, and in connection therewith, equipment, material and supplies used in the conduct of such business, for the account of the Dracket Company*, from Urbana, OH to Los Angeles, CA, Denver, CO, Dallas and Lubbock, TX, for 180 days. Supporting Shipper(s): The Dracket Company, 5020 Spring Grove Avenue, Cincinnati, OH 45232. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Chicago, IL 60604.

MC 140645 (Sub-13TA), filed November 23, 1979. Applicant: UNITED TRUCKING, INC., 100 Stoffel Dr., Tallapoosa, GA 30176. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Cleaning, buffing, and polishing compounds, textile softeners, lubricating oil, deodorants and disinfectants (except in bulk)* from the facilities of Economics Laboratory, Inc., at or near Avenel, NJ, to points in IL, IN, MI, NY, OH, and PA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Economics Laboratory, Inc., Osborn Building, St. Paul, MN 55102. Send protests to: Sara K. Davis, ICC., 1252 W. Peachtree St. NW., Rm. 300, Atlanta, GA 30309.

MC 140665 (Sub-76TA), filed November 19, 1979. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, Ohio 44266.

Frozen foods, in vehicles equipped with mechanical refrigeration, from Benton Harbor, Frankfort, and Hart, MI, and South Bend, IN to points in AZ, AR, CA, CO, ID, KS, LA, MS, MO, MT, NE, NV, NM, OK OR, TX, WA and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Pet Inc. Frozen Foods Div., 400 South Fourth St., St. Louis, MO 63102. Send protests to: Vernon V. Coble D/S, 600 Federal Building, 911 Walnut St., Kansas City, MO 64106.

MC 140665 (Sub-77TA), filed November 19, 1979. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, Ohio 44266. *Lampblack, plastic materials, synthetic resins, and materials and supplies* used in the production and marketing of these commodities (except commodities in bulk). (1) from the facilities of U.S. Industrial Chemicals Co. located in Douglas County, IL; Dayton, Fairport Harbor, and Xenia, OH; and Indianapolis, IN; to points in the United States (except AK and HA), and (2) from Deer Park and Houston, TX to points in the United States in and east of ND, SD, NE, KS, OK, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): U.S. Industrial Chemicals Co., 99 Park Avenue, New York, NY 10016. Send protests to: Vernon V. Coble D/S, 600 Federal Building, 911 Walnut St., Kansas City, MO 64106.

MC 140665 (Sub-78TA), filed November 13, 1979. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, Ohio 44266. *Lawn and garden care equipment, plastic or iron and steel articles, and materials and supplies used in the marketing or distribution of the above commodities (except in bulk)*. From Tarrant County, TX to points in the United States (except AK, HI and TX) for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): K & S Industries, Inc., K & S Manufacturing, Inc., 808 Blue Mound, TX 76131. Send protests to: Vernon V. Coble D/S, 600 Federal Building, 911 Walnut St., Kansas City, MO 64106.

MC 141124 (Sub-54TA), filed November 13, 1979. Applicant: EVANGELIST COMMERCIAL CORP., P.O. Box 15000, Wilmington, DE 19850. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Lumber and veneer, and commodities used in the manufacture and distribution thereof*, between the plantsite and facilities of Freeman Corporation at or near Winchester, KY, on the one hand,

and, on the other, Norfolk, VA, New Orleans, LA, Savannah, GA, Baltimore, MD, Philadelphia, PA, and New York, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Freeman Corp., P.O. Box 96, Winchester, KY 40391. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 141205 (Sub-40TA), filed November 13, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 South Cherry Street, Denver, CO 80222. Representative: F. Robert Reeder, P.O. Box 11898, Salt Lake City, UT 84147. *Contract carrier; irregular routes Crude oil, scrubber oil and condensate* from points in Sweetwater, Lincoln, Sublette, Uinta and Carbon Counties, WY to Husky Oil Refinery at North Salt Lake City, UT for 180 days. Underlying ETA filed seeking 90 days authority. Supporting Shipper(s): Husky Oil Company, 600 South Cherry Street, Denver, CO 80222. Send protests to: H. C. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 141205 (Sub-42TA), filed December 26, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 So. Cherry St., Denver, CO 80222. Representative: F. Robert Reeder and James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. *Contract Carrier: Crude Oil, Scrubber Oil and Condensate*, from points in Williams County, ND to the pipeline injection station of Portal Pipeline near Stanley, ND; the Reserve Station of Portal Pipeline near Plentywood, MT; the Butte Pipeline injection station near Baker, MT; the Donkey Creek Pipeline injection station near Gillette, WY; and the Kenco refinery at Wolf Point, MT, for 180 days. There is an underlying ETA requesting up to 90 days authority. Supporting Shipper(s): Husky Oil Company, 600 S. Cherry Street, Denver, CO 80222. Send protests to: District Supervisor H. C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 141264 (Sub-3TA), filed November 27, 1979. Applicant: GATEWAY TRUCKING CO., INC., 2030 East Beaver Street, Jacksonville, FL 32202. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. (1) *General Commodities (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission)*, in containers or trailers having an immediately prior or subsequent movement by water and (2) *empty containers, trailers, and trailer chassis*, between Jacksonville, FL on the one hand, and, on the other, points in FL, GA, AL, and SC for 180 days. An

underlying ETA seeks 90 days authority. Supporting Shipper(s): Sunshine Forwarders, Inc., P.O. Box 88, Jacksonville, FL 32201. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 141774 (Sub-33TA), filed December 20, 1979. Applicant: R & L TRUCKING CO., INC., 105 Rocket Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. (1) *Alcohol anti-freeze, anti-freeze proprietary compounds, de-icing proprietary, windshield washer solvent (except in bulk, in tank vehicles), containers and enclosures*, from points in Montgomery County, AL to FL; and (2) *Materials, supplies and equipment as are used in the manufacture, sale and distribution of the commodities named in (1) above (except in bulk, in tank vehicles)*, from points in FL to points in Montgomery County, AL, for 180 days. Supporting Shipper(s): Kinpak, Inc., P.O. Box 3594, Montgomery, AL 36109. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616-2121 Bldg., Birmingham, AL 35203.

MC 141804 (Sub-298TA), filed November 27, 1979. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as above). *Calcium hypochlorite and chlorinated lime*, from Charleston, TN and Lake Charles, LA to Phoenix, AZ and Los Angeles and San Leandro, CA including the respective commercial zones of all the named points, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Olin Chemical Group, Transportation Manager, Consumer and Package Products, 120 Long Ridge Road, Stamford, CT 06904. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 141804 (Sub-299TA), filed November 27, 1979. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as above). *Electrical and electronic appliances and equipment, parts and accessories*, from Seattle and Tacoma, WA to points in TX, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Panasonic Company, Import Supervisor, One Panasonic Way, Secaucus, NJ 07094. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 141804 (Sub-303TA), filed November 16, 1979. Applicant: WESTERN EXPRESS, division of

Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. *Bicycle and bicycle parts*, from Azusa, Industry and Torrance, CA and their respective commercial zone to points in OR and WA. Restricted to traffic originating at the facilities of the Huffy Corporation, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Huffy Corporation, 1120 W. Foothill Blvd., Azusa, CA 91702. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 141804 (Sub-314TA), filed December 18, 1979. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as above). *Vehicle parts and accessories and supplies*, between Culver City, CA and Corapolis, PA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Hedman Mfg., Warehouse Managers Operations, 9599 W. Jefferson Blvd., Culver City, CA. Send protests to: Irene Carlos, T/A, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 141804 (Sub-315TA), filed December 18, 1979. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as above). *Commodities dealt in and utilized by retail music stores and home entertainment stores*, (1) from Peterson, Rush City and Minneapolis, MN and Brentwood, NY to points in the U.S. in and West of MT, WY, CO, and NM (except AK & HI) and (2) from Sun Valley, North Hollywood, Compton, Los Angeles, Chatsworth and Ventura, CA to points in (1) above. Restricted to traffic originating at or destined to the facilities of Pickwick International, Inc., for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Pickwick International, Inc., General Traffic Manager, 7500 Excelsior Blvd., Minneapolis, MN 55426. Send protests to: Irene Carlos, T/A, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 141804 (Sub-316TA), filed December 20, 1979. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as above). *Bicycles, motorcycles, outboard motors and related parts and accessories*, from Los Angeles and Orange Counties, CA to points in TX. Restricted to traffic originating at the

facilities of U.S. Suzuki Motor Corp. and Suzuki International, U.S.A., for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): U.S. Suzuki Motor Corp., National Distribution Director, 13767 Freeway Dr., Santa Fe Springs, CA 90670. Send protests to: Irene Carlos, T/A, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 141804 (Sub-317TA), filed December 21, 1979. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as above). *Television parts and accessories*, from Forrest City, AR to Little Ferry, NJ, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Sanyo Electric, Inc., Traffic Manager, 1200 W. Artesia, Compton, CA 90220. Send protests to: Irene Carlos, T/A, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 141804 (Sub-318TA), filed December 21, 1979. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as above). (1) *Steel welding rods, wire metal alloys, castings, powder, electric welders, and parts of welders* and (2) *welding compounds and materials used in the manufacture of the commodities in (1) above*, from a point at or near Pittsburgh, PA to points in the U.S. in and east of the states of MS, TN, KY, IL, and WI (except Pittsburgh, PA). Restricted to traffic originating at the facilities of the Stoody Co., for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Stoody Company, Traffic Manager, 16425 Gale Ave., Industry, CA 91749. Send protests to: Irene Carlos, T/A, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 142864 (Sub-26TA), filed November 5, 1979. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, OH 44646. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. *Frozen foodstuffs, except in bulk*, from the facilities of Kitchens of Sara Lee at Deerfield and Chicago, IL to points in PA on and west of US Hwy 219, for 180 days. Restricted to the transportation of shipments originating at the above-named facilities and destined to points in the destination state. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kitchens of Sara Lee, 500 Waukegan Rd., Deerfield, IL 60015.

Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 142905 (Sub-12TA), filed December 26, 1979. Applicant: PETROLEUM TRANSPORTATION CORPORATION, 9717 East 42nd Street, Tulsa, OK 74145. Representative: Thomas N. Willess, 1000 Sixteenth Street NW., Washington, DC 20036. *Liquefied petroleum gas*, between points in OK, on the one hand, and, on the other, points in AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Amtane, Inc., 9717 East 42nd Street, Tulsa, OK 74145. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 144054 (Sub-8TA), filed November 29, 1979. Applicant: BILL LITTLEFIELD TRUCKING, INC., 775 E. Vilas Road, Medford, Oregon 97501. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oregon 97210, 503-226-3755. *Frozen smoked turkeys, frozen smoked hams, frozen smoked pheasants, frozen smoked sausage, frozen bakery goods, frozen pies, and frozen cheesecake* from the facilities of Harry and David at or near Medford, OR to points in the United States, except Alaska and Hawaii. Representative points are: Orlando, FL, Jacksonville, FL, Atlanta, GA, Hartford, CT, Philadelphia, PA, Naspeth, NY, Parsippany, NJ, Cleveland, OH, Shreveport, LA, Albuquerque, NM, Des Moines, IA, Denver, CO, Salt Lake City, UT, Chicago, IL, St. Louis, MI, Portland, OR, Seattle, WA, Spokane, WA, Oakland, CA, Los Angeles, CA, San Diego, CA, Phoenix, AZ. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Harry and David, P.O. Box 712, Medford, Oregon 97501. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, 555 SW., Yamhill Street, Portland, Oregon 97204.

MC 144085 (Sub-2TA), filed December 14, 1979. Applicant: WALKER HAULING COMPANY, INC., P.O. Box 8, Route 2, Milan, GA 31060. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Lumber and plywood and materials, equipment and supplies used, sold or dealt in by lumber wholesalers and manufacturers* between the facilities of Wood Products Division of Georgia Kraft Company located at or near Madison and Greenville, GA, and the facilities of Hoover Universal, Wood Preserving Division, located at or near Thomson, GA on the one hand, and, on the other, all points in and east of MN, IA, MO, AR and LA for 180 days. An underlying ETA seeks 90 days authority.

Supporting shipper(s): (1) Woods Products Division, Georgia Kraft Company, P.O. Box 2489, Peachtree City, GA 30269; (2) Hoover Universal Wood, Preserving Division, P.O. Box 746, Wire Rd., Rhomson, GA 30824. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 145235 (Sub-7TA), filed November 29, 1979. Applicant: DUTCH MAID PRODUCE, INC., Route 2, Willard, OH 44890. Representative: Stephen J. Habash, 100 East Broad St., Columbus, OH 43215. *Contract carrier: irregular routes: General commodities, (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment or special handling), between points in the U.S. (excluding AK and HI), restricted to traffic originating at or destined to the facilities of SCM Corporation at or near Jackson, AL; Jacksonville and Port Saint Joe, FL; Atlanta and Flowery Branch, GA; Chicago, IL; Louisville, KY; Baltimore, MD; Thorofare, NJ; Brooklyn, NY; Ashtabula, Huron, Sharonville, and Wickliffe, OH; and Johnstown, Parkersburg, Phoenixville, Reading, Royersford and Shiremanstown, PA, under continuing contract(s) with SCM Corporation, of Cleveland, Ohio, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): SCM Corporation, 900 Union Commerce Bldg., Cleveland, OH 44115. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 145525 (Sub-10TA), filed November 27, 1979. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, Cleveland, OH 44114. Representative: Dwight L. Koerber, Jr., 666 11 St. NW., Washington, DC 20001. *Contract carrier-irregular routes: (1) electric cable and aluminum articles, and (2) materials, equipment, and supplies used in the manufacture or distribution of commodities in (1) above (except commodities in bulk), between the facilities of Alcan Aluminum Corporation, at or near Sedalia, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contracts(s) with Alcan Aluminum Corporation, Cleveland, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Alcan Aluminum Corp., P.O. Box 6977, Cleveland, OH 44101. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.*

MC 145734 (Sub-10TA), filed November 19, 1979. Applicant: B D TRUCKING CO., Old Highway 99 & Jackstone Road, Ripon, CA 95366. Representative: Edward J. Hegarty, James H. Gulseth, LOUGHRAN &

HEGARTY, 100 Bush Street, 21st Floor, San Francisco, CA 94104. (1)(a) *Machinery, equipment, materials, and supplies, used or useful in logging, mining, road building, or construction work, and (b) Such commodities when moving as a replacement, additional, repair, or a standby shipment; (2) Iron and steel articles, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209; and (3) Construction materials between points in CA, on the one hand, and, on the other, points in AZ, CO, MT, UT & WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are ten shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.*

MC 145915 (Sub-3TA), filed December 18, 1979. Applicant: EAGLE TRANSPORT, INC., P.O. Box 189, Montpelier, ID 83254. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Oil drilling mud compounds, from the facilities of IMCO Services, at or near Montpelier, ID, and Lovell, WY and the commercial zone thereof to points in the MT Counties of Beaverhead, Madison, Deer Lodge, Ravalli, and Silver Bowl, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): IMCO Services, P.O. Box 309, Rock Springs, WY 82901. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 82702.*

MC 146114 (Sub-2TA), filed November 28, 1979. Applicant: JAMES RICKY SOWDER d.b.a. SOWDER TRUCK SERVICE COMPANY, P.O. Box 242, Savannah, TN 38372. Representative: James Ricky Sowder, 1906 Rosewood Dr., Savannah, TN 38372. *Cross ties and sawed lumber products, between points in West Tennessee, on the one hand, and on the other, points in MS, AL, IN, IL and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are two supporting shippers to this application. Send protests to: Floyd A. Johnson, Suite 2006, 100 N. Main St., Memphis, TN 38103.*

MC 146265 (Sub-5TA), filed November 26, 1979. Applicant: JIM ENGLAND TRUCKING, 3905 Shamrock Drive, Huntsville, AL 35810. Representative: J. Michael May, Suite 508, 1447 Peachtree Sreet, NE., Atlanta, GA 30309. *Contract, Irregular: Plastic film wrapping, from Huntsville, AL, to Atlanta and Columbus, GA; Tampa and Miami, FL; Greenville and Columbia, SC; Charlotte and Matthews, NC; Bristol, Norfolk and Richmond, VA; Brooklyn, NY;*

Philadelphia, PA; Garland, TX; and W. Liberty, IA. Restricted to traffic moving under a continuing contract or contracts with R. J. R. Filmco, Inc., Huntsville, AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): R. J. R. Filmco, Inc., P.O. Box 3347, Huntsville, AL 35810. Send protests to: Mabel E. Holston, T/A, Suite 1616, 2121 8th Avenue No., Birmingham, AL 35203.

MC 146514 (Sub-2TA), filed December 21, 1979. Applicant: CLANCY CARTING & STORAGE CO., INC., 795 Beahan Rd., Rochester, NY 14624. Representative: Jack H. Blanshan, 205 West Touhy Avenue Suite 200, Park Ridge, IL 60068. *Such commodities as are dealt in or used by manufacturers of photographic products (except commodities in bulk), (1) from the facilities of Eastman Kodak Company at Rochester, NY to Lyoth, Los Angeles, Oakland, San Francisco, Sunnyvale, and Travis, AFB, CA, and points in their commercial zones, and (2) from the facilities of Eastman Kodak Company at Windsor, CO, to Lyoth, Los Angeles, Oakland, San Francisco, Sunnyvale and Travis AFB, CA, and points in their commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Eastman Kodak Company, 2400 Mt. Read Blvd., Rochester, NY 14650. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.*

MC 146574 (Sub-3TA), filed November 13, 1979. Applicant: ORIN GRAY TRUCKING CO., P.O. Box 223, Lake City, MI 49651. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Contract carrier, irregular routes: Steel, from the facilities of Republic Steel Corporation at or near Buffalo, NY, Canton, Cleveland and Youngstown, OH, Chicago, IL, and Gary, IN to the facilities of Lake City Manufacturing Co. at or near Lake City, MI under continuing contract or contracts with Republic Steel Corporation, Cleveland, OH, for 180 days. An underlying ETA seeks 90 days temporary authority. Supporting shipper(s): Republic Steel Corporation, P.O. Box 6778, Cleveland, OH 44101. Send protests to: C. R. Flemming, D/S, ICC, Room 201, 300 E. Michigan, Lansing, MI 48933.*

MC 147225 (Sub-3TA), filed December 26, 1979. Applicant: BOBBY RAYMOND TRUCKING, INC., P.O. Box 6248, Phoenix, AZ 85005. Representative: Doug W. Sinclair (same address as Applicant). *Such commodities as are dealt in or used by manufactures and converters of paper and paper products (except commodities in bulk), from the facility of Nekoosa Paper, Inc. in Portage*

and Wood Counties, WI to points in the states of AZ, CA, CO, ID, MT, NV, OR, UT, WA and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Nekoosa Papers Inc., Port Edwards, WI 54469. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper(s): Nekoosa Papers Inc., Port Edwards, WI 54469. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 147294 (Sub-2TA), filed November 8, 1979. Applicant: STAM-WIN, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Materials used in the manufacture of containers and container closures*, from Brooklyn, NY, Pennsauken, NJ and Sparrows Point, MD to Cleveland and Massillon, OH, and Leetsdale, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Van Dorn Company, 2700 East 79 St., Cleveland, OH 44104. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147325 (Sub-1TA), filed November 28, 1979. Applicant: ALBERT L. LYNCH, d.b.a. LYNCH TRUCK SERVICE, 815 N. Dirksen Parkway, 2624 Arrowhead Drive (Mailing Address), Springfield, IL 62702. Representative: Albert L. Lynch (same as applicant's mailing address). *General Commodities (Except Commodities of Unusual Value, Classes A and B Explosives, Household Goods as defined by the Commission, Furniture, Cement Limestone, Mineral Filler, and Commodities in bulk*, between Chicago, Oakbrook, Joliet and Springfield, IL, and St. Louis, MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midas International Corporation, 4101 W. 42nd Place, Chicago, IL 60632; Eastman Kodak Company, 2400 Mt. Read Blvd., Rochester, NY 14650. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60644.

MC 147585 Applicant: DICK WELLER, INC., Shoham Road, Warehouse Point, CT 06088. Representative: Patrick A. Doyle, 60 Robbins Road, Springfield, MA 01104. *Common carrier: irregular routes: wearing apparel and supplies necessary to operate retail clothing stores*, from West Bridgewater, MA; Worcester, MA; Taunton, MA; and Arlington, TX; to points in AL, AR, AZ, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NV, NH, NJ, NE, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD,

TN, TX, UT, VA, WA, WV, WI, and ports of entry in ME, VT, NY, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Foxmoor, 939 Manley Street, West Bridgewater, MA 02379. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Hartford, CT 06103.

MC 147594 (Sub-1TA), filed November 20, 1979. Applicant: SUNBIRD TRANSPORT, INC., 990 Washington Street, Dedham, MA 02026. Representative: Thomas N. Willess, 1000 Sixteenth Street NW., Washington, DC 20036. *Contract carriage over irregular routes transporting vinyl or plastic siding extruded; clapboard siding; plastic articles; building materials; and accessories; (except any commodities in bulk);* from the plant site of Bird & Son, Inc., located at Bardstown, KY to points in DE, MD, NJ, NY, PA, NH, VT, ME, MA, RI, and CT, under a continuing contract with Bird & Son, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bird & Son, Inc., Washington Street, East Walpole, MA 02032. Send protests to: John B. Thomas, D/S, ICC, 150 Causeway Street, Boston, MA 02114.

MC 148035 (Sub-2TA), filed November 9, 1979. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Westergren & Hauptman, Suite 106; 7101 Mercy Road, Omaha, NE 68106. *Petroleum and petroleum products* from Omaha, NE to points in IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) Clearman Oil Company, Mrs. Dorcas Sorensen, Corp. Secy., 1001 Office Park Road, Suite 207, West Des Moines, IA 50265; (2) Contemporary Industries Petroleum, Jack E. Young, President, 711 North 108th Court, Omaha, NE 68154; (3) Oil Products Company, Inc., Donald Christensen, President, 101 South 18th Street, Council Bluffs, IA 51501; (4) Roger Sorensen Oil Co., Roger J. Sorensen, Owner, P.O. Box 446, Harlan, IA 51537; (5) Sorensen I-80 Apco Service, Donald G. Sorsen and Merlin Sorensen, Owners, Walnut, IA 51577; and (6) Tri-County Oil and Gas, Inc., William J. Petersen, President, 209 Birch Street, Schleswig, IA 51461. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 148475 (Sub-1TA), filed November 13, 1979. Applicant: E & B TRANSPORTATION COMPANY, INC., P.O. Box 543, Providence, RI 02901. Representative: Samuel L. Watts, 54 Middlesex Turnpike, Burlington, MA

01803. *Contract-irregular, Wire, iron and steel and products manufactured therefrom and application devices for such products*, between East Greenwich, RI, on the one hand, and, on the other, points in MA and CT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bostitch Division Textron, Inc., Briggs Drive, East Greenwich, RI 02818. Send protests to: Gerald H. Curry, DS, ICC, 24 Weybosset St., Room 102, Providence, RI 02903.

MC 148505 (Sub-1TA), filed November 13, 1979. Applicant: JACKRABBIT MOTOR LINES, P.O. Box 13321, Albuquerque, NM 87192. Representative: Donald Lee Bryner, 1217 Sandler NE, Albuquerque, NM 87192. *General commodities (except commodities in bulk, in tank vehicles, and household goods as defined by the Commission)* between Albuquerque, NM, on the one hand, and, on the other, points and places in NM north of Interstate 40, including Bernalillo, Colfax, Guadalupe, Harding, McKinley, Mora, Quay, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, Torrance, Union, and Valencia counties, NM, having a prior or subsequent movement in interstate transportation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Atlas Van Lines, 1301 Broadway NE, Albuquerque, NM 87102; Cunningham Distribution, Inc., 615 Haines NW., Albuquerque, NM, 87107; and Pacific Intermountain Express Co., 25 North Via Monte, Walnut Creek, CA 94598. Send protests to: Joyce E. Abbott, TA, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW, Albuquerque, NM 87101.

MC 148525 (Sub-2TA), filed November 8, 1979. Applicant: THE PEERLESS TRANSPORTATION COMPANY, 214 South Perry St., Dayton, OH 45402. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. *Contract carrier: irregular routes: (1) Foundry products*, from the facilities of GHR, Div. of Dayton Malleable Iron, Inc., at Dayton, OH to points in IN, KY, MI, MS, and TN, and (2) *materials and supplies used in the manufacture of foundry products* (except commodities in bulk), from points in IN, KY, MI, MS, and TN to the facilities named in (1) above, for 180 days. Restricted to service performed under continuing contract or contracts with GHR, Div. of Dayton Malleable Iron, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): GHR, Div. of Dayton, Malleable Iron, Inc., 400 Detrick St., Dayton, OH 45404. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 148644 (Sub-1TA), filed November 5, 1979. Applicant: GARY W. GLASS d.b.a., GLASS ENTERPRISES, 3117 Christine Road, Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Meat, 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 at 766, and food stuffs (except hides and commodities in bulk) when transported in the same vehicle at the same time with the commodities described above, from the facility of Hernando Boneless Beef Co. at Hernando, MS, to St. Louis, MO; Little Rock, AR; New Orleans, LA; Louisville, KY; Atlanta, GA; and Nashville, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hernando Boneless Beef Company, Hernando, MS. Send protests to: Floyd A. Johnson, Suite 2006, 100 N. Main St., Memphis, TN 38103.*

MC 148645 (Sub-2TA), filed November 30, 1979. Applicant: DONALD M. ROWELL AND MANNIE W. RICHKENBAKER, III, a partnership, d.b.a., R & R TRUCKING COMPANY, Rt. 1, Box 101B, Summerton, SC 29148. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. *Lumber, forest products, wood chips and bark, between Manning, SC, on the one hand, and, on the other, points in FL, GA, AL, NC, TN, KY, WV, VA, MS, and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Skinner Lumber Company, Inc., Rt. 2, Box 1A-1, Manning, SC 29102. Send protests to: E. E. Strotheid, D/S, ICC, 866 Strom Thurmond Fed. Bldg., 1835 Assembly St., Columbia, SC 29201.*

MC 148714 (Sub-1TA), filed November 30, 1979. Applicant: JAMES BROWN TRUCKING CO., 6850 Chapman Rd., Lithonia, GA 30058. Representative: Mark S. Gray, P.O. Box 56387, Atlanta, GA 30043. (1) *Meat, meat products, meat by-products and articles distributed by meat packinghouses from Rutledge, GA to Jacksonville, FL, (2) Empty trailers from Jacksonville, FL to Rutledge, GA. Restricted to traffic originating at or destined to the facilities of Pastures, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Pastures, Inc., Route 1, Rutledge, GA 30663. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St. NW., Rm. 300, Atlanta, GA 30309.*

MC 148745 (Sub-1TA), filed November 30, 1979. Applicant: WAYNE MARVIN d.b.a. WAYNE MARVIN TRUCKING,

P.O. Box 151, Grass Valley, Oregon 97029. Representative: Wayne Marvin, P.O. Box 151, Grass Valley, Oregon 97029. Contract carrier: Meat and meat by-products as defined by the commission and related products from Seattle, Tacoma, and Ellensburg, Washington, to points in California for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Superior Packing Company, P.O. Box 277, Ellensburg, WA. Send protests to: R. V. Dubay, DS, ICC, 114 Pioneer Courthouse, 555 S. W. Yamhill Street, Portland, OR 97204.

MC 148774 (Sub-1TA), filed November 16, 1979. Applicant: LTD AIR CARGO, INC., P.O. Box 30123, Memphis International Airport, Memphis, TN 38130. Representative: James N. Clay, 2700 Sterick Building, Memphis, TN 38103. *General commodities having a prior or subsequent movement by air, between Memphis, TN and all points in AR, MS and the TN counties of Chester, Dyer, Fayette, Hardeman, Hardin, Haygood, Lauderdale, McNairy, Obion, Shelby and Tipton. Also between Memphis, TN and Dallas/Ft. Worth, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are ten supporting shippers. Send protests to: Floyd A. Johnson, Suite 2006, 100 N. Main St., Memphis, TN 38103.*

MC 148844 (Sub-1TA), filed November 30, 1979. Applicant: SERVICES TRANSPORT, Division of RECYCLING SERVICES, INC., 1545 Irving, Sunnyside, WA 98944. Representative: Philip G. Skofstad, 1525 N.E. Weidler Street, Portland, Oregon 97232. *Animal by-products and salt (1) between Sunnyside, WA, on the one hand, and on the other, Portland, OR, Boise, ID, and Port of Entry on the United States-Canada boundary line, located at or near East Port, ID; (2) between Portland, OR, and Tacoma, WA; (3) from Sunnyside, WA, to Tacoma, Bellinghame, and Ferndale, WA, for export only for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Recycling Services, Inc., 61 Skyline Drive, Sunnyside, WA 98944. Send protests to: R. V. Dubay, DS, ICC, 114 Pioneer Courthouse, 555 S. W. Yamhill St., Portland, Oregon 97204.*

MC 148845 (Sub-1TA), filed November 29, 1979. Applicant: WALTER BARD d.b.a. BARD'S TRAILER SERVICE, 260 Raleigh St., Denver, CO 80219. Representative: Walter Bard (same address as applicant). *Semi trailers, new, used, construction type trailers, rental trailers, and repair trailers, between CO, UT, WY, MT, NE, OK, TX and NM for 180 days. Underlying ETA filed seeking 90 days authority.*

Supporting shipper(s): Trailer Service, Inc., 2033 E. 58th Ave., Denver, CO 80216 American Semi-Trailers, Inc., 4980 Brighton Blvd., Denver, CO 80216 Mar-Sha Mfg., Inc., 4661 Brighton Blvd., Denver, CO 80216. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 148894 (Sub-1TA), filed December 21, 1979. Applicant: DISPATCH DISTRIBUTION SERVICES, INC., 1285 William Street, Buffalo, NY 14206. Representative: Alfred Harf (same address as above). Contract carrier-irregular routes. *Medical supplies as are used by and in conjunction with hospitals and other related health institutions, from the facility of Thruway Terminals, Inc. in Erie county, NY to points in the counties of Crawford, Erie, McKean, Potter and Warren counties, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thruway Terminals, Inc., 1285 William Street, Buffalo, NY 14206. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.*

MC 148895 (Sub-1TA), filed December 26, 1979. Applicant: LUNDIN'S DRIVEBACK LTD., R.R. 1 Trenton, Ontario K8V 5P4. Representative: Alex J. Miller, P.O. Box 244, Bloomfield Hills, MI 48013. *Buses in driveway service, from the International Boundary between the United States and Canada at Pembina, ND (Emerson, Manitoba) to San Francisco, Oakland and San Mateo, CA, Seattle, WA and their commercial zones. Restricted to traffic moving in foreign commerce. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Flyer Industries, Limited, 64 Hoka Street, P.O. Box 245, Winnipeg, Manitoba R2C 3T4. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.*

MC 149025 (Sub-1TA), filed December 21, 1979. Applicant: VAN NORTWICK BROS., INC., 129 State Hwy 36, East Keansburg, NJ 07734. Representative: L. C. Major, Jr., Suite 400, 6121 Lincolnia Road, Alexandria, VA 22312. *Common, irregular. Passengers and their baggage, in the same vehicle with passengers, in round trip charter operations. Beginning and ending at points in Ocean County, NJ and extending to points and places in the US, excluding AK and HI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately 39 shippers on file. They may be examined at the Newark, NJ field office and Washington, DC. Send protests to: Joel Morrows, D/S, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.*

MC 149075 (Sub-1TA), filed December 31, 1979. Applicant: OVER LAND, INC., 4121 Augusta Road, Darden City, GA 31408. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Petroleum products, in bulk, in tank vehicle*, from the commercial zones of Augusta, GA and Savannah, GA to NC, SC, FL, TN, and AL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Belcher Oil Co., of Georgia, Inc., P.O. Box 7566, Savannah, GA 31408, Koch Fuels, Inc., P.O. Box 8287, Savannah, GA 31412. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-4601 Filed 2-12-80; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-66]

Certain Plastic-Molding Apparatus, and Components Thereof; Termination

Upon consideration of the presiding officer's recommended determination and the record in this proceeding, the Commission hereby orders the termination of investigation No. 337-TA-66, *Certain Plastic-Molding Apparatus and Components Thereof*, by granting a motion by all parties to terminate this investigation (Motion Docket No. 66-23) and accepting a Settlement Agreement proposed by all parties.

Any party wishing to petition for reconsideration of the Commission's action must do so within 14 days of service of the Commission Order and Commissioner's Memorandum Opinion. Such petitions must be in accord with § 210.56 of the Commission's rules (19 CFR 210.56). Any person adversely affected by a final Commission action may appeal such action to the United States Court of Customs and Patent Appeals.

Copies of the Commission's Action, Order and Commissioner's Memorandum Opinion (USITC Publication No. 1032, January 1979) are available to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, telephone (202) 523-0161. Notice of the institution of the Commission's investigation was published in the *Federal Register* of May 4, 1979 (44 FR 27504).

By order of the Commission.
Issued: February 5, 1980.
Kenneth R. Mason,
Secretary.

[FR Doc. 80-4608 Filed 2-12-80; 8:45 am]
BILLING CODE 7020-02-M

[332-73]

Release for Public Comment of Provisionally Adopted Chapters of the Harmonized Commodity Description and Coding System

AGENCY: United States International Trade Commission.

ACTION: Release for public comment, pursuant to Commission investigation No. 332-73, under the authority of section 332(g) of the Tariff Act of 1930, as amended, of drafts of the following chapters of the Harmonized Commodity Description and Coding System as provisionally adopted by the Harmonized System Committee and the Nomenclature Committee of the Customs Cooperation Council.

Chapter 1: Live animals; animal products
Chapter 2: Meat and edible meat offal
Chapter 3: Fish, crustaceans and molluscs
Chapter 5: Products of animal origin, not elsewhere specified or included
Chapter 6: Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage
Chapter 7: Edible vegetables and certain roots and tubers
Chapter 8: Edible fruit and nuts; peel of melons or citrus fruits
Chapter 9: Coffee, tea, maté and spices
Chapter 10: Cereals
Chapter 11: Products of the milling industry; malt and starches; gluten; inulin
Chapter 13: Lacs; gums, resins and other vegetable saps and extracts
Chapter 14: Vegetable plaiting materials; vegetable products not elsewhere specified or included
Chapter 15: Animal and vegetable fats and oils and their cleavage products; prepared edible fats; animal and vegetable waxes
Chapter 16: Preparations of meat, of fish, of crustaceans or molluscs
Chapter 17: Sugars and sugar confectionery
Chapter 20: Preparations of vegetables, fruit, nuts, or other parts of plants
Chapter 24: Tobacco and manufactured tobacco substitutes
Chapter 25: Salt; sulphur; earth and stone; plastering materials; lime and cement
Chapter 26: Ores, slag and ash
Chapter 28: Inorganic chemicals; organic and inorganic compounds of precious metals, of rare-earth metals, of radioactive elements and of isotopes
Chapter 29: Organic chemicals
Chapter 30: Pharmaceutical products
Chapter 33: Essential oils and resinoids; perfumery, cosmetics and toilet preparations
Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared

waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes"
Chapter 41: Raw hides and skins (other than furskins) and leather
Chapter 43: Furskins and artificial fur; manufactures thereof
Chapter 44: Wood and articles of wood; wood charcoal
Chapter 45: Cork and articles of cork
Chapter 46: Manufactures of straw, of esparto and of other plaiting materials; basketware and wickerwork
Chapter 47: Pulp of wood or of other fibrous cellulosic material; waste and scrap of paper or paperboard
Chapter 48: Paper and paperboard; articles of paper pulp; of paper or of paperboard
Chapter 49: Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans
Chapter 64: Footwear, gaiters and the like; parts of such articles
Chapter 65: Headgear and parts thereof
Chapter 66: Umbrellas, sun umbrellas, walking-sticks, seat-sticks, whips, riding-crops and parts thereof
Chapter 67: Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair
Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica, and of similar materials
Chapter 69: Ceramic products
Chapter 70: Glass and glassware
Chapter 71: Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metals, and articles thereof; imitation jewelry; coin
Chapter 74: Copper and articles thereof
Chapter 75: Nickel and articles thereof
Chapter 76: Aluminum and articles thereof
Chapter 78: Lead and articles thereof
Chapter 79: Zinc and articles thereof
Chapter 80: Tin and articles thereof
Chapter 81: Other base metals; cermets; articles thereof
Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal; parts thereof

WRITTEN SUBMISSIONS: Parties wishing to submit written comments should do so by July 1, 1980.

HEARING: Parties desiring the Commission to hold a hearing on these draft chapters of the Harmonized Code should contact the Secretary of the Commission by April 1, 1980, and show good cause for holding a hearing.

COPIES OF DOCUMENTS: Copies of the chapters which are the subject of this notice are available for public inspection at the offices of the Commission, 701 E Street, N.W., Washington, D.C. 20436, or at 6 World Trade Center, New York, N.Y. 10048. The Commission will also send copies to interested parties upon requests.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director, Office of Nomenclature, Valuation and Related

Activities, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C., 20436 Telephone: 202/523-0370.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to obtain the comments and views of interested parties with respect to the above mentioned provisionally adopted chapters of the Harmonized Commodity Description and Coding System.

This notice is being issued pursuant to Commission investigation No. 332-73, instituted on January 31, 1975 (40 FR 6329), under section 332(g) of the Tariff Act of 1930. The investigation was initiated in accordance with section 608(c) of the Trade Act of 1974, which provides, in part, that the Commission shall institute an investigation which would provide the basis for—

(2) full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems [sic] Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices.

The Harmonized Commodity Description and Coding System (Harmonized Code) is being developed by the Customs Cooperation Council (CCC), an 80-member international organization with headquarters in Brussels, as an international commodity classification system which will be adaptable for modernized customs tariff nomenclature purposes and for recording, handling, and reporting of transactions in international trade. The Harmonized Code will be based on, and in many respects will be an extension of, the Customs Cooperation Council Nomenclature (CCCN), formerly known as the Brussels Tariff Nomenclature (BTN).

Currently, the Technical Team working under auspices of the CCC prepares drafts of the various chapters of the Harmonized Code for consideration by the Harmonized System Committee, which was established in order to develop the code. These drafts are forwarded to their members and observers of the Committee for their review and submission of written comments. The Committee meets three times a year to consider these drafts and the written comments and presentations of the various delegations. The review of a particular chapter or group of chapters may extend to more than one meeting.

In its public notices of May 4, 1976 (41 FR 18716 of May 6, 1976), August 9, 1976 (41 FR 34370 of August 13, 1976), December 20, 1976 (41 FR 55948 of December 23, 1976), September 1, 1977 (42 FR 44852 of September 7, 1977), February 7, 1978 (43 FR 5902 of February 10, 1978), October 16, 1978 (43 FR 43723 of October 19, 1978), February 14, 1979 (44 FR 10435 of February 20, 1979), May 18, 1979 (44 FR 29740 of May 22, 1979), and September 5, 1979 (44 FR 53112 of September 12, 1979), the Commission identified those chapters which have been considered thus far by the Harmonized System Committee, and the chapters for which a Technical Team draft has been released.

Following its deliberations on the draft chapters, the Harmonized System Committee forwards recommended texts for the chapters to the Nomenclature Committee. The Nomenclature Committee, which supervises the operations of the Convention on Nomenclature for the Classification of Goods in Customs Tariffs and is responsible for ensuring international uniformity in the interpretation and application of the CCCN, reviews the recommended texts for the Harmonized System and returns the draft chapters which it has approved to the Harmonized System Committee. The draft chapters which have thusly been provisionally approved by both committees are then held in abeyance pending final revision sessions. It is anticipated that the Harmonized System Committee will begin final revision sessions early in 1981.

The draft chapters released for public comment today have been provisionally adopted by the Harmonized System Committee and the Nomenclature Committee according to the above described procedure. As further chapters are adopted, the Commission will issue future notices requesting public comment.

In 1971, the Department of the Treasury established an Interagency Advisory Committee on Customs Cooperation Council Matters in order to provide a basis for interested Federal agencies to participate with respect to CCC matters. In order to establish and develop U.S. programs and policies with respect to the Harmonized Code, the interagency committee has instituted procedures which take into account the provisions of section 608(c) of the Trade Act of 1974, which call for the Commission to contribute to the U.S. technical input to the Harmonized System Committee. Under these procedures the Commission is preparing technical comments and proposals on

the various chapters of the Harmonized Code for consideration by the interagency committee in the determination of U.S. positions with respect to the Harmonized Code. In making proposals, the Commission is seeking and taking into consideration the views of trade and industry and other interested parties and of interested Government agencies.

By order of the Commission:

Issued: February 8, 1980.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-4669 Filed 2-12-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. AA1921-147A]

Electric Golf Cars From Poland; Investigation and Hearing

AGENCY: U.S. International Trade Commission.

ACTION: Initiation of an investigation under section 751 of the Tariff Act of 1930.

SUMMARY: This action initiates an investigation under section 751 of the Tariff Act of 1930 to determine whether changed circumstances exist which indicate that an industry in the United States would not be threatened with material injury if the antidumping finding concerning Electric Golf Cars from Poland were revoked (40 F.R. 53383).

On September 16, 1975, (40 FR 49153; October 21, 1975) the Commission determined that an industry in the United States is being injured by reason of the importation of electric golf cars that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921. An application for a review of this determination was filed with the Commission by Melex, USA, Inc., an importer of the subject product, on August 6, 1979, in accordance with the then extant *Rules of Practice and Procedure*. The Commission published a notice in the *Federal Register* (44 FR 58817; October 11, 1979) inviting public comment on the question of whether the Commission should conduct a review of the determination. Public comments were received from five interested persons. On the basis of the application and the public comments, the Commission, by action of January 30, 1980, voted to institute an investigation pursuant to section 751 of the Tariff Act of 1930 and section 207.45 of the *Rules of Practice and Procedure*.

PUBLIC HEARING ORDERED: A public hearing in connection with the

investigation will be held on Wednesday, April 16, 1980, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, beginning at 10 a.m., e.s.t. Requests to appear at the public hearing should be filed in writing with the Secretary to the Commission not later than close of business (5:15 p.m., e.s.t.), Friday, April 11, 1980. For further information, consult the Commission's *Rules of Practice and Procedure*, Part 207, Subpart C (44 FR 76457), effective January 1, 1980.

PREHEARING STATEMENTS: The Commission will prepare and place on the record by March 27, 1980, a staff report containing preliminary findings of fact. Parties to the investigation will submit to the Commission a prehearing statement by April 11, 1980. The content of such statement should include the following:

- (a) exceptions, if any, to the preliminary findings of fact contained in the staff report,
- (b) any additional or proposed alternative findings of fact,
- (c) proposed conclusions of law,
- (d) any other information and arguments which a party believes relevant to the Commission's determination in this investigation; and
- (e) a proposed determination for adoption by the Commission.

WRITTEN SUBMISSIONS: Any person may submit to the Commission on or before the prehearing statement any written statements of information pertinent to the subject matter of the investigation. A signed original and nineteen true copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of section 201.6 of the *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions except business confidential data, will be available for public inspection.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas St. Maxens, U.S. International Trade Commission, (202) 523-0339.

By Order of the Commission.

Issued: February 5, 1980.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-4785 Filed 2-12-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Juvenile Justice and Delinquency Prevention; Response to Public Comment and Issuance of Program Announcement; Prevention of Delinquency Through Alternative Education

AGENCY: Law Enforcement Assistance Administration (LEAA).

ACTION: Response to Public Comment and Notice of Issuance.

SUMMARY: This guideline represents an addition to M 4500.1G, Guide for Discretionary Grant Programs, and as such will be subject to the same regulations which govern that manual. It will not in any way impact upon the programs or regulations presently set out in M 4500.1G, nor will it affect the eligibility of those individuals applying for previously announced programs.

SUPPLEMENTARY INFORMATION: The Office of Juvenile Justice and Delinquency Prevention (OJJDP), Law Enforcement Assistance Administration (LEAA), published in the *Federal Register* on October 15, 1979, the draft guideline for the program announcement of competitive action grants for the Prevention of Delinquency Through Alternative Education Initiative. This notice summarizes the comments received, responds to issues, details the changes made, and sets forth the final program guideline.

FOR FURTHER INFORMATION CONTACT: Ms. Monserrate Diaz at 202-724-7755, Office of Juvenile Justice and Delinquency Prevention, LEAA, 633 Indiana Avenue NW., Washington, D.C. 20531

Ira M. Schwartz,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

Prevention Of Delinquency Through Alternative Education

a. Program Objectives

Pursuant to Section 224 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended in 1977, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is sponsoring a major demonstration program to prevent juvenile delinquency through the development and implementation of projects designed to keep students in schools, to prevent unwarranted and arbitrary suspensions and expulsions, dropouts, pushouts and truancy. The specific objectives are:

- (1) To develop and implement strategies and techniques in Alternative

Education in public and private not-for-profit schools which improve those educational policies, practices and procedures which impact services to youth.

- (2) To upgrade the quality of existing alternative education programs by improving curriculum development, staff training, youth and parent participation, and administrative policies and practices of schools and school districts.

- (3) To reduce the number of student dropouts, truants, suspensions and expulsions in schools and school districts where these programs operate.

- (4) To prepare students for employment and/or successful participation in post-secondary training or education.

b. Program Description

(1) *Background.* The Office of Juvenile Justice and Delinquency Prevention, in carrying out its overall mandate to prevent delinquency, has the responsibility for facilitating and stimulating changes in those institutions which have the greatest impact upon the maturation and socialization of youth. Following the family, the school is the major socializing institution in the experience of young people, and positive and supportive experiences in schools are critical to the development of constructive social behavior patterns. Conversely, a significant number of youth involved in delinquency reflect a history of negative school experiences.

(2) *Problem Addressed.* (a) Educators and non-educators alike continue to be critical of present day education programs which fail to meet the social, emotional, academic and vocational needs of all students. The failure to provide adequate support in these areas leads to high rates of suspensions, truancy, dropouts, disruptive classroom behaviors, violence, vandalism, alienation and general student disinterest in learning. A Study by the National Parent Teachers Association for the 1974-75 school year indicated that each day some 2½ million students were not present in school. Some school systems report absenteeism rates of 30% or higher.

(b) Recent statistics revealed that over 26% of the nation's 14-year-old boys and 18% of the 14-year-old girls were in grades lower than the national modal level of first year in high school. Further, according to the U.S. Commissioner of Education, 25% of the high school students in the U.S. leave before they graduate. The rate of unemployment among high school dropouts is two to three times that of high school graduates.

(c) In its 1977 report, the National Institute of Education (NIE) estimated the cost of school vandalism to be more than \$200M per year. The NIE reports that although only 25% of a student's waking hours are spent in school, 40% of the robberies and 36% of the assaults on urban students occurred in schools. The risks are especially high for youths aged 12 to 15—a remarkable 68% of the robberies and 50% of the assaults against youngsters of this age occurred at school.

(3) *Program Target.* The program targets are schools and school districts with youth in grades 6 through 12 serving communities characterized by high rates of crime, delinquency, suspensions, expulsions, dropouts, absenteeism, and youth unemployment. The major focus of this program is intended to be on youth making the transition from elementary to junior high and from junior high to high school in order to support continuity in their learning experience.

(4) *Results Sought.* (a) A reduction in the number of delinquent acts committed in and around schools.

(b) A reduction in student dropouts, suspensions, expulsions and truancy.

(c) An increase in the daily attendance rate in schools and school districts impacted by this program.

(d) An increase in the number of students experiencing academic success and graduating from school.

(e) An increase in the number of students making a successful transition to employment or post-secondary training and education.

(f) Adoption and implementation of school policies, procedures and practices which:

- 1 limit referrals by schools to the juvenile justice system;
- 2 provide for due process, fairness and consistency in disciplinary actions;
- 3 reduce student alienation and sense of powerlessness through increased youth, parent and community agency participation in school decision making processes;
- 4 prevent grouping (according to non-academic criteria) and racial segregation of students while enhancing the overall learning environment; and
- 5 organize and structure learning in ways which enhance continuity and maturational development.

(g) Development and implementation of alternative educational options which increase the opportunity for cognitive, affective and practical learning, and the integration of these options into the regular school curriculum and program.

(5) *Working Assumptions.* (a) Delinquent behavior evolves from social environments which limit positive youth

development in the areas of social competence, a sense of belonging and usefulness.

(b) School experiences can be altered to minimize the school's contribution to delinquency by changing the structure and the educational processes of schools.

(c) the availability of alternative educational opportunities is a viable means of enabling students to experience academic success, improving the quality of interaction between adults and youths, and strengthening student commitment to schools.

(d) Students who have little stake in achievement in schools, and in conformity to the rules of conventional schools, often become alienated are more likely to engage in delinquent activities, and are more likely to be unemployed.

c. *Program Strategy.* Applications are invited for action projects which impact the school climate, organizational structure and educational process. It is expected that the development and demonstration of more effective alternative educational options will ultimately be adopted by existing school systems. Projects are to reflect the following characteristics:

(1) Schools must provide youth the opportunity to receive alternative educational experiences geared to developing constructive interests relevant to their environment while meeting the need for cognitive and affective learning which contribute to positive growth and development. The options must be open to students on a volunteer basis from grades 6 through 12, with the major program focus on those transitional grades from elementary to junior high, and from junior high to high school. Programs must allow for continuous contact between the problem student and the regular student to avoid labeling, stigmatization, tracking and racial segregation of students.

(2) Specific goals and objectives must have significant impact upon the results sought in paragraph b(4) (a) through (f).

(3) Project models must incorporate the following key elements:

(a) Individualized instruction in which curricula are tailored to students' cognitive, affective, and work related skills development commensurate with their learning needs and interests.

(b) The establishment of a clear system of support and rewards for individual improvement. Both differential reinforcement for different amounts of personal progress and range of reward options beyond traditional grades are important.

(c) The formation of coalitions between school leadership and policy bodies, community organizations, business, labor, parents and youth to improve the educational environment.

(d) A comprehensive approach for the improvement of schools and school districts in coordination with community groups, organizations, juvenile justice system, parents, youth and concerned citizens.

(e) Utilization of peer group experience and parents in as many aspects of the learning situation as possible.

(f) Training of existing school personnel aimed at changing how they perceive and relate to troubled and non-conforming youth in the daily routine of the regular school environment; and the development and implementation of more responsive procedures and techniques for positive interaction with students.

(g) Small program size and low student/adult ratio.

(h) Strong and consistent school administration support committed to ensuring that each student realizes his/her potential and capable of establishing and maintaining a climate of respect for students through the application of fair and consistent discipline.

(i) Involving caring, competent teachers which will establish warm relationships of mutual respect with students.

d. *Application Requirements.* These requirements are to be used in lieu of Part IV—Program Narrative Instructions in the standard Federal Assistance Form 424. In order to be considered for funding, applications must include the following information in the order outlined in this guideline and include a Table of Contents. Please number the pages so that they correspond to the Table of Contents. This will facilitate the review and insure that the required information is not overlooked.

(1) *Project Goals and Objectives.* Outline specific project goals and objectives in measurable terms with respect to the development and implementation of strategies and techniques in alternative education options which stimulate improvement of the policies, practices, procedures, leadership structure and school climate. This should include the projected reduction of dropouts, truancy, suspensions and expulsions, an increase in academic performance levels, and other skills relevant to preparation for work and post-secondary training. These projections are to be based upon the most recent data available, and related to the specific results sought. (Paragraph b(4)(a)-(f))

(2) *Problem Definition and Data Needs.* (a) A socio-economic profile of the community served by the school or school district with such demographic data as are necessary to document crime rates, racial/ethnic population, employment rates, school enrollment and the actual level of truancy, dropouts, suspensions and expulsions for 1977, 1978 and 1979 school years (or the latest data available).

(b) A description of the applicant school and the local school system, inclusive of school policies and procedures regarding suspensions, expulsions, absenteeism and discipline for disruptive behavior.

(c) The number and kind of agencies, schools or institutions providing alternative education to youth in the target community, including a description of the available programs.

(d) A description of the relationship of community agencies, schools, businesses, and institutions to the proposed project.

(e) A description of the manner in which present school policies, practices and procedures impede or facilitate the ability of school personnel to provide a healthy educational environment.

(f) A description of how the project will impact those problems which impede the ability of students to succeed.

(3) *Program Methodology.* Based on the information provided in program strategy, Paragraph c(1)-(3) of this guideline, develop a project design which provides a clear description of the following:

(a) The strategies to be employed and the activities to be used to effect change or to ameliorate the problems in the school system.

(b) The Alternative Education model that will be used and indicate why it is best suited to meet the needs of youth in the target community. Indicate how it is expected to create situations that expand access to desirable educational opportunities. (For additional information regarding different models, refer to Appendix 3 in the guideline.)

(c) A sample of the curriculum which would be representative of the total school community.

(d) The methods of maximizing the participation of youth, parents, and citizens of the community in the planning, implementation and evaluation of the project and in school decision making procedures.

(e) The techniques to be used to build staff capacities consistent with the characteristics defined for the target of this program. Include descriptions of the types and amounts of training and technical assistance that will be

available. Develop criteria and procedures for selecting the staff.

(f) The required organizational structure and personnel to support the proposed program. This should be presented in detail, specifying the tasks for each key position, resumes of key staff, and criteria for selection.

(g) The educational and public relations activities that are required to gain and maintain public understanding and support for the program.

(h) The criteria and procedures for selecting those youth who will participate in the program, and the methods which assure that an appropriate mix of students will participate in the program.

(i) The methods of protecting the legal rights of youth served and confidentiality of records, and the methods that will be used to avoid negative labeling.

(4) *Workplan.* Prepare a detailed work schedule which outlines specific program objectives in relation to milestones, activities and time frames for accomplishing the objectives. The workplan and budget should be prepared to allow for a two month start-up period.

(5) *Budget.* Prepare a detailed budget for the first two years of the project. This should be reflected on the Federal Assistance Form 424, page 3, for the first year, second year and two-year total budget. *A detailed budget narrative must be included in the application which provides a thorough justification for the two-year budget.* A third-year projection of the project (if continued) should be indicated on page 5 of Form 424 as a total only. Except where specified otherwise, all budget figures should reflect the proposed total project costs (i.e., Federal plus non-Federal share). Include in the budget funds for travel for three (3) staff persons (at least one must be a youth participating in the planning and implementation of the program) to attend four (4) technical assistance and training sessions for the first grant period (two years) for an average of three (3) days per trip. For the purpose of budget preparation, assume that these sessions will be held in Midwest, U.S.A. Budget up to 15% of the total projected outlays to cover the costs of a management information system. Travel budgeted for coordination with other alternative education projects must be confined to not more than two (2) trips over the two (2) year project periods.

e. *Dollar Range and Duration of Grants.* The duration of this program is three years, with awards made in increments of 24 months and 12 months. Third-year continuation awards are

contingent upon satisfactory grantee performance in achieving stated objectives in the two previous years, availability of funds and compliance with the terms and conditions of the grants. Grants will range up to \$350,000 for each project year with the size of each grant based upon the extent of the problems to be addressed and the realistic improvement expected to result in schools, number of juveniles served, the cost-effectiveness of the project design, and the jurisdiction's capacity to absorb the program after this funding terminates. However, grants for multiple sites (see definitions) will range up to \$600,000 for each project year with the same specifications as above. Total funds allocated for this program is \$11 million; \$8 million from OJJDP; and \$3 million from OYP/DOL. Funds for this program are allocated under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended in 1977, and require no cash match. Grants may be terminated at any point for failure to meet program process objectives and grant requirements.

f. *Eligibility to Receive Grants.* In order to be considered for funding, all applicants must meet the following eligibility and capability requirements.

(1) *Applicant Eligibility.* Applications are invited from public and private not-for-profit schools, agencies or organizations proposing to serve disadvantaged youth from rural and urban areas with high levels of juvenile delinquency and serious school-related problems. Private not-for-profit schools, agencies or organizations that apply must have one or more viable linkages with private foundations, state educational agencies, federally and state funded employment agencies, corporations and/or labor for purposes of promoting continued funding of effective program models after OJJDP's support ends. To the extent feasible, there should be linkages or cooperative agreements with local public schools operating in the same areas as the private not-for-profit alternative education programs. Public school systems which apply must demonstrate involvement and coordination with private not-for-profit agencies, community organizations, juvenile justice system, the Comprehensive Employment Training Act (CETA system), parent groups and youth. National organizations are eligible and they must operate in states or communities where they have a local affiliate and/or already established organizational linkages with the school system.

(2) *Applicant Capability.* The applicant must:

(a) Demonstrate knowledge of and experience in the field of innovative and experimental education.

(b) Have the demonstrated capability and experience to develop and manage fiscal systems necessary for administration of Federal funds, organizational stability to permit program continuity, and ability to comply with Federal grant requirements.

(c) Have available experienced administrative and professional staff who demonstrate a commitment to effective alternative educational opportunities.

(d) Provide letters of support from public and private sector agencies and organizations regarding their participation in policy formation, planning and provision of opportunities for youth.

(e) Private not-for-profit organizations must provide proof of non-profit status.

g. *Submission Requirements.* (1) *Submission Procedures.* The Alternative Education initiative has been determined to be of a national impact and awards will be made directly to the successful applicants. Applications must be submitted to the Office of Juvenile Justice and Delinquency Prevention, LEAA, in accordance with the form outlined in Appendix 2, Guide for Discretionary Grant Programs, M 4500.1G, September 30, 1978. Refer to Appendix 5, Parts II and IV, for instructions on how to prepare the budget, budget narrative and program narrative. Applicants must submit the applications to the relevant state planning agencies as provided by M 4500.1G, Appendix 2, Section 2. Prior to submission of applications to the Office of Juvenile Justice and Delinquency Prevention, applicants must also submit applications to appropriate A-95 Clearinghouses in accordance with A-95 requirements. Letters of verification indicating appropriate contacts with state planning agencies and A-95 Clearinghouses must be included in the applications. Addresses are included in Appendices 1 and 2.

(2) *Deadline for Submission of Applications.* One (1) original and two (2) copies of the application must be mailed or hand delivered to the Office of Juvenile Justice and Delinquency Prevention, LEAA, Room 442, 633 Indiana Avenue, NW, Washington, D.C., 20531, on or before April 30, 1980. Applications sent by mail will be considered to be received on time if sent by registered or certified mail no later than April 30, 1980, as evidenced by the U.S. Postal Service postmark on the

original receipt of the U.S. Postal Service.

h. *Evaluation Requirements.* The projects funded under this program will be evaluated by an independent evaluator selected by the Office of Juvenile Justice and Delinquency Prevention under separate solicitation. Applicants must identify information unique to their particular proposed approach to enable the national evaluator to develop a national management information system which would provide uniform information on projects of similar scope and design. The national evaluator will provide training and technical assistance in implementing the management information system.

(1) The major goals of the evaluation are to:

(a) determine the impact of the program on dropouts, suspensions, expulsions, truancy, delinquency, employment, and further education;

(b) determine the extent to which policies, practices and procedures of schools and school districts are modified and describe the nature of such modifications;

(c) determine the impact of the program on school achievements, development of social, academic and vocational skills, and on youth and parent participation;

(d) determine what types of services appears to be most effective for what types of youth under what conditions; and

(e) document the planning and implementation processes of different program approaches to alternative education.

(2) *Management Information System.* The system should be able to:

(a) provide consistent and complete information on staffing and numbers and types of youth served in the program;

(b) provide consistent and complete information on the types and duration of services rendered;

(c) provide consistent and complete information on youth responses to the types of services/activities provided; and

(d) provide consistent and complete information on occurrence of school-related delinquency, dropouts, truants and suspensions.

(e) provide consistent and complete information on the employment and post-secondary enrollment of graduates.

All applicants must include assurances in their application agreeing to fully cooperate with the national evaluators in terms of the management information system and the requirement of the overall evaluation component.

i. *Civil Rights Compliance.* (1) Each recipient of LEAA assistance within the criminal system which has 50 or more employees and which has received grants or subgrants of \$25,000 or more pursuant to and since the enactment of the Safe Streets Act of 1968, as amended, and which has a service population with a minority representation of 3% or more is required to formulate, implement and maintain an Equal Employment Opportunity Program (EEOP). Where a recipient has 50 or more employees, and has received grants or subgrants of \$25,000 or more, and has a service population with a minority representation of less than 3%, such recipient is required to formulate, implement and maintain an EEOP relating to employment practices affecting women. This requirement shall be satisfied prior to the award.

(2) Applicants that do not meet any of the above criteria, educational institutions and private not-for-profit organizations shall maintain such records and submit to the OJJDP upon request timely, complete and accurate racial and ethnic data establishing the fact that no person or persons will be or have been denied or prohibited from participation in, benefits of, or denied or prohibited from obtaining employment in connection with any program activity funded in whole or in part with funds made available under this initiative because of their race, national origin, religion or handicap status. In the case of any program under which a primary recipient of Federal funds extends financial assistance to any other recipient or subcontracts with any other person(s) or group(s), such other recipient, person(s) or group(s) shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to assure its civil rights compliance obligations under any grant award. *EEOPs must be approved prior to award and should be submitted with the grant application.* Failure to address this requirement will result in rejection of the proposal.

j. *Federal Interagency Agreement.* All applicants must indicate their willingness to participate in any Federal interagency agreements which may be developed by OJJDP to enhance the impact of the program. An interagency agreement with the Office of Youth Programs, Department of Labor, for \$3 million has been developed to further the objectives of this initiative and prepare youth for skills needed for future employment.

k. *Technical Assistance.* Ongoing technical assistance in program

implementation will be provided by OJJDP to the funded projects.

1. *Criteria for Selection of Projects.* Each application will be examined for compliance with the mandatory requirements outlined throughout the guideline. Proposals failing any of the requirements will be rejected. Applications will be rated and selected using the following criteria. Only those applications meeting the criteria at a high level will be considered for grant award. In making final selections from this group, where there is duplication in target population, the highest rated proposal will be considered, and not more than two (2) applications per state will be selected. OJJDP will also give consideration to cost-effectiveness and a mix of models.

(1) The extent to which the proposed project address the characteristics of the target schools and neighborhoods as described in b(3). (20 points)

(2) The extent to which the applicant shows that the activities, opportunities and methods of proposed projects build upon the cultural background, language, life experiences, and employment needs of the school population. (7 points)

(3) The extent to which the selection criteria for choosing participants are well defined and represent an appropriate population mix. (6 points)

(4) The extent to which the applicant shows that the project has an adequate budget and is cost effective by:

(a) an effective plan of financial management; (3 points)

(b) number of youth to be served and project design; and (3 points)

(c) an itemized statement of cost that justifies each line item in the proposed budget and indicates that costs are reasonable in relation to the objectives of the project. (4 points) (Total: 10 points)

(5) The extent to which the project design provides:

(a) a model in accordance with the program goals, objectives and strategies as outlined in the guideline, and the applicant's capability and commitment to achieve them; (10 points)

(b) high quality in the overall design for the proposed project as outlined in c(3); (10 points)

(c) an effective plan of management for the project; (3 points)

(d) an effective plan for training of staff members in needed skills areas; and (5 points)

(e) the way the applicant plans to use its resources and staff to achieve each objective. (4 points) (Total: 32 points)

(6) The extent to which the applicant demonstrates:

(a) strategies to institute change in the educational system and competence in

other aspects of methodology as set forth in d(3); (7 points)

(b) an understanding of the problems associated with effecting change; and (6 points)

(c) the capability to coordinate with or to coordinate other resources in order to implement a comprehensive plan to institute change. (12 points)

Evidence of capability must include letters of commitment from other agencies, documentation that planning the proposed project has actively involved other agencies, parents and youth, and will continue to involve them over the life of the program. (Total: 25 points)

m. *Definitions.* (1) *Alternative Education*—an education program that embraces subject matter and/or teaching methodology that is not generally offered to students of the same age or grade level in traditional school settings, which offers a range of educational options and includes the student as an integral part of the planning team. The term includes the use of program methods and materials that facilitate student success and are relevant to the students' educational needs and interests as indicated by the student and facilitates positive growth and development in both academic, vocational and social skills.

(2) *Dropout*—a student who quits school. Usually a student dropout is beyond the compulsory school attendance age of 16.

(3) *Expulsion*—the termination of a student's right to attend school.

(4) *High Risk Communities*—communities where youth live that are characterized by high rates of crime and delinquency, high infant mortality rates, high unemployment and underemployment, sub-standard housing, physical deterioration of neighborhoods and low incomes.

(5) *Program*—refers to the National Alternative Education Initiative to establish programs supported by OJJDP and the overall activities related to implementing the Alternative Education Program.

(6) *Project*—refers to the specific set of Alternative Education activities under a grant at a given site(s) designed to achieve the overall goal of reducing student dropouts, pushouts, suspensions, expulsions and truancy.

(7) *Pushout*—is when a student decides to leave school because of frustration from not achieving success or because of pressure exerted by the school through various disciplinary actions.

(8) *Structured*—for the purpose of this guideline, refers to a classroom setting that is well organized, has explicit

directions, well defined goals and objectives, specific standards for student behavior, flexibility in terms of individual differences, and provides the opportunity for students to experience success.

(9) *Suspension*—the exclusion of a student from school for a specified period of time, usually from one to ten days.

(10) *Unstructured*—for the purpose of this guideline, refers to a classroom setting that allows students excessive freedom and permissiveness and is loosely run. Directions are usually unclear and in most instances students are not goal oriented.

(11) *Small Program Size*—for the purpose of this guideline, is defined as a class size with no more than 15 students.

(12) *School Systems*—includes public school systems, private not-for-profit school systems or a combination of both; also includes variations of the above as part of public or private school systems or institutions (e.g., vocational schools, special education schools, including educational programs in juvenile correctional facilities, and alternative education programs).

(13) *Delinquency*—is the behavior of a juvenile in violation of a statute or ordinance in a jurisdiction which would constitute a crime if committed by an adult.

(14) *Truancy*—is when the student is absent from school without permission.

(15) *High Rates of Crime*—OJJDP will be comparing the crime rate using the Uniform Crime Report (UCR) data relative to other communities of the same size.

(16) *Multi-Site*—projects which serve two or more non-contiguous communities or school districts which are not in the same county or SMSA (Standard Metropolitan Statistical Area), or projects which serve six or more schools in the same SMSA.

(17) *Equal Employment Opportunity Program*—A written Equal Employment Opportunity Program meeting the requirements as set forth in the LEAA EEO Guidelines, Subpart E, 28 CFR 42.301, as amended.

Nature of Comments and LEAA's Response

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) received 125 responses to the Alternative Educational Draft Guideline published in the October 15, 1979 Federal Register. An analysis of these comments shows that the majority of the commentators supported the program. Some provided suggestions for substantive and technical modifications, and only a few commentators expressed opposition to the

OJJDP becoming involved in educational issues.

Comments were received from 38 private organizations 12 state planning agencies, 6 state departments of education, 18 school boards, 4 public school districts, 14 private schools, 1 state correctional institution, 4 state governments, 8 city governments, 2 private citizens and 8 churches and community organizations.

There were 77 letters received of a general nature which reiterated the intent of the guideline.

The Comments received and LEAA's response follows:

1. Program Objective

a. Two comments were received regarding the following specific concerns:

(1) It was suggested that Objective Number 1 was more relevant to the strategy section. OJJDP concurs with this comment and the objective has been changed to read as follows:

"To develop and implement strategies and techniques in alternative education in public and private not-for-profit schools which improve these educational policies, practices and procedures which impact the services to youth."

(2) It was suggested that truancy be added to Objective Number 3. OJJDP concurs with this addition and the objective has been changed to read as follows:

"To reduce the number of student dropouts, truant, suspensions and expulsions in schools and school districts where these programs operate."

(3) It was suggested that an objective addressing in-service training be added. However, Objective Number 2 of the Guideline provides for any staff training.

2. Target Population

a. Several commentators suggested that the target age should be lowered and that the program should be aimed at students in grades 4 through 12 instead of grades 6 through 12.

b. The Office of Juvenile Justice and Delinquency Prevention has decided to maintain the proposed target group (students in grades 6 through 12) with an emphasis on those transitional years from elementary to junior high and from junior high to high school for the following reasons:

(1) Based on research findings, youth between the ages of 12 to 15 experience the most difficulties in school, and are the most at risk of either committing a crime or being the victim. The National Institute of Education 1977 Report indicates that of three-fourths of all attacks and robberies of students, the

victims and offenders are roughly the same age and the same sex. With minor exceptions, the risks of being a victim of either attack or robbery in secondary schools declines steadily as grade level increases. Seventh graders are most likely to be attacked or robbed and 12th graders are least so.

(2) As a result of an assessment on "Delinquency Prevention Through Alternative Education" conducted by the National Center for the Assessment of Delinquent Behavior, several issues must be considered regarding programs for primary grade school students. First is the problem of identification. While teachers can correctly identify many students with academic and behavior problems, their predictions regarding subsequent delinquency frequently are inaccurate (Feldhusen, et al., 1976). The risks associated with such "false positive" identifications depend both on the type of subsequent behavior being predicted and the nature of the response to those identified. These risks are especially salient when attempting to identify "pre-delinquent youths" for special treatment. Given the track record of predictive instruments and crime prevention interventions based on early identification of pre-delinquents (Monahan, 1975; Monahan and Cummings, 1975; Nay and Jefferys, 1967; Neckless and Dinitz, 1972), it is unwise to use teacher ratings, psychological tests or other tools to identify primary grade school students as pre-delinquents for special treatment. Therefore, in the interest of maximizing the special emphasis funds available and to assess alternative education as a delinquency prevention strategy, funds will be concentrated on programs for students in grades 6 through 12, with an emphasis on grades 6 through 9. For additional information, please refer to the background paper (Appendix 1, pp 30-32).

3. Results Sought

a. There were eight comments that suggested that the OJJDP include Section c(2) which reads, "Specific goals and objectives must have primary impact upon policies, procedures and practices on schools and school districts" under the *Results Sought* Section. It was argued that it is unreasonable to expect administrators to alter policy until they have seen the demonstrated success of a program.

b. The OJJDP considered these comments and has made the following clarifications:

(1) OJJDP has always considered this initiative as a demonstration program, with the ultimate goal being that the models should impact upon the schools'

policies, procedures and practices; and that changes in the educational system would occur, both during program implementation and following.

(2) OJJDP has clarified the language of Objective Number 1 to be more responsive to the Result Sought and Strategy sections. The objective reads as follows:

"To develop and implement strategies and techniques in Alternative Education in public and private not-for-profit schools which improve those educational policies, practices and procedures which impact the services to youth."

(3) OJJDP has revised Section c(2) to read as follows:

"Specific goals and objectives must have significant impact upon the result sought in paragraphs b(4)(a) through (f)."

(4) OJJDP has added a statement to Section b(4)(e) in Result Sought that reads as follows:

"Organize and structure learning experiences in a way which enhances continuity and maturational development."

c. Based on research findings, OJJDP feels that the emphasis on the alternative education delinquency prevention program must be placed on those transitional years of youth education from primary grades to junior high and from junior high to high school.

4. Program Strategy

a. There were approximately nine comments concerning the Program Strategy section. Some commentators made reference to "the establishment of a clear system of support and rewards for individual improvement" and "differential reinforcement for different amounts of personal progress" as a behavior modification technique. The OJJDP is not recommending behavior modification, but rather a system of rewards and incentives beyond the traditional grading system. Rewards can be keyed to specific interests and goals of each student. Students who have not obtained good grades in traditional classrooms may have discounted the importance and validity of grades. Varied reward systems, such as token economies or systems in which credits toward desired goals are offered for academic progress, should be instituted.

b. One commentator recommended that in the following statement, "Schools must provide youths the opportunity to receive an educational experience which is relevant to their interests and meets the need for cognitive and affective learning skills which contribute to positive growth and development" should be clarified by adding "an educational experience geared to

developing constructive interests relevant to their environment." OJJDP concurs with this suggestion and the statement has been changed and now reads as follows:

"Schools must provide youths the opportunity to receive an educational experience geared to developing constructive interests relevant to their environment while meeting the need for cognitive and affective learning which contribute to positive growth and development."

c. Some commentators made reference to the "continuous contact between the problem student and the regular student" as unclear. By continuous contact, OJJDP means that the students are not segregated from the rest of the school community if only a portion of the school community is participating in the program. In those schools where the total population is participating in the program, this element would not be necessarily applicable. However, in those schools where a small population of the student body is participating in the program, there should be some academic and extra-curricular activities where the students in the program can participate with the total population.

d. Some commentators made reference to the "volunteer basis." By volunteer, OJJDP means that the program should be open to anyone who wants to participate. The program should be developed so that students without school problems as well as those with problems are attracted to the program. Criteria should be flexible enough to accept a heterogeneous group of students.

e. Some commentators referred to 3(e), "Utilization of peer group experience in every aspect of the learning situation" as an unrealistic requirement. OJJDP concurs with the suggestion and the statement has been changed and now reads: "Utilization of peer group experience and parents in as many aspects of the learning situation as possible."

f. There were other comments made about the emphasis of this section. These are key elements that OJJDP would like to see incorporated in the project models. These elements will enhance the delinquency prevention potential of alternative education. It is important to emphasize that none of these elements alone is likely to prevent delinquency. It is the combination which holds promise. Therefore, OJJDP has decided to keep these elements as requirements for the project models.

5. Methodology

There were two comments on this section regarding appropriate mix of students which will participate in the

program. The OJJDP has decided to maintain this requirement to prevent any unnecessary tracking and racial segregation of students. To assess how problems of tracking and segregation can be minimized, a variety of models for participant selection should be implemented and assessed. These should include recruitment processes which seek to insure a student population representative of a cross section of the traditional school population.

6. Dollar Amounts

a. There were several comments concerning the maximum funding levels for each project. The OJJDP, after consideration of these comments, has decided the following:

(1) The maximum amount allowable for a grant with only one project site with the size of each grant based upon the extent of the problems to be addressed and the realistic improvement expected to result in schools, number of juveniles served, the cost-effectiveness of the project design, and the jurisdiction's capacity to absorb the program after this funding terminates is \$350,000 per year, for a total of \$1,050,000 for a three-year period.

(2) The maximum amount allowable for a grant with multiple project sites with the size of each grant based upon the extent of the problems to be addressed and the realistic improvement expected to result in schools, number of juveniles served, the cost-effectiveness of the project design, and the jurisdiction's capacity to absorb the program after this funding terminates is \$600,000 per year, for a total of \$1,800,000 for a three-year period.

7. Applicant Eligibility

a. There were approximately 24 comments concerning the eligibility of:

(1) Rural areas.
(2) National organizations.
(3) Trust Territories and off-shore possessions of the United States to be eligible applicants for funding under this guideline.

b. OJJDP response to the comments are:

(1) OJJDP has always had the intent to include rural areas as eligible applicants. In Section f(1), Applicant Eligibility, OJJDP states that "Applications are invited from public and private not-for-profit schools, agencies or organizations who propose to serve disadvantaged youth from rural and urban areas with high levels of serious school related problems."

(2). Based on the comments received about the eligibility of national organizations, OJJDP has clarified the

intent to include national organizations and has decided they are eligible to participate in this initiative, but those that choose to operate in more than one state must clearly describe the strategy for impact. They must operate in a state or community where they have a local affiliate and/or already established organizational linkages with the school system.

(3) Trust Territories and off-shore possessions of the United States have the same opportunities to apply for these funds as the states do.

c. There were two comments objecting to the heavy involvement of the public schools in sponsoring and supervising alternative education programs and not enough emphasis placed on other agencies who serve disturbed and disruptive youth.

d. In response to this comment, OJJDP feels that it is made explicitly clear that applications are invited from public and private not-for-profit schools, agencies or organizations who propose to serve disadvantaged youth from rural and urban areas with high levels of serious school related problems. The ultimate goal of the demonstration projects is the impact and the changes these projects will produce in the public educational system.

8. Evaluation Requirements

a. One commentator recommended OJJDP provide more specific and detailed information regarding the evaluation requirements and design.

b. In response to the recommendation, OJJDP has reorganized and altered the Evaluation Requirement section. This was done in order to avoid adding additional detailed information in this program announcement. It will be included in a separate solicitation for the evaluation of this project. The Evaluation Section now reads as follows:

1. *Evaluation Requirements.* The projects funded under this program will be evaluated by an independent evaluator selected by the Office of Juvenile Justice and Delinquency Prevention under separate solicitation. Applicants must identify information unique to their particular proposed approach to enable the national evaluator to develop a national management information system which would provide uniform information on projects of similar scope and design. The national evaluator will provide training and technical assistance in implementing the management information system. The major goals of the evaluation are to:

(a) determine the impact of the program on dropouts, suspensions expulsions, truancy and delinquency;

(b) determine the extent to which policies, practices and procedures of schools and school districts are modified and describe the nature of such modifications;

(c) determine the impact of the program on school achievements, development of social and academic skills, and on youth and parent participation;

(d) determine what types of services appear to be most effective for what types of youth under what conditions; and

(e) document the planning and implementation processes of different program approaches to alternative education.

2. The management information system will include but not be limited to the following objectives:

(a) to provide consistent and complete information on staffing and numbers and types of youth served in the program;

(b) to provide consistent and complete information on the types and duration of services rendered.

(c) to provide consistent and complete information on youth responses to the types of services/activities provided; and

(d) provide consistent and complete information of occurrence of school-related delinquency, dropouts, truants and suspensions.

All applicants must include assurances in their application agreeing to fully cooperate with the national evaluators in terms of the management information system and the requirement of the overall evaluation component.

9. Coordination With Other Federal Agencies

a. One commentor stated that the guideline did not reflect any indication of coordination with the Commissioner of Education.

b. OJJDP submitted copies of the draft Alternative Education Guideline for internal review to the Commissioner of Education, Teacher Corps, and the Alcohol and Drug Abuse Office. Comments were received and incorporated in the guideline previous to its external clearance. Interagency agreements are anticipated during the implementation phases of the program and applicants are required to fully cooperate.

c. An interagency agreement has been developed between the Office of Juvenile Justice and Delinquency Prevention and the Office of Youth Programs, Dept. of Labor, for \$3 million to enhance the

impact of this initiative in the development of work related skills.

10. Technical Changes

A substantial number of commentors suggested minor technical changes to make the guideline clearer. These changes were made where feasible.

11. Definitions

a. There were only a few comments received on the definitions. Some of the comments were accepted, others were rejected, such as the deletion of the structured and unstructured definitions. OJJDP feels that these definitions need to remain since no projects will be funded unless they are task and goal oriented. The following are the changes accepted, and the definitions now read:

(1) *Alternative Education*—an education program that embraces subject matter and/or teaching methodology that is not generally offered to students of the same age or grade level in traditional school settings which offers a range of educational options and includes the student as an integral part of the planning team. The term includes the use of program methods and materials that facilitate student success and are relevant to the students' educational needs and interests as indicated by the student and facilitates positive growth and development in both academic, vocational and social skills.

(2) *Expulsion*—the termination of a student's right to attend school.

b. Some comments were made on how OJJDP defines high crime rate. OJJDP will be comparing the crime rate using the Uniform Crime Report (UCR) data relative to other communities of the same size.

[FR Doc. 80-4663 Filed 2-12-80; 8:45 am]

BILLING CODE 4410-18

LEGAL SERVICES CORPORATION

Grants and Contracts

February 8, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * *."

The Legal Services Corporation hereby announces publicly that it is

considering the grant application submitted by:

Chemung County Neighborhood Legal Services in Elmira, New York, to serve Tioga County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, New York Regional Office, 120 Broadway, Suite 1034, New York, N.Y. 10004.

Dan J. Bradley,
President.

[FR Doc. 80-4617 Filed 2-12-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

February 8, 1980.

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The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Land of Lincoln Legal Assistance Foundation in Alton, Illinois, to serve Christian, Clark, Crawford, Edwards, Lawrence, Monroe, Montgomery, Morgan, Scott, and Wabash Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

Dan J. Bradley,
President.

[FR Doc. 80-4622 Filed 2-12-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

February 8, 1980.

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prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Aid Bureau, Inc. in Baltimore, Maryland, to serve Kent, Caroline, Queen Annes, Worcester, Montgomery, Harford and Howard Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Philadelphia Regional Office, 101 North 33rd Street, Suite 404, Philadelphia, Pa. 19104.

Dan J. Bradley,
President.

[FR Doc. 80-4623 Filed 2-12-80; 8:45 am]
BILLING CODE 6820-35-M

Grants and Contracts

February 8, 1980.

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The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by: Legal Aid Society of Albany in Albany, N.Y. to serve Saratoga, Warren and Washington Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, New York Regional Office, 120 Broadway, Suite 1034, New York, N.Y. 10004.

[FR Doc. 80-4616 Filed 2-12-80; 8:45 am]
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Grants and Contracts

February 8, 1980.

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(December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Services of the Fourth Judicial Circuit in Hartsville, South Carolina, to serve Chesterfield, Darlington, Dillon, Kershaw, Lee and Marlboro Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street NE., 9th Floor, Atlanta, Ga. 30308.

Dan J. Bradley,
President.

[FR Doc. 80-4620 Filed 2-12-80; 8:45 am]
BILLING CODE 6820-35-M

Grants and Contracts

February 8, 1980.

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The Legal Services Corporation hereby announces publicly that it is considering that grant applicant submitted by:

Monroe County Legal Assistance Corporation of Rochester, New York, to serve Livingston County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, New York Regional Office, 120 Broadway, Suite 1034, New York, N.Y. 10004.

Dan J. Bradley,
President.

[FR Doc. 80-4614 Filed 2-12-80; 8:45 am]
BILLING CODE 6820-35-M

Grants and Contracts

February 8, 1980.

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The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Mid-Mohawk Legal Services of Fonda, N.Y., to serve Fulton, Montgomery and Schoharie Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, New York Regional Office, 120 Broadway, Suite 1034, New York, N.Y. 10004.

Dan J. Bradley,
President.

[FR Doc. 80-4615 Filed 2-12-80; 8:45 am]
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Grants and Contracts

February 8, 1980.

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The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Onondaga Neighborhood Legal Services in Syracuse, New York, to serve Oswego County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, New York

Regional Office, 120 Broadway, Suite 1034, New York, N.Y. 10004.

Dan J. Bradley,
President.

[FR Doc. 80-4618 Filed 2-12-80; 8:45 am]
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Grants and Contracts

February 8, 1980.

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The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Orleans Legal Aid Bureau in Albion, New York, to serve Wyoming County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, New York Regional Office, 120 Broadway, Suite 1034, New York, N.Y. 10004.

Dan J. Bradley,
President.

[FR Doc. 80-4613 Filed 2-12-80; 8:45 am]
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Grants and Contracts

February 8, 1980.

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The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Tri County Legal Aid in Bushnell, Florida, and Marion County Legal Aid in Ocala, Florida, to establish Withlacoochee Area Legal Services for

the purpose of serving Citrus, Hernando, Marion and Sumter Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street NE., 9th Floor, Atlanta, Ga. 30308.

Dan J. Bradley,
President.

[FR Doc. 80-4621 Filed 2-12-80; 8:45 am]
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Grants and Contracts

February 8, 1980

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The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Westchester Legal Services in White Plains, New York, to serve Putnam County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, New York Regional Office, 120 Broadway, Suite 1034, New York, N.Y. 10004.

Dan J. Bradley,
President.

[FR Doc. 80-4619 Filed 2-12-80; 8:45 am]
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NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting Addendum

The agenda for the meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA) scheduled for February 14-15, 1980, published in the Federal Register of February 5, 1980 (Page 7880), has been changed: The amended agenda is as follows:

Thursday, February 14, 1980, Dirksen Senate Office Building, 1st and Constitution Avenue NE., Room 6226

9:00 a.m.-10:00 a.m.—Guidance and Comments from Members of Congress on NOAA Organic Act
10:00 a.m.-12:30 p.m.—Panel on Basic Issues
12:30 p.m.-2:00 p.m.—Lunch
2:00 p.m.-4:30 p.m.—Panels of Programmatic Issues: • Deep Seabed Mining • Anadromous Fish • Weather Modification • Climate • Other Programmatic Areas
4:30 p.m.—Adjourn

Friday, February 15, 1980, Page Building No. 1; Penthouse, 2001 Wisconsin Avenue NW.

8:00 a.m.-9:45 a.m.—Organic Act Panel—Jack R. Van Lopik, NACOA: • Review and discussion of Feb. 14 briefing • NACOA participation in workshop scheduled on March 13-14 by Coastal States Organization
9:45 a.m.-10:00 a.m.—Coffee Break
10:00 a.m.-11:00 a.m.—Plenary Session: Speaker—Michael Glazer, Assistant Administrator for Coastal Zone Management, NOAA
11:00 a.m.-12:00 noon—Oil Spills Panel: • Limits of liability for inland tank barges under proposed superfund legislation. • Weather and Climate Panel—Louis J. Battan, NACOA—Room 416, Page No. 1: • Support for atmospheric research facilities • Climate advisory role • NOAA organic legislation • Satellite data
12:00 noon-1:30 p.m.—Lunch. Steering Committee Meeting
1:30 p.m.-2:30 p.m.—Decade of Ocean Resource Use and Management Panel—John A. Knauss, NACOA: • Reports by Independent Area Panel Chairmen • Funding for panel activities
2:30 p.m.-4:00 p.m.—Plenary Session: • Panel Reports
4:00 p.m.—Adjourn

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Mr. Steven N. Anastasion, whose mailing address is: NACOA, 3300 Whitehaven Street NW., Room 434, Washington, DC 20235. The telephone number is (202) 653-7818.

Dated: February 7, 1980.

Samuel H. Walinsky,
Executive Officer.

[FR Doc. 80-4564 Filed 2-12-80; 8:45 am]
BILLING CODE 3510-12-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Advisory Committees; Public Disclosure of Information and Activities

The National Endowment for the Arts utilizes advice and recommendations of advisory committees, including the National Council on the Arts, in carrying out many of its functions and activities.

The Federal Advisory Committee Act, as amended (Pub. L. 92-463) governs the

formation, use, conduct, management, and accessibility to the public of committees formed to advise and assist the Federal Government. Section 10 of the act specifies that department and agency heads shall make adequate provisions for participation by the public in the activities of advisory committees, except to the extent a determination is made in writing by the department or agency head that a portion of an advisory committee meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code.

It is the policy of the National Endowment for the Arts to make the fullest possible disclosure of records to the public, limited only by obligations of confidentiality and administrative necessity. Consistent with this policy, all endowment advisory committee meetings except for limited portions dealing with the review, discussion, evaluation, and/or ranking of grant applications and contract proposals will be open to the public. The reasons for this determination are as follows:

Information and data are furnished to the Endowment by grant applicants with assurance that such information will be treated on a confidential basis and not disclosed to the public. This information may include such matters as details relating to the type of design or work to be performed, adequacy of the applicant's facilities, competence of the applicant's or contractor's staff, proposed budget, and other material which would not otherwise be disclosed. If the process were not to continue on a confidential basis, grant applicants and potential contractors would not supply sufficiently detailed information so essential for complete and effective review of their proposals.

Further, public disclosure of proposals not approved for funding could subject unsuccessful grant applicants to embarrassment and might adversely influence or prejudice the decisions of other funding sources in connection with their review of similar proposals.

Endowment consultant-experts are chosen from among persons recognized for their expertise in the arts. These experts review and evaluate applications for financial assistance submitted to the Endowment by their peers and colleagues in the respective cultural fields. As a result, public participation in panel meetings involving application review undoubtedly would effect a consultant-expert's willingness to express his or her full and frank opinion regarding the merits of the proposed project or activity. Also, such participation could

result in consultant-experts being subjected to attempts by potential grantees to influence final funding decisions. Accordingly, the Endowment's capacity effectively to carry out its statutory mandate and maintain the highest possible standards of quality with respect to funding decisions would be seriously impaired by its inability to conduct the grant review process in a confidential atmosphere conducive to the candid and honest exchange of ideas. Thus, such public participation would be likely to significantly frustrate implementation of proposed agency actions, i.e., proposed funding decisions.

Finally, disclosure of preliminary funding recommendations could result in premature reliance on such information to the applicant's financial detriment, since such recommendations are not binding on the Chairman of the Endowment.

Consequently, in the interest of meeting our obligations of confidentiality in reference to matters submitted as part of grant applications and contract proposals, and in order to encourage and insure, for the benefit of the Government's review and evaluation process, candid and uninhibited expression of views concerning the merits of grant applications and contract proposals:

It is hereby determined in accordance with the provisions of section 10(d) of the act that the disclosure of information regarding the review, discussion, and evaluation of grant applications and contract proposals, as outlined herein is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action.

Therefore, in light of the above, I have determined that meetings or portions thereof, of all Endowment advisory committees, including the National Council on the Arts, devoted to review, discussion, evaluation, and/or ranking of grant applications, and contract proposals may be closed to the public in accordance with subsection (c)(4), (6), and 9(B) of section 552b of title 5, United States Code.

The Executive Secretary of each such committee shall prepare a summary of any meeting or portion thereof not open to the public within three (3) business days following the conclusion of the

meeting of the National Council on the Arts. Such summaries shall be consistent with the considerations which justified the closing of the meeting.

All other advisory committee meetings shall be open to the public unless the Chairman of the National Endowment for the Arts or his designee determines otherwise in accordance with section 10(d) of the act.

The Director, Council and Panel Operations, shall be responsible for publication in the *Federal Register* or, as appropriate, in local media, of a notice of all advisory committee meetings. Such notice shall be published in advance of the meetings and contain:

- (1) Name of the committee and its purposes;
- (2) Date and time of the meeting, and, if the meeting is open to the public, its location and agenda; and
- (3) A statement that the meeting is open to the public, or, if the meeting or any portion thereof is not to be open to the public, a statement to that effect.

The Director, Council and Panel Operations, is designated as the person from whom rosters of lists of committee members may be obtained and from whom minutes of open meetings or open portions thereof may be requested.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory committees which are open to the public.

Members of the public attending a meeting will be permitted to participate in the committee's discussion at the discretion of the chairman of the committee, if the chairman is a full-time Federal employee; if the chairman is not a full-time Federal employee then public participation, will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting in compliance with the order.

Dated: January 30, 1980.

Livingston L. Biddle, Jr.,
Chairman, National Endowment for the Arts.

[FR Doc. 80-9598 Filed 2-12-80; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-245]

Northeast Nuclear Energy Co. et. al.; Issuance of Amendment to Provisional Operating License

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Provisional Operating License No. DPR-21, issued to

Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company (the licensees), which revised the Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 1 (the facility) located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment revised the Technical Specifications to allow changes relating to the setpoint adjustment for the Average Power Range Monitors and the Maximum Total Peaking Factor for 8X8 retrofit Exxon fuel assemblies inserted in the core during Reload 6.

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) License Amendment No. 61, dated May 29, 1979, and its related Safety Evaluation, (2) the application for amendment dated April 9, 1979 and supplement thereto dated September 24, 1979, (3) Amendment No. 66 to License No. DPR-21, and (4) 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 Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. A single copy of items (1), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of January.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann, Chief,
Operating Reactors Branch #2, Division of Operating Reactors.

[FR Doc. 80-4638 Filed 2-12-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344SP; (Control Building)]

Portland General Electric Co. (Trojan Nuclear Plant); Prehearing Conference on Phase II Control Building Proceeding

February 7, 1980.

Phase II of this proceeding involves the consideration and determination of whether the scope and timeliness of the proposed modifications to the Control Building of the Trojan nuclear facility, required to bring the facility into substantial compliance with the license, are adequate from a safety standpoint. The schedule governing the conduct of this proceeding was established by the Order of the Licensing Board entered December 29, 1979.

Please take notice that a prehearing conference will be held on March 11-12, 1980, commencing at 9:00 a.m., local time, at Hearing Room 103, Interstate Commerce Commission, Pioneer Courthouse, located at 555 S.W. Yamhill, Portland, Oregon.

This prehearing conference in accordance with 10 CFR § 2.752 will consider:

- (1) All pending motions.
- (2) Simplification or clarification of issues.
- (3) Necessity or desirability of amending pleadings.
- (4) Obtaining stipulations and admissions of fact and of the contents and authenticity of documents, to avoid unnecessary proof.
- (5) Identification of witnesses.
- (6) Such other matters as may expedite the presentation of evidence and aid in the orderly conduct of the evidentiary hearing scheduled to commence March 31, 1980.

If time permits, the Board will hear oral limited appearance statements from those persons who have filed requests therefor and who have not previously been heard in this proceeding. Such oral limited appearance statements may be made at 9:00 a.m. on March 12, 1980 at the place described above. Written limited appearance statements may be submitted to the Board at any time, and may be mailed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Both oral and written statements will be made a part of the official record of this proceeding.

It is so ordered.

Dated at Bethesda, Maryland, this 7th day of February 1980.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,
Chairman.

[FR Doc. 80-4639 Filed 2-12-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344SP; (Control Building)]

Portland General Electric Co. (Trojan Nuclear Plant); Evidentiary Hearing on Control Building Proceeding, Phase II

February 7, 1980.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice," notice is hereby given that an evidentiary hearing will be held before an Atomic Safety and Licensing Board (Board) to consider an Order for Modification of License in connection with Facility License No. NPF-1, which authorizes operation of the Trojan Nuclear Plant (the facility) located in Rainier, Oregon, by the licensee Portland General Electric Company, the City of Eugene, Oregon and Pacific Power and Light Company.

The scope of the Phase II evidentiary hearing, in accordance with the notice of opportunity for hearing issued May 26, 1978 (43 FR 23768), is limited to the following issue:

Whether the scope and timeliness of the modifications required to bring the facility into substantial compliance with the license, are adequate from a safety standpoint.

The evidentiary hearing will commence on March 31, 1980 at 9:00 a.m., local time, at the Court of Appeals Courtroom (2nd Floor), the Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, Oregon, and will continue to and including April 5 if necessary. If the evidentiary hearing is not completed by that date, it will resume on April 16, 1980 at the Bonneville Power Administration Auditorium, located at 1002 Northeast Holladay Street, Portland, Oregon, at 9:00 a.m., local time.

Any person who wishes to make an oral or written statement in this proceeding but who had not filed a petition for leave to intervene may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's Rules of Practice. Limited appearances will be permitted in this proceeding at

the discretion of the Board, within such limits and on such conditions as may be determined by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than thirty (30) days from the date of publication of this notice in the **Federal Register**. A person permitted to make a limited appearance does not become a party, but may state his or her position and raise questions which he or she would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless granted the right to intervene as a party or the right of limited appearance.

It is so ordered.

Dated at Bethesda, Maryland this 7th day of February 1980.

For the Atomic Safety and Licensing Board.
Marshall E. Miller,
Chairman.

[FR Doc. 80-4640 Filed 2-12-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-272]

**Public Service Electric & Gas Co.
(Salem Nuclear Generating Station,
Unit 1); Director's Decision Under 10
CFR 2.206**

By petition dated October 18, 1979, Mr. and Mrs. Alfred Coleman requested the Nuclear Regulatory Commission to issue a show cause order to Public Service Electric and Gas Company to suspend or revoke the operating license for Salem Unit 1 because of alleged violations of the Endangered Species Act of 1973. The Colemans' petition has been treated as a request for action under 10 CFR 2.206 of the Commission's regulations. Notice of receipt of the petition was published in the **Federal Register**, 44 FR 67253 (November 23, 1979).

After consideration of the information submitted in the Colemans' request and consultation with the National Marine Fisheries Service, I have determined that the continued operation of Salem Unit 1 will not result in any violations of the Endangered Species Act. Consequently, this request to suspend or revoke the license is denied.

A copy of this decision will be placed in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and at the local public document room for the Salem Nuclear Generating Station, Unit 1, located at Salem Free Public Library,

112 West Broadway, Salem, New Jersey 08079.

Dated in Bethesda, Maryland this 7th of February, 1980.

Harold R. Denton,

*Director, Office of Nuclear Reactor
Regulation.*

[FR Doc. 80-4641 Filed 2-12-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

**Rochester Gas and Electric Corp.;
Issuance of Amendment to Provisional
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 30 to Provisional Operating License No. DPR-18, issued to Rochester Gas and Electric Corporation (the licensee), which revised the Technical Specifications for operation of the R. E. Ginna Nuclear Power Plant (the facility) located in Wayne County, New York. The amendment is effective as of its date of issuance.

The amendment authorizes a change in the requirements for the minimum Fire Brigade shift size.

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 November 14, 1979 (transmitted by letter dated November 19, 1979), (2) Amendment No. 30 to License No. DPR-18, 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 Rochester Public Library, 115 South Avenue, Rochester, New York 14627. 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 23rd day of January.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

*Operating Reactors Branch #2, Division of
Operating Reactor.*

[FR Doc. 80-4642 Filed 2-12-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-553 and STN 50-554]

**Tennessee Valley Authority; Issuance
of Amendments to Construction
Permits**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 2 to Construction Permits Nos. CPPR-162 and CPPR-163 issued to Tennessee Valley Authority for construction of Phipps Bend Nuclear Plant, Unit Nos. 1 and 2, located at the permittee's site in Hawkins County, Tennessee.

The amendments modify the construction permits to the extent they modify certain commitments made in the Environmental Report and during the course of the environmental review.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

The Commission had determined that the issuance of this amendments 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) application for amendments dated January 3, 1979; and (2) Amendments No. 2 to Construction Permit Nos. CPPR-162 and CPPR-163. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC and in the Kingsport Public Library, Broad and New Streets, Kingsport, Tennessee. A copy of items (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Maryland, this 6th day of February 1980.

For the Nuclear Regulatory Commission.

Donald E. Sells,

*Acting Chief, Environmental Projects Branch
2, Division of Site Safety and Environmental
Analysis.*

[FR Doc. 80-4643 Filed 2-12-80; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

Declaration of Disaster Loan Area No. 1758; California

San Bernardino and Stanislaus Counties and adjacent counties within the State of California constitute a disaster area as a result of natural disasters as indicated:

County, Natural Disaster(s) and Date(s)

San Bernardino, Heavy rain, Flash Flood and Mud Slides; 1/14/80-1/17/80.
Stanislaus, Tornado; 1/14/80.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 7, 1980, and for economic injury until the close of business on November 6, 1980, at:

Small Business Administration, District Office, 350 S. Figueroa St.—6th Floor, Los Angeles, California 90071.

Small Business Administration, District Office, 211 Main Street—4th Floor, San Francisco, California 94105.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 6, 1980.

A. Vernon Weaver,
Administrator.

[FR Doc. 80-4585 Filed 2-12-80; 8:45 am]

BILLING CODE 8025-01-M

SMALL BUSINESS CONFERENCE COMMISSION

White House Conference on Small Business

In accordance with Section 10(a) of the Federal Advisory Committee Act (5 U.S.C. appendix I), announcement is made of the following national commission meeting.

Small Business Conference Commission

February 25, 1980—2:30 p.m., Room 10104, New Executive Office Building, 726 Jackson Place, Northwest, Washington, D.C.

Open Meeting

Purpose: The Small Business Conference Commission was established by Executive Order to

provide advice with respect to the holding of a White House Conference on Small Business in early 1980. In pursuit of the goal of a strong small business community, the Commission is meeting to finalize a report to the President, recommending legislative and policy changes primarily based upon the findings of the White House Conference on Small Business, held in Washington, D.C., January 13-17, 1980.

Contact: Sarah M. Cooper, Director, Conference Logistics, White House Conference on Small Business, 730 Jackson Place, N.W., Washington, D.C. 20006.

Please write before February 25, 1980 if you wish to attend this meeting. Attendance by the public will be limited to space available.

Summaries of the transcript of the meeting will be made available to the public upon request at cost.

Dated: February 7, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils, U.S. Small Business Administration.

[FR Doc. 80-4586 Filed 2-12-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/272]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The working group on fire protection of the Subcommittee on Safety of Life at Sea, will conduct an open meeting at 9:30 on Monday, February 25, 1980 in Rooms 3328-30 of the Department of Transportation Building, 400 Seventh Street, S.W., Washington, D.C.

The purpose of the meeting will be to discuss the following topics:

Review outcome of IGS Working Group (December 10-14, 1979);

Review documents submitted for FP XXIV (March 3-7, 1980).

Requests for further information should be directed to Mr. Daniel F. Sheehan, U.S. Coast Guard (G-MMT-4/13), Washington, D.C. 20593, telephone 202/426-2197.

Dated: February 7, 1980.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 80-4667 Filed 2-12-80; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY Office of the Secretary

[Public Debt Series—No. 7-80]

Bonds; Interest Rate

February 8, 1980.

The Secretary of the Treasury announced on February 7, 1980, that the interest rate on the bonds described in Department Circular—Public Debt Series—No. 7-80, dated January 31, 1980, will be 11¼ percent. Interest on the bonds will be payable at the rate of 11¼ percent per annum.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Department procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-4612 Filed 2-12-80; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 45, No. 31

Wednesday, February 13, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board.....	1
Commodity Futures Trading Commission.....	2
Federal Communications Commission.....	3
Federal Energy Regulatory Commission.....	4

1

[M-269; Feb. 9, 1980]

CIVIL AERONAUTICS BOARD.

TIME: 1:30 (or immediately upon conclusion of meeting on the Wild Card Case—see M-268 amdt. 1).

DATE: February 15, 1980.

PLACE: Room 1027 (Open), Room 1011 (Closed), 1825 Connecticut Avenue NW., Washington, D.C. 20408.

SUBJECT:

1a. Ratification of items adopted by notation.

2. Dockets 37100, 37148, 37189, 37201 and 37513; Exemption applications and revised tariff proposals filed by Pan American to permit the sale of "Group Contractor" fares between points in the U.S. and Germany, and between Los Angeles and London (BDA)

3. Docket 34625, Agreement CAB 5044-A253, Petition for review of staff action filed by Air Traffic Conference of America concerning the requirements for the reproduction of tour folders. (Memo 9470, BDA, OGC)

4. Docket 36100, Coleman Air Transport Corporation—certification as a section 418 all-cargo air carrier (Memo 9396-A, BDA, OGC, BCP)

5. Docket 32348, Overseas National Airways, Inc.—Revocation of Section 418 All-Cargo Air Service Certificate (Memo 9120-A, BDA)

6. Docket 36791, Anchorage-Honolulu Show-Cause Proceeding, Applications of Pan American in Docket 36934, Aeroamerica in Docket 36962, and Continental in Docket 36966 for Anchorage-Honolulu Authority

7. Docket 37182—Continental's Petition for an Order to Show cause for Deletion of Seattle-Anchorage Authority (Memo 9469, BDA)

8. Docket 36537, Petition of the Long Island Parties for issuance of an order to show cause proposing to grant Long Island MacArthur authority to any fit carrier requesting the authority (Memo 9472, BDA)

9. Docket 32126, Twin Cities-Kansas City-Oklahoma-Texas Route Proceeding, Final Order (Memo 7481-P, OGC)

10. Docket 28262—Air Midwest Certification Proceeding (Memo 6553-D, OGC)

11. Dockets 37279 and 37452, applications of National for certification between Atlanta, New Orleans and Mobile on one hand and various Florida points on the other, and Southwest for various New Orleans-Florida markets (BDA)

12. Docket 37498—Nor East's notice to terminate service between New Bedford and Martha's Vineyard and Nantucket, MA (BDA)

13. Docket 35307; Notice of Intent of Ozark Air Lines, Inc. to suspend service at Clarksville, Tennessee-Ft. Campbell-Hopkinsville, Kentucky (BDA)

14. Docket 34666; Ransome Airlines' Request to Reduce Service to One Round Trip at Catskill/Sullivan County, New York, pending the Board's obtaining a replacement carrier (BDA)

15. H.R. 5861—Reverse Freedom of Information Act (OGC)

16. Docket 37174; Application of Braniff Airways, Inc. for an amendment to its certificate for Route 177 authorizing Dallas/Ft. Worth-London-Benelux single-plane service. (OGC)

17. Docket 28379, Laker Air Travel Limited application for an indirect foreign air carrier permit (BIA)

18. Dockets 34405, 35520 and 37429, Applications of Air Tuguru and Air Nauru for permit authority for routes negotiated under the Bermuda II Agreement; for Air Nauru to perform the air transportation on behalf of Air Tuguru; and a Complaint by the Tuvalu Islands Developing Company, Inc. (BIA)

19. Docket 30053, Transporte Aereo Rioplatense, S.A.C. e I. application for amendment and renewal of foreign air carrier permit to engage in nonscheduled foreign air transportation of property and mail between Argentina and five U.S. cities via specified intermediate countries (BIA, OGC, BLJ)

20. Dockets 30402, 33137, and 35414—(1) British Airtours application for amended foreign air carrier permit; (2) IAS Cargo application for amended foreign air carrier permit; (3) reissuance of those and eight other existing British direct air carrier permits to bring them into compliance with Bermuda II; and (4) amend Part 385 to delegate to the Director, BCAA authority to approve or disapprove U.S. and foreign carrier self-insurance plans (BIA, OGC, BLJ, BCAA)

21. Docket 35634, IATA agreement closing, with some increases, the rates structure between most points in Area 3 (Asia, Australasia Pacific) and Area 2 (Europe, Middle East, Africa) through September, 1980. (Memo 9471, BIA)

22. Imposition of requirement to obtain prior approval for Third and Fourth Freedom charter flights (BIA, OGC)

23. U.S.-U.K. Negotiations

STATUS: 1a-22 Open, 2—Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Public disclosure, particularly to foreign governments of opinions, evaluations, and strategies discussed could seriously compromise the ability of the United States Government to achieve understanding in future rate negotiations which would be in the best interests of the United States. Accordingly, the following Members have voted that public observation of this meeting would involve matters the premature disclosure of which would be likely to significantly frustrate future action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9) and 14 CFR section 310b.5(9)(B) and that any meeting on this item should be closed:

Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.

Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Daniel M. Kasper, and Mr. Stephen H. Lachter. Managing Director.—Mr. Cressworth Lander. Executive Assistant to the Managing Director.—Mr. John R. Hancock.

Bureau of International Aviation.—Mr. Sanford Rederer, Mr. Douglas V. Leister, Mr. Ivars V. Mellups, Mr. Vance Fort, Mr. Francis S. Murphy, Mr. John A. Driscoll, and Mr. Parlen L. McKenna.

Office of the General Counsel.—Ms. Mary McInnis Schuman, Mr. Michael Schopf, and Mr. Donald H. Horn.

Office of Economic Analysis.—Mr. Robert H. Frank and Mr. David Sibley.

Bureau of Consumer Protection.—Mr. Reuben B. Robertson.

Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9) and 14 CFR section 310b.5(9)(B) and that the meeting may be closed to public observation:

Mary McInnis Schuman,
General Counsel.

[S-283-80 Filed 2-11-80; 2:58 p.m.]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.**TIME AND DATE:** 11 a.m. Friday, February 22, 1980**PLACE:** 2033 K Street NW., Washington, D.C., 8th floor conference room.**STATUS:** Closed.**MATTERS TO BE CONSIDERED:** Surveillance Briefing.**CONTACT PERSON FOR MORE****INFORMATION:** Jane Stuckey, 254-6314.

[S-280-80 Filed 2-11-80; 9:20 am]

BILLING CODE 6351-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.**TIME AND DATE:** 11 a.m., Wednesday, February 13, 1980.**PLACE:** Room 856, 1919 M Street, NW., Washington, D.C.**STATUS:** Open Commission Meeting.**MATTERS TO BE CONSIDERED:** (Renewal items 4 and 6 and Broadcast item 2 will be considered at the beginning of the meeting.)*Agenda, Item No., and Subject***General—1—Title:** Amendment of *ex Parte* rules, §§ 1.1201-1.1251. Summary: The item involves application of the *ex parte* rules to contested application proceedings prior to designation for hearing where an opposition pleading is filed but does not qualify as a petition to deny.**General—2—Title:** Policy Research Funding for fiscal year 1980.**Private Radio—1—Title:** Petition for Review filed by Shannon Cisco requesting examination credit for the Morse Code test (13 words per minute). Summary: The Commission will consider Mr. Cisco's application for review of the staff's determination that he was not entitled to examination credit for the General Class Amateur operator license, and his allegation that his Conditional Class Amateur license was improperly cancelled in 1972.**Private Radio—2—Title:** Report and Order regarding paging in the Special Emergency Radio Service. Summary: Final action on a Notice of Proposed Rule Making concerning one-way paging operations in the Special Emergency Radio Service will be considered. One of the proposed changes would extend a January 1, 1980, deadline date that has been temporarily suspended which requires that all paging operations be conducted on paging-only frequencies. The other change would re-allocate four pairs of 450 MHz band frequencies from the Local Government Radio Service, where they are available for highway radio call box systems, to the Special Emergency Radio Service for medical paging operations.**Private Radio—3—Title:** Eligibility of OAS for licensing in the General Mobile Radio.**Common Carrier—1—Title:** Amendment of Section 22.521(b) of the Commission's

Rules, to include Tallahassee, Florida, in the table of assignments for air-ground stations in the Domestic Public Land Mobile Radio Service. Summary: Commission will consider whether to propose adding Tallahassee, Florida to the Air-Ground Table of assignments, in response to a petition filed by Porta-Phone, Inc.

Common Carrier—2—Title: Revision and update of Rules Part 22. Summary: The FCC is considering whether to begin a rulemaking looking toward the revision and update of Rules Part 22 (Public Mobile Radio Services). Any such proceeding would bring Rules Part 22 up to date with existing technology and current Commission policy and would also ensure that all affected rules sections are in plain language.**Common Carrier—3—Title:** American Telephone and Telegraph Company (AT&T) Transmittal Nos. 13337 and 13350. Summary: In response to a Commission order requiring AT&T to clarify its tariff language limiting liability, *The Associated Press*, 72 FCC 2d 760 (1979), AT&T filed tariff revisions under the above-referenced transmittals. The proposed revisions would limit liability of the telephone company to a proportionate charge for the time that the service was interrupted. The Society of Telecommunications Consultants (STC) filed a petition to suspend and investigate the proposed tariff revisions. The question before the Commission is whether the proposed revision is just and reasonable and satisfies the Commission's expressed concerns.**Cable Television—1—Title:** Special Relief Petition Filed by Humboldt Bay Video Corp., d.b.a. HB Cable TV. Summary: Humboldt Bay Video Corp. has filed a waiver request to add an additional independent station KBJK-TV and substitute one network station KPIX (CBS) for KGO-TV, all San Francisco. The waiver was filed pursuant to the ARTEC waiver criteria. Among the issues to be considered are (1) is HB Cable TV's showing correct in its assessment of possible impact; (2) Has petitioner made a *prima facie* showing of lack of impact.**Assignment and Transfer—1—Title:** In Re Applications of: Combined Communications Corporation, John J. Louis, Jr., Karl Eller, et al. (transferors) and Gannett Co., Inc. (transferee), for the Voluntary Transfer of Control of Combined Communications Corporation; WHEC-TV, Inc. (assignor) and BENI Broadcasting of Rochester, Inc. (assignee) for the Voluntary Assignment of License of WHEC-TV, Rochester, New York. Summary: The Commission will consider a petition for reconsideration of the grant of these applications which was jointly filed by the National Citizens Committee for Broadcasting, the American Civil Liberties Union of Georgia, the Atlanta Branch of the National Association for the Advancement of Colored People, and the Boulder Colorado Public Interest Research Group.**Assignment and Transfer—2—Title:** Petition of the Citizens Committee on the Media, Robert Gallie and Ronald Grossmanseeking reconsideration of the Commission's Memorandum Opinion and Order in *WAIT Radio*, 45 RR 2d 291 (1979), granting the application (BAL-781115EC) to assign the license of station WAIT, Chicago, Illinois, from WAIT Radio (a partnership) to Century Broadcasting, Ltd. (Century Broadcasting Corporation—General Partner). Summary: Petitioners request reconsideration of the Commission's decision, contending that the Order may be based on false information with respect to Century Broadcasting's operation of station WLOO(FM), Chicago. Petitioners also assert that the proposed WAIT public service programming proposals are inadequate.**Renewal—1—Title:** Talton Broadcasting Company's application for renewal of license for station WHBB-AM, Selma, Alabama. Summary: Station WHBB was granted a short-term renewal which expired on October 1, 1979. The Agenda Item considers logging information submitted by licensee in support of its request for a full term renewal as well as the station's current EEO program.**Renewal—2—Title:** Applications for renewal of license for stations KPOI and KDUK(FM), Honolulu, Hawaii, filed by Sudbrink Broadcasting Company of Hawaii. Summary: On November 30, 1978 the Commission granted the renewal applications for these stations to Communico Oceanic Corporation for a short term (one year) and imposed EEO reporting conditions based on that licensee's failure to employ minority persons at the stations. When the licenses for those stations were assigned to Sudbrink on the same day, those reporting conditions were applied to Sudbrink. The Commission here applied to Sudbrink. The Commission here considers whether the information supplied in those reports indicates that Sudbrink is complying with our EEO rules, and whether it is otherwise qualified for a grant of the renewal applications for the remainder of the normal license term.**Renewal—3—Title:** License Renewal Application of American Broadcasting Companies, Inc. for Station KGO-TV, San Francisco, California. Summary: Gill Industries, licensee of Station KNTV-TV, San Jose, California has filed a petition to deny the subject application. Petitioner contends ABC and KGO-TV have adopted a territorial exclusivity policy in the purchase and broadcast of non-network programming which (1) limits availability of such programming to KNTV and (2) prevents KNTV-TV from obtaining exclusive broadcasts rights to non-network programming on a competitive basis with other stations in its market.**Renewal—4—Title:** A revised processing standard for determining compliance with the Commission's nondiscrimination rules and policies in noncontested cases. Summary: Internal memorandum asking the Commission to authorize staff to apply a revised EEO processing criteria and to set it forth in a Public Notice.**Renewal—5—Title:** In Re Application of Turner Communications Corporation for

Renewal of License of Television Station WRET-TV, Charlotte, North Carolina. Summary: Charlotte Broadcast Coalition filed a petition to deny the license renewal application of WRET-TV, Charlotte, North Carolina, on the grounds that the licensee has violated ascertainment rules, broadcasts minimal news and public affairs, broadcasts insufficient public service announcements, exceeds Commission commercial practices standards and maintains discriminatory employment practices.

Renewal—6—Title: Network EEO Inquiry. Summary: EEO Inquiry to Assess the Minority and Female Composition of Commercial Television Networks and Particularly of the Staff Making Programming Decisions.

Broadcast—1—Title: Application for review of Broadcast Bureau's denial of waiver of the AM-FM nonduplication rule, filed by Stations KNIX, Tempe, and KNIX-FM, Phoenix, Arizona. Summary: Stations KNIX-AM-FM, in the Phoenix, Arizona, area, have asked the Commission for a waiver of the AM-FM non-duplication rule, which would otherwise require KNIX-FM to limit programming duplicated from KNIX-AM to 25 percent.

Broadcast—2—Second Report and Order in Docket 21474. On June 28, 1978, the Commission adopted a Further Notice of Proposed Rule Making in Docket 21474, requesting comment on possible inclusion of handicapped persons in the Commission's equal employment opportunity rules and FCC Form 395, the Annual Employment Report. In this Second Report and Order, the Commission announces its decision on this matter.

Complaints and Compliance—1—Title: Revocation of Interim Operating Authority of Oak Knoll Broadcasting Corp. for Radio Station KRLA, Pasadena, California (Docket No. 21312). Summary: Interim operator waived a hearing pursuant to Section 1.92. Subsequently, the comparative proceeding to select a regular licensee was concluded and is now final. The regular licensee, KRLA, Inc., has commenced operation of the station and interim operation has, accordingly, ceased. The question presented is whether to terminate the revocation proceeding involving the interim operator.

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 Edward Dooley, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: February 7, 1980.

[S-281-80 Filed 2-11-80; 2:07 pm]

BILLING CODE 6712-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (to be published February 11, 1980).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 1, 1980, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

RP-2.—RP79-81, Texas Eastern Transmission Corp.

CP-4.—CP79-402, Lone Star Gas Co., a Division of Enserch Corp.

Kenneth F. Plumb,
Secretary.

[S-282-80 Filed 2-11-80; 2:29 pm]

BILLING CODE 6450-01-M

Federal Register

Wednesday
February 13, 1980

Part II

Department of Agriculture

Farmers Home Administration

Emergency Loans; Final Rule

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1945 and 1980

Emergency Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is amending its regulations pertaining to insured Emergency (EM) Loans and suspending authority to make guaranteed EM loans. This action is intended to reduce the level of funds used to support the program while maintaining that level of basic credit needed to re-establish farmers who have suffered losses as a result of a natural disaster. This will be accomplished by imposing loan ceiling levels, by reducing the period authorized for receiving annual production type loans to help farmers recover from a disaster for certain applicants from six full years after a disaster designation to three full calendar years, by restricting the uses for which EM loan funds are authorized, by requiring added evidence of the inability of applicants to receive credit from the private market, by restricting the time during which applications for EM production loss loans can be filed from 12 months after the disaster designation date to 9 months, and by imposing additional regulation changes listed herein. Because the FmHA has not had time to incorporate these changes into the guaranteed EM loan regulations, the authority to make guaranteed EM loans is temporarily suspended. This action is taken as a result of an administrative decision regarding program concerns which have been identified in material presented to FmHA by the Office of the Inspector General, the General Accounting Office, the Congress through its appropriation and authorization reports, the communication industry through various modes including a nationally televised program aired in most areas on October 14, 1979, and the general public through written expressions of concern. The major program concerns identified by the above sources include the inadequacy of the agency's policies and/or the agency's inadequate administration of its present policies in relation to:

1. Determining an applicant to be unable to secure adequate credit from private lending institutions as required by law prior to certifying an applicant

eligible to receive FmHA insured emergency loans.

2. Providing financial assistance to enable a borrower to continue farming operations which are essential to the continuation of a successful farming operation. The Farmers Home Administration is allegedly making financial assistance available to finance non-essential operations.

3. Failing to recognize the need for a lending limit or ceiling on the amount of assistance that can be made available through the Emergency program, and

4. Failing to place the proper degree of emphasis on the training of FmHA officials and on the oversight of their actions.

EFFECTIVE DATE: Effective on February 13, 1980. Insured EM loan applications received by FmHA on or before the date of this publication will be processed and approved within 60 days after the date of this publication under the provisions or Subpart B of Part 1945 in effect immediately before the date of this publication; except that the provisions set forth in this publication in Subpart B of Part 1945, §§ 1945.66(b)(1), 1945.66(d), 1945.66(e), and Subpart C of Part 1945, § 1945.117(d)(1), will apply in processing these applications and these sections will supersede any conflicting provisions in Subparts B and C of Part 1945 in effect before the date of this publication. Disasters occurring after February 13, 1980 will be subject to the provisions of Subpart A of Part 1945 set forth in this publication. Insured EM loan applications which were received on or before February 13, 1980 but are not approved on or before April 14, 1980, will be subject to the provisions set forth in this publication.

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

FOR FURTHER INFORMATION CONTACT: James E. Lee, Farmers Home Administration, USDA, Room 5310, South Agriculture Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, Telephone 202-447-4597.

SUPPLEMENTARY INFORMATION: Subparts A and B and § 1945.117(d)(1) of Subpart C of Part 1945, Chapter XVIII, Title 7, Code of Federal Regulations are amended. Subpart B of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations, is affected by this action and so § 1980.170 of the regulation relating to guaranteed EM loans is

temporarily suspended. Accordingly, authority to approve guaranteed EM loans is temporarily suspended. This action is taken to avoid the alleged program abuses cited in the summary section of this document. FmHA is administratively unable to effect changes in this regulation simultaneously with the insured EM loan regulations in 7 CFR Part 1945; however, the adverse impact to the public will be limited since less than 5 percent of FmHA's EM loan activity is made under the Guaranteed loan authorities and since changes of a similar nature will be implemented in Subpart B of 7 CFR Part 1980 in the near future.

The major changes in Subpart A of Part 1945 are:

1. Section 1945.6(f) is amended to establish a 9-month period during which EM loan applications for production and physical loss loans may be received after the established designation date. Previously, applications for EM production loss loans were permitted to be received for 12 months after the disaster designation date and applications for EM physical loss loans were permitted to be received for 9 months after the designation date. This section also changes the day from which the 9-month termination period will commence, from the first workday following the date EM actual loss loans are made available to the second workday.

2. Section 1945.20 is amended and § 1945.21 is added to set forth the actions which will be taken by FmHA State, County, and National Offices when a natural disaster occurs. Among the actions required are the notification and involvement of the Agricultural Stabilization and Conservation Service and the Federal Crop Insurance Corporation. In addition the National Office will prepare weekly reports of the action taken and distribute them to the Secretary of Agriculture, FmHA Area Coordinators and the Director of the Finance Office, the Federal Emergency Management Agency (FEMA), the Small Business Administration, and the Department of Agriculture's Office of Intergovernmental Affairs. This section also establishes a maximum time frame for which disaster declaration determinations must be made for disasters designated by the State Director. The maximum time frame is normally six months after the disaster occurs, but in certain circumstances it can be up to nine months after the disaster occurs.

3. Section 1945.24 is added to establish the membership and responsibilities of County and State

Emergency Boards, including their responsibility to cooperate with the Federal Coordinating Officer and personnel involved with the operation of FEMA's disaster assistance centers when they are established.

4. Section 1945.26 is added to set forth the relationship and cooperation that will take place between the Small Business Administration and FmHA to inform applicants of the assistance available through each agency.

5. Section 1945.30 establishes FmHA State and National Office Emergency Loan Support Teams to be utilized to train personnel, organize FmHA disaster assistance delivery systems, and expedite loan processing.

6. Section 1945.31 is added to establish FmHA Emergency Loan Assessment Teams to monitor EM loan processing activities to minimize loan errors, especially in the areas of loss calculation and eligibility determinations.

7. Section 1945.35 is amended to require special training to be provided through utilization of a comprehensive EM loan training package whenever it is evident that a large number of farmers were affected by a widespread disaster. The training program consists of a two day program which will include a workshop and test. The training will be monitored by FmHA Area Coordinators.

The major changes in Subpart B of Part 1945 are:

1. Section 1945.54(a)(8) is amended to delete the requirement that a corporation be created and organized under the laws of the State(s) in which it will operate a farm(s). The amendment will permit corporations that are recognized and authorized to carry on farming operations in the State(s) in which it will operate a farm(s) to be eligible to receive EM loan assistance.

2. Section 1945.54(a)(11) is amended to delete the requirement that an eligible applicant needs to be recognized in the area as a farmer.

3. Section 1945.54(a)(14) is amended to require farming enterprises to market and produce their products. Previously, eligible enterprises were not required to market their products.

4. Section 1945.54(a)(21) is amended to clearly indicate that a non-farm enterprise is one that provides less than fifty percent of the total income of the operation, but is needed to supplement farm income.

5. Section 1945.54(a)(22) is amended to permit use of Agricultural Stabilization and Conservation Service (ASCS) records of proven yields to be utilized in establishing a farm's normal production. Previously, regulations did not require evidence of proven yields. In addition,

the change requires State Offices to utilize a uniform source of information for use in determining State and county average production levels.

6. Section 1945.54(a)(24) is amended to permit losses to livestock products to be considered in determining physical losses.

7. Section 1945.54(a)(25) is added to define a principal member, principal stockholder, and principal partner.

8. Section 1945.54(a)(28) is added to define a qualifying physical loss. The loss must have been to property that is essential to the operation of the farm and if it is not repaired or replaced, the farmer would be unable to continue the operation on a reasonably sound basis.

9. Section 1945.54(a)(32) is amended to prohibit general intangibles, accounts, and contract rights from being considered as basic security for a loan, but to permit their consideration as additional security for a loan.

10. Section 1945.56(a) is amended to require applicants who have been getting credit outside of the local community to show that credit is unavailable from that source in order to obtain an EM loan. In addition, the change requires that the applicant's equity in *all assets* must be considered in meeting the FmHA's test for credit eligibility requirement.

Also, the change requires that the findings be documented in the running record in all cases and on Form FmHA 1940-38, "Request for Lender's Verification of Loan Application," when appropriate.

11. Section 1945.56(b) is amended to require the County Supervisor to contact the applicant's normal lender(s) in all cases and record the findings in the running case record. For loans of \$300,000 or more the County Supervisor will also require applicants to contact at least three conventional lending sources, including the Production Credit Association or the Federal Land Bank, in the local community and have the institutions complete and return Form FmHA 1940-38 to the County Office. When an applicant has a net worth of \$1,000,000 or more, but cannot obtain credit in the local community, the applicant will be required to contact at least two lending sources outside of the local area.

12. Section 1945.61 is amended to set forth instructions on how to handle applications for FmHA major adjustment and annual production assistance from farmers who are indebted to the Small Business Administration.

13. Section 1945.61(b) is amended to require applicants to provide the ASCS farm number(s) and county for each of

the farms the applicant tends. This subsection also prohibits the use of estimating production in calculating production losses for EM actual loss loans. EM actual production loss loan entitlement is to be calculated by using actual production realized in the disaster year.

14. Section 1945.61(d) is amended to require personal financial statements (not over 30 days old at the time of filing the application) of those principal interest holders of an entity.

15. Section 1945.62 is amended to require applicants to meet the eligibility criteria at the time of the loss, when the County Committee certifies that the applicant is eligible, when the loan is approved, and when the loan is closed.

16. Section 1945.62(c) is amended to require the manager of an entity to be a principal member, principal stockholder, or principal partner. In addition, this paragraph is amended to set forth FmHA policy on processing applications from integrated livestock, poultry, and fish processors.

17. Section 1945.62(g) is amended to indicate that, when certifying as to an applicant's character, the County Committee will base its decision emphasizing the applicant's repayment ability and reliability.

18. Section 1945.62(i) sets forth FmHA policy on processing EM loans to entities and individual members of entities.

19. Section 1945.62(j) sets forth FmHA policy on processing applications when the form of ownership has changed since the time of the disaster.

20. Section 1945.63(a)(1) is amended to describe the records applicants may use in reporting and calculating production losses. Applicants may elect to use their own records, county or state averages, or ASCS records for acres grown and proven (actual) yields if available for the five year period before the disaster. The change describes the combinations of records permitted for use in calculating actual losses when none of the above record systems can provide complete records for every crop grown in the 5 years immediately preceding the disaster year, or if the applicant has been farming less than six production years, or has operated a different farm, or conducted farming enterprises different from the those conducted in the disaster year for one or more years of the 5 years before the disaster year.

21. Section 1945.63(a)(2) is amended to require County Supervisors to obtain information on acres and production from ASCS on Form FmHA 1945-29, "ASCS Verification of Farm Acreages, Production and Benefits," and cross check this information with the

information provided on Form FmHA 1945-22, "Certification of Disaster Losses." This paragraph also requires use of the same established unit prices for the disaster year and the normal year in computing the dollar value of each enterprise for use in determining an applicant's production loss loan entitlement. Prices used will be from the current year's price for the commodity involved, if available, otherwise they will be the prices for the calendar year immediately preceding the disaster year. The prices established for use at the time of the disaster designation will not be changed for loans processed under that designation. This paragraph also incorporates information found in Subpart B of Part 1980 which explains how to process various selected production loss loans. In addition, this paragraph requires those applicants who are eligible for production loss loan assistance to absorb 10 percent of the losses sustained.

22. Section 1945.63(b) is amended to eliminate on-site verification by FmHA personnel when practicable. The change also eliminates the requirement that the value of the actual loss will be based on the market value at the time the disaster occurred. The subsection also sets forth FmHA policy on determining physical loss loan entitlement for losses to trees and incorporates information found in Subpart B of Part 1980 which explains how to process various selected physical loss loans.

23. Section 1945.63(d) limits the amount of EM actual loss loan assistance given per disaster occurring on or after October 1, 1978, to \$500,000 or the maximum amount of production and physical losses sustained by the applicant, as determined by FmHA, whichever is less.

24. Section 1945.66(a) is amended to limit the maximum loss loan entitlement in addition to the limits contained in § 1945.63(d) of this subpart to the actual dollar loss, or the actual amount of essential family, farm and nonfarm enterprise credit that the applicant needs to carry on normal operations, whichever is the lesser. The change also states that loss loan funds will not be released to an applicant unless FmHA is assured that the funds will be used in the farming operation for authorized purposes. In addition the change revises the authorized purposes for which actual loss loans can be made and indicates that annual production funds are not intended to be used to pay consultant fees or other fees charged for preparing FmHA forms used in processing these loans.

25. Section 1945.66(b) is amended to permit annual production loans to be

made within three full calendar years after the disaster designation date. Previously, annual production loans were permitted to be made for six full calendar years after the disaster designation date and these provisions will remain applicable for borrowers indebted for EM loans on or before December 15, 1979.

26. Section 1945.66(c) is amended to impose a limitation within the \$1,500,000 annual production and major adjustment principal indebtedness ceiling established in § 1945.66(d). The additional ceiling imposes a \$300,000 principal indebtedness ceiling on major adjustment Subtitle A loans made for refinancing debts secured by real estate. This subsection also indicates that not more than \$25,000 in major adjustment loan funds can be loaned to finance development on land owned with a defective title. The Subsection indicates that major adjustment Subtitle A loans will not normally be made to refinance intermediate and long term debts except in amounts necessary to cover existing delinquencies plus the next installment that an applicant will be unable to pay, unless the refinancing is necessary for the applicant to conduct a sound farming operation.

27. Section 1945.66(c)(2)(i)(C) is amended to permit those who suffered qualifying losses on rented or leased land to obtain a major adjustment loan to purchase property necessary to make a viable family farming operation.

28. Section 1945.66(d) is amended to impose a loan ceiling of \$1,500,000 on the total annual production and major adjustment principal indebtedness owed by the borrower regardless of the number of qualifying disasters. However, borrowers indebted for any EM loan purposes on or before December 15, 1979, may receive subsequent annual production loans in amounts necessary to continue their operation without regard to this indebtedness ceiling.

29. Section 1945.66(e) sets forth FmHA policy on making EM and EE loans simultaneously.

30. Section 1945.67(a) is amended to impose a maximum loan ceiling on applicants involved in more than one operation. Applicants who own or control 50 percent or more of another farm operation will be prohibited from exceeding the limitations set forth in the regulation for the combined operations. Applicants who own or control less than 50 percent of another farming operation may receive separate loans not exceeding the loan limitations set forth in the regulation for each separate operation.

31. Section 1945.67(f) is amended to set forth FmHA policy on required recordkeeping systems.

32. Section 1945.68 is amended to provide that EM loans made for real estate (Subtitle A) purposes will normally be scheduled for repayment within 30 years but cannot exceed 40 years. In addition this section is amended to conform to the consolidating, rescheduling, reamortizing, and deferral provisions found in Subpart A of Part 1951. The section requires EM loans be reviewed for graduation two years after the loans are made and every other year thereafter.

33. Section 1945.69 is amended to require only the principal members, principal partners, or principal stockholders of the entity to sign the promissory note as individuals, unless the loan approval official determines additional security is needed. An exception is permitted only in unusual circumstances. This section also requires entity applicants to file the required personal and corporate financial statements. These statements will be no more than 30 days old. The section also requires loans for real estate purposes to be secured by a lien on real estate and loans for operating purposes to be secured by chattel security and, if necessary, other additional security in sufficient levels to protect the Government's interest.

34. Section 1945.73 is amended to further explain FmHA policies on loaning to borrowers in flood or mudslide hazard areas.

35. Section 1945.83 is amended to require the County Supervisor to reverify and recalculate selected information before approving EM loans. The section is also amended to set forth information required to be summarized on a transmittal letter when submitting loans to the National Office for review.

36. Section 1945.89 is amended to set a 60-day time frame as the maximum period for which funds will be permitted to remain in a supervised bank account.

37. Exhibit A is revised and updated to reflect current FmHA policies and Exhibit B is retained.

Accordingly, Subparts A and B of Part 1945 and § 1945.117(d)(1) of Subpart C of Part 1945 are amended to read as follows:

PART 1945—EMERGENCY

Subpart A—Disaster Assistance—General

Sec.

1945.1 [Reserved]

1945.2 Purpose.

1945.3-1945.4 [Reserved]

1945.5 Abbreviations.

Sec.

- 1945.6 Definitions.
 1945.7-1945.19 [Reserved]
 1945.20 Making EM actual loss loans available.
 1945.21 Notification and coordination requirements.
 1945.22-1945.23 [Reserved]
 1945.24 State and county emergency boards.
 1945.25 Relationship between FmHA and FEMA.
 1945.26 Relationship between USDA, FmHA and SBA.
 1945.27 Relationship between FCIC and FmHA.
 1945.28-1945.29 [Reserved]
 1945.30 FmHA Emergency Loan Support Teams (ELST).
 1945.31 FmHA Emergency Loan Assessment Teams (ELAT).
 1945.32-1945.34 [Reserved]
 1945.35 Special EM loan training.
 1945.36-1945.44 [Reserved]
 1945.45 Public information function.
 1945.46-1945.50 [Reserved]
 Exhibit A—Agreement Between the USDA—SBA.

Subpart B—Emergency Loan Policies, Procedures, and Authorizations

- 1945.51 Introduction.
 1945.52 Program objectives.
 1945.53 [Reserved]
 1945.54 Definitions and abbreviations.
 1945.55 Relationship between FmHA and other Federal agencies.
 1945.56 Credit elsewhere.
 1945.57-1945.60 [Reserved]
 1945.61 Receiving and processing applications.
 1945.62 Eligibility requirements.
 1945.63 Determining qualifying losses, eligibility for actual loss loan(s) and the maximum amount of actual loss loan(s).
 1945.64-1945.65 [Reserved]
 1945.66 Loan purposes.
 1945.67 Loan limitations and special provisions.
 1945.68 Rates and terms.
 1945.69 Security requirements.
 1945.70-1945.72 [Reserved]
 1945.73 General provisions—compliance requirements.
 1945.74 [Reserved]
 1945.75 Options, planning, and appraisals.
 1945.76-1945.79 [Reserved]
 1945.80 County Committee certification.
 1945.81 [Reserved]
 1945.82 Loan docket preparation.
 1945.83 Loan approval or rejection.
 1945.84 [Reserved]
 1945.85 Actions after loan approval.
 1945.86-1945.87 [Reserved]
 1945.88 Chattel lien search.
 1945.89 Loan closing.
 1945.90 Revision of the use of EM loan funds.
 1945.91 [Reserved]
 1945.92 Loan servicing.
 1945.93-1945.100 [Reserved]
 Exhibit A—Processing Guide—Insured Emergency (EM) Loans.
 Exhibit B—Memorandum of Understanding: SBA-FmHA.
 Exhibit C—Memorandum of Understanding: ASCS-FmHA.

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; Title II of the Emergency Agricultural Credit Adjustment Act of 1978, 92 Stat. 429; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; and delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart A—Disaster Assistance—General**§ 1945.1 [Reserved]****§ 1945.2 Purpose.**

This Subpart prescribes the policies, procedures, and guidelines of the Farmers Home Administration (FmHA) for making Emergency (EM) actual loss loans available, the relationship between FmHA and Federal Emergency Management Agency (FEMA); the method for establishing and using Emergency Loan Support Teams (ELST) and Emergency Loan Assessment Teams (ELAT), training of personnel and the disaster public information functions.

§§ 1945.3-1945.4 [Reserved]**§ 1945.5 Abbreviations.**

The following abbreviations are used in this Subpart.

- (a) ASCS—Agricultural Stabilization and Conservation Service.
 (b) CEB—USDA County Emergency Board.
 (c) DAR—Damage Assessment Report.
 (d) ELAT—Emergency Loan Assessment Team.
 (e) ELST—Emergency Loan Support Team.
 (f) EM—Emergency Loans.
 (g) EOH—USDA Emergency Operations Handbook.
 (h) FCIC—Federal Crop Insurance Corporation.
 (i) FCO—Federal Coordinating Officer.
 (j) FEMA—Federal Emergency Management Agency.
 (k) FmHA—Farmers Home Administration.
 (l) SBA—Small Business Administration.
 (m) SEB—USDA State Emergency Board.
 (n) USDA—United States Department of Agriculture.

§ 1945.6 Definitions.

The following definitions are applicable to this Subpart:

- (a) *Disasters*.—(1) *Major disaster*. Any disaster in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance above and beyond normal emergency services by the Federal Government to supplement

the efforts and available resources of States, local government and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(2) *Natural disaster*. Any disaster caused by a natural phenomenon in any part of the United States such as a hurricane, tornado, cyclone, windstorm, excessive rainfall, flood, earthquake, blizzard, freeze, electrical storm, snowstorm, drought, excessively high temperatures, and hail; insects where abnormal weather contributed substantially to the spreading and flourishing of such insects; fire resulting from lightning, and fires of other origins which could not be controlled because of abnormal weather; and plant and animal diseases where abnormal weather contributed substantially to such diseases spreading into epidemic stages.

(3) *Presidential emergency*. Any disaster in any part of the United States which is of such magnitude that the President makes a declaration and which requires certain Federal emergency programs to supplement State and local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.

(b) *Farmers*. Individuals, cooperatives, corporations or partnerships who are farmers, ranchers or aquaculture operators.

(c) *Incidence period*. The specific date or dates during which a disaster occurred.

(d) *National Office*. The Director, EM Loan Division.

(e) *Substantially affected*. The degree of physical and/or production losses a farmer must have sustained from a disaster to meet the actual loss eligibility requirements for an EM loan. The actual loss must have had such an impact on the farming operation that EM loan assistance is necessary to permit such operator to continue the operation on a sound basis. A farmer will be considered to have been substantially affected if one of the following types of losses due to a disaster has been sustained:

- (1) Damage or destruction of physical property that is essential to the successful operation of the farm; if the property is not repaired or replaced, the farmer would not be able to continue operating on a sound basis. Such physical property includes farmland; structures on the land such as buildings, fences, dams, etc.; machinery; equipment, and tools; livestock; livestock products; harvested crops; and supplies; or

(2) A production loss in a single enterprise which constitutes a basic part of the farming operation or at least 20 percent of normal per acre or per animal production.

(2) *Termination date.* The date specified in a disaster authorization which establishes the final date after which EM actual loss loan applications may no longer be received. However, applications will be accepted for EM actual loss loans after the termination date has passed if the applicant filed an application for disaster assistance with the Small Business Administration (SBA) during the period SBA would accept applications but where not more than 6 months has elapsed since the FmHA's termination date.

(i) For physical and production losses the termination date will be 9 months from the date loans are made available.

(ii) The 9-month period will commence on the second workday following the date EM actual loss loans are made available. The final day for accepting applications will always be on a workday. Therefore, if the last day falls on a Saturday, Sunday, or Federal holiday, the next workday will be the final day.

(g) *United States or State.* Each of the several States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

§§ 1945.7-1945.19 [Reserved]

§ 1945.20 Making EM actual loss loans available.

EM actual loss loans are made available in counties or similar political subdivisions named by FEMA as eligible for Federal assistance under a major disaster or emergency declaration by the President, and in any area where unusual and adverse weather conditions have resulted in severe production and/or physical losses which have substantially affected one or more farmers.

(a) *Natural disaster areas.* (1) Immediately after the occurrence of a natural disaster which has substantially affected one or more farmers, and where production and/or physical losses *can readily* be determined the following actions will be taken.

(i) The County Supervisor will:
(A) Immediately advise the State Director by telephone of the occurrence of the natural disaster;

(B) Obtain the State Director's clearance to make EM loans available, visit the natural disaster area and advise the disaster victims in the area by personal contact that EM loan

applications will be accepted in the County Office;

(C) Take the actions required in § 1945.21 (c); and

(D) Prepare and mail to the State Director Form FmHA 1945-27, "Report of Natural Disaster." Form FmHA 1945-27 will be based on information obtained from personal knowledge, farmers, agricultural and community leaders, representatives of other agricultural agencies, agricultural lenders, and any other reliable source. A DAR prepared by the CEB in accordance with the EOH can be used in lieu of Form FmHA 1945-27.

(ii) The State Director will immediately take the following action:

(A) Obtain a Natural Disaster Number and termination date from the National Office by telephone; and

(B) Take the actions required in § 1945.21(b).

(iii) The National Office will, upon notification, immediately take the following action:

(A) Provide the State Director, when the telephone notice is given, with:

(1) Natural Disaster Number

(Example: 1048); and

(2) Termination date for receiving EM loan applications.

(B) Take the action required by § 1945.21 (a).

(2) When conditions occur, such as drought, excessively high or low temperature, unusually heavy rains, insects where abnormal weather contributed substantially to the spreading and flourishing of such insects, plant and animal diseases (technical assistance from State authorities will be obtained in such instances to identify such diseases) where abnormal weather contributed substantially to such diseases spreading into epidemic stages, etc., and production and/or physical losses to farmers *cannot readily* be determined but threaten to develop into significant natural disaster situations, the following action will be taken:

(i) The County Supervisor will prepare and mail to the State Director Form FmHA 1945-27 after contacting personnel or calling a meeting of the CEB members, representatives of lenders, and the FmHA County Committee to discuss the situation and documenting their recommendation;

(ii) The State Director will advise the County Supervisor of the action to take; and

(iii) If inquiries are received in the County Offices from farmers about assistance before EM actual loss loans are made available, the following actions will be taken:

(A) Farmers inquiring at County Offices will be advised:

(1) That EM actual loss loans are not available at this time but consideration is being given to making them available;

(2) As to what assistance would be available;

(3) That they may file a loan application which may be partially or totally completed. However, they must understand that the application cannot be processed for an EM actual loss loan at this time. The credit needs of an applicant may be met under regular FmHA farmer programs if EM actual loss loans are not made available.

(B) County Governing Bodies, Indian Tribal Councils, or other interested individuals inquiring about the making of EM actual loss loans in the area will be advised of the procedure for making EM actual loss loans available.

(iv) Immediately after it can be determined that production and/or physical losses *have occurred* which substantially affect one or more farmers, the actions required in paragraph (a)(1) of this section will be taken to make EM loans available.

(3) The action stated in this paragraph (a) will be taken *even* if the Governor of the State has requested the President to declare the area a major disaster or emergency area.

(b) *Declaration by the President.* When there is a Presidential major disaster or emergency declaration and FEMA has notified the National Office, the following actions will be taken:

(1) The National Office will immediately:

(i) Notify the State Director by telephone, and confirm it by a telegram. The notification will contain:

(A) The date of the declaration;

(B) The name(s) of the county(ies)

determined by FEMA as eligible for Federal assistance;

(C) The type of disaster;

(D) The termination date; and

(E) The declaration number.

(ii) Take the actions required by § 1945.21(a).

(2) The State Director will immediately upon receiving notice take the actions required by § 1945.21(b).

(3) The County Supervisor will immediately upon receiving notice take the actions required by § 1945.21(c).

(4) When a county has been determined eligible for Federal assistance by FEMA under this paragraph (b) of this section, all other counties adjoining the eligible county are also authorized to make EM actual loss loans to applicants whose operations have been substantially affected by the same disaster(s) without being specifically named. Adjoining

areas are those counties, within the same State, touching at some point (having a common boundary) with a county eligible to receive EM loans due to declaration by the President.

(c) *Subsequent natural disasters.* EM actual loss loans will be available when subsequent natural disaster(s) occur in any area which had been eligible to receive EM actual loss loan applications under paragraph (a) or (b) of this section during the same crop year which substantially affects the same farming enterprises that suffered damage or loss due to the original disaster(s). When subsequent natural disaster(s) occur, the following actions will be taken:

(1) The County Supervisor will advise the State Director and provide the State Director with Form FmHA 1945-27 and request an extension of the termination date and/or incidence period;

(2) After reviewing Form FmHA 1945-27, the State Director will advise the County Supervisor whether losses from the subsequent natural disaster will be losses covered by the original disaster designation;

(3) The State Director will advise the National Office by a copy of Form FmHA 1945-27 and request an extension of the termination date; and

(4) The National Office will provide the State Director with a new termination date in accordance with paragraph (e) of this section.

(d) *Continuing disaster conditions.* EM actual loss loans will be available when there is a continuation beyond the incidence period originally established for a disaster(s) such as drought, flood, etc., in any area eligible to make EM actual loss loans under paragraph (a) or (b) of this section. When a disaster(s) continues, the actions required by paragraphs (c) (1), (2), (3) and (4) of this section will be taken.

(e) *Extension of termination dates.* Termination dates originally established when EM loans are made available will be extended by the National Office when necessary due to subsequent disasters, continuing disasters, or when losses or damages due to the original disaster which were not readily determinable show up at a later date. Such an extension will be for such periods as determined necessary, usually not over 60 days, by the National Office based on the State Director's recommendations.

(f) *Limitations.* Actions authorized by paragraphs (a), (c), (d), and (e) of this section cannot be taken if more than 6 months has passed since the natural disaster occurred, except when the actions required by paragraph (a)(2) of this section have been taken and the State Director has delayed action. Then

the authorization must be no later than 9 months after the natural disaster.

§ 1945.21 Notification and coordination requirements.

After EM actual loss loans are made available under § 1945.20 the following actions *must* be taken:

(a) *By the National Office.* (1) If a natural disaster is authorized under § 1945.20(a), immediately prepare a notice of the action taken which will be sent to members of Congress through the Secretary's office. The notice will contain the following:

- (i) The State and county(ies) affected;
- (ii) The date authorized;
- (iii) The termination date;
- (iv) The type of natural disaster(s);
- (v) The incidence period(s); and
- (vi) The nature of damages and losses.

(2) When the President declares a major disaster or emergency, advise members of Congress, by letter of the action which was taken under § 1945.20 (b). The letter will be signed by the Administrator or designee and will contain the following:

- (i) The county(ies) determined by FEMA eligible for Federal assistance;
- (ii) The type of disaster(s); and
- (iii) The termination date.

(3) Notify by a weekly report of the action taken during the week, the following:

- (i) The Secretary of Agriculture;
- (ii) The FmHA Area Coordinators;
- (iii) The Director of the Finance Office;

- (iv) The FEMA;
- (v) The SBA; and
- (vi) The USDA Office of Intergovernmental Affairs.

(b) *By the State Director.* After EM actual loss loans are made available, the State Director will immediately take the following actions:

(1) Notify the appropriate County Supervisor(s) of the action and the following:

- (i) Date authorized;
- (ii) Disaster number;
- (iii) Termination date;
- (iv) Type of disaster(s); and
- (v) Incidence period(s).

(2) Notify the State ASCS Executive Director of the authorization and immediately have a meeting with the Director to review and implement the provisions of the Memorandum of Understanding between ASCS and FmHA pertaining to disaster type assistance, Exhibit C of Subpart B of Part 1945 of this chapter, to arrive at a mutual understanding as to how ASCS disaster payments are to be handled in processing EM actual loss loans so that duplication of benefits for the same losses do not occur; and

(3) Contact the FCIC Regional Director to review the Memorandum of Understanding between FCIC and FmHA, Exhibit A of Subpart N of Part 2000 of this chapter (a copy of which is available in any FmHA office), and arrive at a mutual understanding as to how FCIC insurance payments are to be handled in processing EM actual loss loans so that duplication of benefits for the same losses do not occur; and

(4) After a 48-hour (2 working days) interval, notify the Governor and make appropriate public announcements, including Indian Tribal Council's news media. However, if the declaration was by the President, under § 1945.20 (b), news releases should be cleared with FEMA; and

(5) If FEMA notifies the State Director that an agreement between the State and Federal Government (FEMA) has been made to provide 408 grants in a major disaster area to those suffering damages and losses to housing and personal property who are *ineligible* for disaster loan assistance through the FmHA and/or SBA, the following actions will be taken:

(i) The State Director will notify the appropriate County Supervisor(s) of the address and phone number of the nearest FEMA office in the Supervisor's area; and

(ii) At the close of business each week, the County Supervisor will forward a list of applicants with physical losses who *do not qualify* and the reason they do not qualify for an EM loan to the FEMA.

(c) *By the County Supervisor.* After receiving notification from the State Director, the County Supervisor will immediately:

(1) Notify the County ASCS Executive Director of the authorization and have a meeting with the Director to review and implement the provisions of the Memorandum of Understanding between ASCS and FmHA pertaining to disaster type assistance, Exhibit C of Subpart B of Part 1945 of this chapter, to arrive at a mutual understanding as to how ASCS disaster payment and other information in these records will be used in processing EM actual loss loans. Also, the County Supervisor will request that information regarding the availability of EM actual loss loans be put in the ASCS' news letter; and

(2) After a 48-hour (2 working days) interval, notify the County Governing Body, Indian Tribal Council(s), and make appropriate public announcements including Indian Tribal Council's news media; and

(3) Explain the assistance available under the EM program to agricultural

lenders and leaders in the area including Indian agricultural lenders and leaders.

§§ 1945.22-1945.23 [Reserved]

§ 1945.24 State and County Emergency Boards.

The USDA SEB's, CEB's and their member agencies are responsible for providing leadership and timely reports of losses, and for ensuring that the Department's emergency programs are implemented, as needed, in the field. The Boards are also required to coordinate the Department's emergency programs with those of other Federal departments and agencies and to provide personnel, as needed, in the FEMA's disaster assistance centers. USDA policies and procedures relating to disasters and Emergency Boards are contained in the EOH, available in any FmHA or ASCS's office.

(a) *Membership on Emergency Boards.* (1) An SEB has been established in every State. The Board is composed of representatives of several USDA agencies having emergency responsibilities in the field. The Chairperson of the SEB is the ASCS State Executive Director. FmHA State Directors are members of the SEB's. In an emergency, SEB's and member agencies provide leadership for USDA emergency programs at the state level.

(2) A CEB has been established in nearly every county. Membership consists of representatives of each USDA agency having the available personnel at the county level. The Chairperson, in most cases, of the CEB is the ASCS County Executive Director. FmHA County Supervisors are members of the CEBs. In an emergency, CEBs and member agencies provide leadership for USDA emergency programs at the county level.

(b) *Responsibility for reporting disasters.* USDA SEBs and CEBs and the member agencies are best qualified to accomplish the assessment of rural and agricultural damages. Therefore, in accordance with the EOH they are given the responsibility for reporting the occurrence of disasters. When necessary SEB and CEB Chairpersons will call a meeting of their respective Boards to prepare necessary reports as soon as possible after a disaster occurs which has significantly affected rural areas in their state or county. The FmHA State Director and County Supervisors will cooperate with the Chairpersons of SEB's and CEB's.

(c) *FEMA's disaster assistance center.* Where a major disaster has been declared by the President and the FEMA establishes such center or centers in the local disaster areas, the SEB

Chairperson is responsible for the following:

(1) Selecting a qualified USDA person to represent USDA at each center after consulting with other board members in making the selection. FmHA State Directors will cooperate with the SEB Chairpersons in seeing the centers are properly staffed;

(2) Orienting the selected person(s) on all current USDA disaster programs. FmHA State Directors will cooperate in this orientation to insure that the USDA representatives at the center(s) are familiar with FmHA EM loans and other loans of FmHA that could be of assistance to the disaster victims.

(3) Informing FEMA that a USDA representative is available to help at each of the assistance centers.

§ 1945.25 Relationship between FmHA and FEMA.

(a) *General.* When a major disaster or emergency declaration is made by the president, the FEMA is charged with the responsibility for seeing that disaster assistance is made available to disaster victims. Also, FEMA is responsible for coordinating the actions of other Federal agencies who have programs to provide disaster assistance. A Federal Coordinating Officer (FCO) is appointed for each major disaster or emergency to coordinate Federal assistance in the disaster area.

(b) *Before the declaration.* (1) After a request for a major disaster or emergency declaration is made by the Governor of a State, FEMA through its Regional Director is responsible for obtaining the necessary information on losses and damages to respond to the request.

(2) If FEMA makes a request for information from FmHA on losses and damages caused by a natural disaster, FEMA will be advised to contact the SEB Chairperson. The EOH provides that the CEB will prepare the DAR. State Directors and County Supervisors should cooperate with SEB and CEB Chairperson in preparing the DAR's.

(c) *After the declaration.* When a State Director is advised that a major disaster or emergency has been declared, the following policy will be followed in working with FEMA and FCO's:

(1) The State Director will authorize the receiving of EM loan applications in the counties provided by the FCO. However, no EM loan can be approved until the National Office makes such notification in accordance with § 1945.20(b)(1).

(2) The State Director or the State Director's authorized representative will attend any meeting called by the FCO to

discuss Federal assistance under the disaster declaration.

(3) If a request is made by the FCO for FmHA employees to staff FEMA's Disaster Assistance Centers, the FCO will be advised to contact the SEB Chairperson. The EOH provides that the SEB Chairperson shall select qualified USDA personnel to represent USDA at each Center. State Directors should cooperate with the SEB Chairperson in providing personnel for these Centers.

(4) If the FCO requests a report on disaster lending activity, the FCO will be advised that any report will not be given more often than once a week.

§ 1945.26 Relationship between USDA, FmHA, and SBA.

(a) *General.* Pub. L. 94-305 authorized SBA to assist farmers under its physical disaster and economic injury loan programs. This legislation did not diminish in any way FmHA's responsibility to meet the financial and other needs of farmers. It is the policy of USDA and FmHA to cooperate with SBA in the use of the respective loan making authorities to complement the activities of each, and to the extent possible, to improve and expand the delivery of financial assistance to the agricultural segment of the country. All this should be done with the least possible degree of overlapping, confusing or duplicating activities.

(b) *How SBA disaster loans are made available.* SBA physical and economic injury disaster loans are available in counties:

(1) Named by FEMA under a major disaster declaration by the President and also in counties adjacent to the named counties; and

(2) Declared by the SBA Administrator and also in counties adjacent to the declared counties.

(c) *Agreement between USDA and SBA.* An agreement between USDA and SBA, dated October 20, 1977, is attached as Exhibit A to this subpart. The purpose of this agreement is to prevent the overlapping and duplication of emergency disaster assistance provided by USDA, FmHA, and SBA to farmers. Among other things, the agreement requires that FmHA will stock SBA loan forms and related instruction sheets in county offices to be given to individuals upon request, and FmHA (as well as other USDA agencies) will assist SBA as needed in making judgmental decisions in determining the actual amount of farm losses sustained by its clients. In order to more fully implement the agreement, the following will be done:

(1) ASCS will be the lead agency responsible for determining the actual

losses of farmers who apply for SBA loans;

(2) When FmHA assists SBA in making the judgmental decisions, the FmHA County Committee will be used for this purpose and SBA will pay for these services. Whenever FmHA services are utilized, the County Supervisor will prepare a monthly report listing the Committee members and number of days to be billed. These reports will be summarized in the State Office and the summary, listing the number of Committee members and number of days, will be sent to the Finance Office, ATTN: General Ledger Section, for billing purposes. Negative reports will not be required;

(3) SBA will contact each County Supervisor directly if they need the assistance of the County FmHA Committees and/or FmHA's assistance in making decisions in determining the amount of the actual loss after the State Office provides the SBA regional office with a list of all FmHA County Offices in the State, including the addresses and telephone numbers; and

(4) State and District Directors will work closely with their County Supervisors to assure uniformity in implementing the provisions of the agreement pursuant to the policies enumerated above.

(d) *Notification of SBA disaster areas.* The SBA Central Office notifies the FmHA National Office when the disaster loan program is made available. The National Office will advise State Directors, by letter of the SBA disaster areas and State Directors will advise the appropriate County Supervisors.

(e) *Memorandum of understanding between SBA and FmHA pertaining to disaster type loan assistance.* Exhibit B of Subpart B of this Part 1945 is a Memorandum of Understanding between SBA and FmHA pertaining to disaster type loan assistance.

§ 1945.27 Relationship between FCIC and FmHA.

(a) *General.* Exhibit A of Subpart N of Part 2000 of this chapter (a copy of which is available in any FmHA office) is a Memorandum of Understanding between FCIC and FmHA. This Memorandum of Understanding is intended to assist in maintaining and improving the working relationship between the FCIC and the FmHA by providing encouragement to regular FmHA borrowers to use federal crop insurance, where available; requiring certain operating type emergency loan borrowers to obtain and maintain Federal Crop Insurance, where available; assisting FmHA borrowers to obtain crop or other agricultural

commodity insurance coverage; and exchanging information essential to the elimination of duplicate compensatory disaster benefits from the FCIC and FmHA for the same disaster losses.

(b) *Annual Meeting with FCIC.* FmHA State Directors will meet with FCIC Regional Directors at least once each year to review the Memorandum of Understanding and rededicate their efforts and those of their respective Agency employees to comply with the agreements contained in the Memorandum of Understanding.

(c) *Contact After EM Actual Loss Loans Are Made Available.* After EM actual loss loans are made available, State Directors are required to promptly contact the FCIC Regional Director to review the Memorandum of Understanding and agree on how each agency will fulfill its responsibilities in dealing with the disaster situation.

(d) *Disaster Related Mutual Agreements.* The Memorandum of Understanding should be reviewed after EM actual loss loans are made available.

(e) *Notification to County Offices.* State Directors will provide instructions for actions to be taken by County Supervisors in maintaining a good working relationship with the FCIC staff.

§§ 1945.28-1945.29. [Reserved]

§ 1945.30 FmHA emergency loan support teams (ELST).

(a) *Use of ELSTs.* ELSTs are to be used when a disaster is of such a nature as to warrant immediate attention by FmHA in implementing the EM loan program. Also, ELSTs are used when such unusually large numbers of EM loan applications are received that personnel from other areas are required to be temporarily assigned to assist in rendering prompt service to the affected area.

(b) *State ELST.* Each State Director shall form an ELST to be deployed, when needed, in areas affected by a major disaster, Presidential emergency, or a natural disaster. ELSTs shall assist the State Directors in expediting the making of EM loans to disaster victims.

(1) State Directors shall use the ELSTs formed in their State(s) and all other State personnel in making EM loans available. If additional help is needed above that available in the State, including overtime and/or temporary personnel, the State Director shall advise the National Office of these needs.

(2) Upon request of a State Director, the Assistant Administrator, Farmer Programs, will consider detailing ELSTs

from other States to assist in the making of EM loans.

(3) State ELSTs will consist of a team leader and team members, selected by the State Director.

(i) The State ELST can include Farmer Programs Specialists, County and Assistant County Supervisors, Office Management Assistants, County Office Assistants, and County Office Clerks.

(ii) So that no one person or County Office unit bears an unfair burden, State team members will be changed from time to time.

(iii) Team members will provide training in EM loan making to all County Office employees.

(iv) District Directors are responsible for notifying the State Director of any need to change a team member within their district.

(4) State ELSTs will be trained as follows:

(i) The National Office will hold training meetings or workshops for ELST leaders as needed.

(ii) State ELST leaders are responsible for training and keeping the State team and all other State personnel currently informed on all phases of EM loans.

(5) Each State Director will issue a State supplement establishing an ELST for the State(s). This supplement will name the team leader and all members. A copy of this supplement will be sent to the National Office, Attention: Director, Emergency Loan Division.

(c) *National Office ELST Leaders.* The National Office has established a cadre of ELST team leaders.

(1) National Office team leaders will be used as follows:

(i) Training of FmHA field personnel, other USDA personnel, and temporary personnel in the making of EM loans;

(ii) Assisting State Directors in the organizing, expanding and expediting assistance to disaster victims; and

(iii) Leading ELSTs in areas with an unusually large volume of EM loan applications.

(2) Upon request of a State Director, the Assistant Administrator, Farmer Programs, will consider detailing one or more National Office team leaders to assist in the training of personnel and processing of EM loans.

§ 1945.31 FmHA emergency loan assessment teams (ELAT).

In widespread disaster areas where a large number of EM loan applications have been received, the State Director will deploy ELATs to the affected areas to monitor emergency loan processing activities, in order to minimize loan errors especially in loss calculations and eligibility. The team members will keep the State Director informed by telephone

and by submission of weekly written reports setting forth the problems discovered and the corrective actions taken or to be taken. Such teams will be composed of State Office Farmer Programs staff members, District Directors or Assistant District Directors, Office Management Assistants, and auditors from the Office of Audit if they desire to participate. FmHA Area Coordinators are required to monitor the State Directors' handling of this quality control measure and report their findings to the National Office.

§§ 1945.32-1945.34 [Reserved]

§ 1945.35 Special EM loan training.

(a) *General.* When it is evident that a large number of farmers were affected by a widespread disaster in a State, the National Office will send a qualified representative from the Emergency Loan Division to the State to assist the State Director in conducting a training meeting with State, District and County employees: *Provided*, There has not been a recent training meeting in that State.

(b) *Purpose.* A good training program is a must in disaster areas. This program should adequately inform State and County Office personnel so that when the training is completed they will be able to process EM loans without difficulty. The meeting will last 2 days and include a workshop and a test.

(c) *Objective.* The basic objective of this training program is to keep State and County Personnel adequately trained in the correct methods of EM processing and loan making. This will result in assisting disaster victims in their time of great need.

(d) *Comprehensive EM Loan Training Package.* A comprehensive EM loan training package has been developed for use by National Office and State Office personnel in training all EM loan writers (both regular and temporary employees). This package, including an application kit, will be used for the EM loan training meetings, and any subsequent EM loan training meetings conducted by State or District personnel.

(e) *FmHA Area Coordinators.* FmHA Area Coordinators will be required to monitor State Directors' handling of EM loan training and report their findings to the National Office.

§§ 1945.36-1945.44 [Reserved]

§ 1945.45 Public information function.

A good public information program is a must in disaster areas. This program should inform farmers and the general public when and where EM loans are available. Also, the information will indicate the EM loan objectives,

eligibility requirements, and type of assistance available. Public information functions will be performed in accordance with Part 2015, Subpart B, Exhibit A of this Chapter available in any FmHA office.

§§ 1945.46-1945.50 [Reserved]

Exhibit A.—Agreement Between the U.S. Department of Agriculture and Small Business Administration

1. Farmers Home Administration field offices will stock a supply of the Small Business Administration disaster loan forms and related instruction sheets and give out on request.

2. SBA will supply FmHA offices with addresses and telephone numbers of SBA outreach and/or processing offices which applicants can call for assistance.

3. SBA will, as needed, look to FmHA, Agricultural Stabilization and Conservation Service (ASCS), or other appropriate components (Federal Crop Insurance Corporation, Cooperative Extension Service, etc.) of the Department of Agriculture for making a judgment decision on assistance in determining losses. As appropriate, SBA will reimburse FmHA, ASCS, or any other appropriate component of the Department of Agriculture for actual expenses for services rendered.

4. As far as is practicable, SBA and FmHA will cooperate to avoid overlapping and duplication while ensuring that farmers receive the assistance to which they are entitled.

A. Vernon Weaver,
Administrator, Small Business Administration.

Bob Bergland,
Secretary of Agriculture.
October 20, 1977.

Subpart B—Emergency Loan Policies, Procedures, and Authorizations

§ 1945.51 Introduction.

(a) *Policy.* This Subpart prescribes the policies, procedures, and authorizations of the Farmers Home Administration (FmHA) for making Insured Emergency (EM) Loans to farmers, ranchers, and aquaculture operators (hereinafter referred to as farmers). FmHA's policy is to make loans to any otherwise qualified applicant without regard to race, color, religion, sex, national origin, marital status, age, or physical/mental handicap (provided the applicant can execute a legal contract). These regulations apply to borrowers and FmHA personnel involved in making EM loans.

(b) *Program administration.* The County Supervisor is the local contact person for loan processing and servicing activities.

§ 1945.52 Program objectives.

The objective of EM loans is to provide financial assistance to cover

actual losses sustained by eligible farmers, make major adjustments, and provide annual production credit so that they can maintain sound farming operations after they have sustained substantial losses as a result of an authorized disaster. EM loans are made to assist eligible disaster victims in sustaining and rehabilitating their normal operations. This objective will be accomplished through the extension of credit and such supervisory assistance as is determined necessary to achieve the objectives of the loan and protect the Government's interest. Supervisory assistance will be given in accordance with the provisions of Subpart B of Part 1924 of this chapter.

§ 1945.53 [Reserved]

§ 1945.54 Definitions and abbreviations.

(a) *Definitions.*—(1) *Applicant.* The person or entity carrying on the farming operation at the time of the disaster and requesting EM loan assistance from FmHA.

(2) *Approval official.* An FmHA field official who has been delegated loan and grant approval authorities within applicable loan programs, subject to the dollar limitations contained in tables available in any FmHA Office (see FmHA Instruction 1901-A, Exhibit C).

(3) *Aquaculture.* The husbandry of aquatic organisms in a controlled or selected environment. Aquatic organisms are fish (the term "fish" includes any aquatic gilled animal commonly known as "fish", as well as mollusks, crustaceans, or other invertebrates produced under controlled conditions—that is, feeding, tending, harvesting, and such other activities as are necessary to properly raise and market the products—in ponds, lakes, streams, or similar holding areas), amphibians, reptiles, or aquatic plants. An aquaculture operation is considered to be a farm only if it is conducted on grounds which the applicant owns, leases, or has an exclusive right to use. An exclusive right to use must be evidenced by a permit issued to the applicant and the permit must specifically identify the waters available to be used by the applicant only.

(4) *Borrower.* All parties liable for the loan or any part thereof.

(5) *Calendar year.* The 12-month period beginning January 1 and ending December 31.

(6) *Consolidate.* To combine and reschedule the rates and terms of two or more EM loans made for operating purposes. This also may include a new EM loan made for operating purposes.

(7) *Cooperative.* An entity which has farming as its purpose and whose

members have agreed to share the profits of the farming enterprise. The entity must be recognized as a farm cooperative by the laws of the State(s) in which the entity will operate a farm(s).

(8) *Corporation*. For the purpose of this Subpart, a private domestic corporation recognized as a corporation and authorized to carry on farming, ranching, or aquaculture operations under the laws of the State(s) in which the entity will operate a farm(s).

(9) *Deferment*. To postpone the payment of interest in part and/or principal in whole or in part.

(10) *Eligible area*. A county or similar political subdivision in which EM loans are made available.

(11) *Established farmer*. A farmer who was participating in the operation and management of the farm at the time of the disaster, who spends a substantial portion of time in carrying out the farming operation, and who has planted a crop or has purchased livestock which are on the farm.

(12) *Farm*. A tract or tracts of land, improvements, and other appurtenances considered to be farm property which is used or will be used in the production of crops or livestock. This includes aquaculture operations which meet the requirements set forth in paragraph (a)(3) of this section and includes nonfarm operations which meet the requirements set forth in paragraph (a)(21) of this section. It also includes a residence which, although physically separate from the farm acreage, is ordinarily treated as a part of the farm in the local community.

(13) *Farmer*. One who conducts a farming or ranching enterprise. One who actively manages an aquatic operation or performs such duties as are necessary to properly raise and market the products of an aquatic operation. A farmer can be individual, a cooperative, a corporation, or a partnership.

(14) *Farming enterprise*. The business of producing and marketing crops, livestock, livestock products, and aquatic organisms through the utilization and management of land, water, labor, capital, and basic raw materials.

(i) *Single enterprise*. An operation which constitutes a part of an applicant's total farming operation. The following are examples of single enterprises:

(A) Individual cash crops.

(B) Individual feed crops to be fed to, or pasture to be grazed by, livestock owned by the applicant.

(C) Individual types of livestock operations, such as beef, dairy, hog, poultry, and aquaculture operations.

(D) Low acreages of several cash crops may be combined to constitute a single enterprise.

(ii) *Basic part of a farming operation*. Any single enterprise which normally generates sufficient income to be considered essential to the success of the total farming operation.

(15) *Fixture*. Generally, an item attached to a building or other structure or to land in such a way that it cannot be removed without defacing or dismantling the structure, or substantially damaging the item itself.

(16) *Hazard insurance*. Includes coverage against losses due to fire, windstorm, lightning, hail, explosion, business interruption, riot, civil commotion, aircraft, vehicles, marine, smoke builder's risk, public liability, property damage, flood or mudslide, workmen's compensation, or any similar insurance that is available and needed to protect the security, or that which is required by law.

(17) *Incidence period*. The specific date or dates during which a disaster occurred.

(18) *Insured loan*. An EM loan made directly by FmHA as lender from the Agricultural Credit Insurance Fund, and serviced by FmHA personnel.

(19) *Majority interest*. Any individual or a combination of individuals owning more than a 50 percent interest in a cooperative, corporation, or partnership.

(20) *Market value*. The amount which a willing buyer would pay a willing but not forced seller in a completely voluntary sale.

(21) *Nonfarm enterprise*. Any business enterprise, including a recreational enterprise, which provides less than 50 percent of the total income, but is needed to supplement farm income. It must provide goods or services for which there is a need and a reasonably reliable market.

(22) *Normal year's production*. The yield per acre or production per animal is established by eliminating the poorest year of the 5-year production history taken from actual farm records, Agricultural Stabilization and Conservation Service (ASCS) records of acres grown and proven (actual) yields, county averages, or State averages (where county averages are not available), immediately preceding the disaster year and averaging the remaining 4 years' production. The applicant may select the year to be eliminated. The year selected to be eliminated must be the same year for all enterprises and for all crops, livestock, and livestock products that constitute a part of the applicant's farming operation in that year. Average yield or production records used will be provided by the

State Crop and Livestock Reporting Service, State Office of the Statistical Reporting Service (SRS), or similar State or Federal body. When this information is published by county, county averages will be used. If published only by State, the State average will be used throughout the State. A uniform source(s) will be used in each State for the yield per acre or production per animal data and the source(s) will be provided in a State supplement. For tobacco and other crops under acreage-poundage control the normal year's production will be the pounds per acre as authorized by ASCS for the disaster year.

(i) In those States where neither a county nor State average is published for an enterprise(s), the State Director, with the advice of representatives of other Federal and State Agricultural agencies, will establish county or State averages and advise County Offices of these averages in a State supplement. State Directors and Farmer Program Chiefs in adjoining States should consult with each other before releasing the figures.

(ii) If an applicant presents actual reliable records for at least 4 of the 5 years immediately preceding the disaster which verify a higher normal production than that established in accordance with paragraph (a)(22) of this section, the higher normal years' production may be used in calculating the loss.

(23) *Partnership*. An entity consisting of individuals or entities who have agreed to operate a farm. The entity must be recognized as a partnership by the laws of the State(s) in which the entity will operate a farm and must be authorized to own both real and personal property and to incur debts in its own name.

(24) *Physical loss*. Damages to or destruction of physical property including farmland (except sheet erosion); structures on the land such as buildings, fences, dams, etc.; machinery, equipment, and tools; livestock; livestock products; harvested crops; and supplies.

(25) *Principal Members, Stockholders, and Partners*. Any member, stockholder, or partner owning or controlling a 10 percent interest in a cooperative, corporation, or partnership is considered a principal member, principal stockholder, or principal partner. If no member, stockholder, or partner owns or controls at least a 10 percent interest, all members, partners, or stockholders will be considered principal members, partners, or stockholders.

(26) *Production loss*. The reduction in normal production, directly attributable

to the natural disaster, of yield per acre and/or quality of crops produced, of quantity and/or quality of livestock products produced per animal unit, and of weight gain and/or natural increase in numbers of livestock units.

(27) *Qualifying disaster.* A major disaster, Presidential Emergency, or natural disaster as defined in Subpart A of part 1945 of this chapter.

(28) *Qualifying, physical loss.* To qualify for EM loan assistance, the damaged or destroyed physical property must be essential to the successful operation of the farm, and if it is not repaired or replaced, the farmer would be unable to continue operations on a reasonably sound basis.

(29) *Qualifying production loss.* To qualify for EM loan assistance, the production loss an applicant sustained must be equivalent to at least a 20 percent loss of normal per acre or per animal production as a result of the disaster in one basic part of the farming operation. Losses of livestock increases (i.e. calves, pigs, etc.) are considered production losses *except* when live animals are destroyed, which is considered a physical loss. Reductions in the production of livestock, livestock products or reductions in weight gains of animals due to homegrown feed crop losses will not be considered production losses when replacement feed is available to purchase, regardless of the cost of that feed. When the disaster has severely disrupted the usual feeding schedule of a livestock enterprise because of extended utility failure or inaccessibility to the livestock, losses in production of milk, eggs, weight losses, etc., may be considered as production losses. Production losses will be calculated based on the reduction from normal which occurs during the disruption period and the period needed to bring production back up to the normal level.

(30) *Reamortize.* To rearrange the payments of an EM loan made for real estate purposes within either the remaining years of the original repayment period, or, when the repayment period has been extended to the maximum statutory repayment limit, within those years.

(31) *Reschedule.* To rewrite the rates and/or terms of EM loans made for operating purposes.

(32) *Security.* Property of any kind subject to a real or personal property lien. Any reference to collateral or security property shall be considered a reference to the term "security."

(i) *Basic security.* Real estate and fixtures and personal property such as foundation herds, flocks, aquatic animals and plant organisms,

machinery, and equipment, serving as security and crops when crops are the only security.

(ii) *Normal income security.* All security planned to be marketed in the regular course of business unless liquidation is approved. If liquidation is approved, such security becomes basic security.

(iii) *Additional security.* All security not covered by paragraphs (a)(32) (i) or (ii) of this section including general intangibles, accounts, and contract rights.

(33) *State or United States.* The United States itself, each of the several States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(34) *Subsequent loans.* Any EM loans processed by the Finance Office after it processed the first EM loan to a borrower. This includes any subsequent annual production loans. The disaster designation number has no effect in determining whether an EM loan is a subsequent loan.

(35) *Termination date.* The date specified in a disaster authorization which establishes the final date after which EM loan applications may no longer be received. However, applications will be accepted for EM loans after the termination date has passed if the applicant filed an application for disaster assistance with the Small Business Administration (SBA) during the period SBA would accept applications and not more than 6 months has elapsed since the FmHA's termination date.

(b) *Abbreviations.* The following abbreviations are used in this subpart.

(1) *ASCS*—Agricultural Stabilization and Conservation Service.

(2) *ECP*—Emergency Conservation Program.

(3) *EFPP*—Emergency Feed Program.

(4) *EM*—Emergency Loans.

(5) *FCIC*—Federal Crop Insurance Corporation.

(6) *FmHA*—Farmers Home Administration.

(7) *FMI*—Forms Manual Insert.

(8) *OGC*—Office of the General Counsel.

(9) *SBA*—Small Business Administration.

(10) *UCC*—Uniform Commercial Code.

(11) *USDA*—United States Department of Agriculture.

§ 1945.55 Relationship between FmHA and other Federal agencies.

(a) *SBA and FmHA.* A Memorandum of Understanding between the SBA and USDA-FmHA pertaining to Disaster

Loan Assistance is attached as Exhibit B.

(b) *ASCS and FmHA.* A Memorandum of Understanding between the ASCS and FmHA on Disaster Assistance is attached as Exhibit C.

(c) *FCIC and FmHA.* A Memorandum of Understanding between the FCIC and FmHA pertaining to crop insurance and exchanging information essential to the elimination of duplication of disaster compensatory benefits is Exhibit A of Subpart N of Part 2000 of this chapter (available in any FmHA office).

§ 1945.56 Credit elsewhere.

(a) *Test for credit for individuals and entities.* The applicant must be unable to obtain sufficient credit elsewhere to finance actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time. If the applicant has been getting credit away from the local community where the farming operation is located, that source of credit must also be considered. The applicant's equity in *all assets*, including but not limited to real estate, chattels, stocks, bond, and Certificates of Deposit will be considered in determining ability to obtain such credit from other sources. Also, the applicant must offer to pledge *all assets* as security when requesting credit from other lenders. Cooperatives, corporations, and partnerships and the principal members, principal stockholders, and principal partners, both individually and collectively, must be unable to obtain the required funds with their own resources or with credit obtained from other sources. Form FmHA 1940-38, "Request for Lender's Verification of Loan Application," when appropriate, must be filed in the County Office case folders and any additional facts concerning the findings in all cases must be documented and recorded in the running record.

(b) *Test for credit certification requirements.* The applicant shall certify in writing on the application form and the County Supervisor *shall* determine that adequate credit elsewhere is not available to finance the applicant's actual needs.

(1) If the EM loan(s) requested is less than \$300,000, the following actions will be taken:

(i) The review of the application must indicate that, based on the County Supervisor's knowledge of other lenders' programs, there is no possibility for the applicant to obtain the credit needed from other lenders. This conclusion and the basis for it will be recorded in the

running record and further checks will not be necessary. However, the applicant's normal lender(s) *must be contacted in all cases* and the findings will be recorded in the running record.

(ii) If the County Supervisor questions whether the applicant is unable to obtain the credit needed from other agricultural lenders in the area, such lenders will be contacted and the findings recorded in the running record. If the County Supervisor believes it necessary the action required in § 1945.56(b)(2) can be taken.

(iii) If the County Supervisor receives letters or other written evidence including Form FmHA 1940-38 from a lender(s) indicating that the applicant is unable to obtain satisfactory credit, this will be included in the loan docket. Such evidence will not preclude the County Supervisor from contacting other farm lenders in the area and making an independent determination of the applicant's ability to obtain credit elsewhere.

(2) If the EM loan(s) request is \$300,000 or more, the following actions will be taken:

(i) Require the applicant to apply at not less than three conventional lending sources, including the Production Credit Association or Federal Land Bank, as appropriate, in the local community. However, when an applicant has a net worth of \$1 million or more but cannot obtain credit in the local community, the applicant will be required to contact at least two other lending sources out of the local area. One or more of the lenders contacted must be the applicant's normal lender(s) even though the lender is not located in the local community.

(ii) Form FmHA 1940-38 must be completed by all lending sources contacted and returned to the county office. If one or more of the lending sources contacted will provide the applicant with sufficient credit to finance actual needs at reasonable rates and terms taking into consideration prevailing private and cooperative rates and terms in the community, the applicant will be advised that it is not eligible for an EM loan. If the applicant cannot qualify for the needed credit from the lenders contacted, but one or more of them have indicated they would provide the credit with an FmHA guarantee, the applicant will be advised to file an application with that lender(s) so that a guaranteed EM loan request can be processed by the lender for consideration by FmHA.

(iii) When the County Supervisor receives Forms FmHA 1940-38 indicating that the applicant is unable to obtain satisfactory credit, the forms will

be placed in the loan docket. However, such evidence will not preclude the County Supervisor from contacting other farm lenders in the area and making an independent determination of the applicant's ability to obtain credit elsewhere.

(c) *Use of nonfarm assets.* The basic objective of EM loans is, through financial assistance, to enable eligible farmers to maintain a sound farming operation after they have sustained substantial losses as a result of an authorized disaster. Therefore, since the goal of EM loans is maintaining a sound farm economy, an applicant with large holdings in nonfarm assets not essential to the successful operation of their farm will offer those assets as security for loans requested from other lenders.

(1) If other lenders will not provide the needed credit even with these assets as security for their loans, an EM loan may be considered provided it is determined:

(i) That the applicant by selling all or a part of the nonfarm assets could not meet the total financial needs of the farm without other credit; or

(ii) That the applicant by selling all or a part of the nonfarm assets could not meet the total financial needs of the farm with credit from other sources.

(2) When an EM loan will be made, after other lenders have declined to provide credit, the County Supervisor may still require the applicant to sell all or a part of such assets to meet a portion of their needs in connection with processing an EM loan for the difference between the applicant's actual needs and the amount realized by the sale of the assets. If the applicant cannot sell the assets before the loan is closed, the applicant will mortgage such assets to FmHA and agree in writing, in a manner approved by OGC, to sell them within a one year period and apply the proceeds to reduce the EM debt.

§§ 1945.57-1945.60 [Reserved]

§ 1945.61 Receiving and processing applications.

(a) *Applications.* Applications for EM loans will be received and processed as outlined in Subpart A of Part 1910 of this chapter. Form FmHA 410-1, "Application for FmHA Services," will be used for this purpose.

(1) Applications for actual loss EM loans will only be received in areas where EM loans are made available in accordance with Subpart A of Part 1945 of this chapter, and must be postmarked or received in the county office before the termination date has passed. These applications must be processed within twelve months after they are filed.

(2) An applicant conducting a farming operation in different counties or locations will be considered for only one application and will file that application in the county in which the farm headquarters is located unless determined otherwise by the State Director. When the operation is located in more than one State, the State Directors involved will determine which State will process the application and service the loan(s).

(3) Applications for Major Adjustment Loans may only be received from applicants who are receiving or have received an EM actual loss loan and may not be received later than twelve months after the authorization date. Applications for major adjustment loans must be processed within one calendar year after they are filed.

(4) Applications for annual production purposes may be received from indebted EM borrowers annually for the periods contained in § 1945.66(b)(1) after the disaster as long as the borrower is unable to obtain the needed production credit from other sources. A borrower who has paid the EM loan(s) in full before the periods contained in § 1945.66(b)(1) has expired, and who cannot obtain sufficient credit elsewhere, may obtain an EM loan for annual production purposes to satisfy the production credit needs: *Provided*, the loan is made within the authorized periods.

(5) Provided the applicant would have been eligible for an EM actual loss loan, an application may be received and processed from an indebted SBA borrower for a major adjustment loan for twelve months after the FmHA authorization date and/or for an annual production loan for one full calendar year after the FmHA authorization date.

(6) An application may be received and processed from an EM borrower or an SBA borrower for all or a portion of the maximum loss loan authorized, but not requested initially from FmHA or SBA: *Provided*, The application is received within twelve months of the authorization date.

(7) An application for an additional major adjustment loan to complete items financed with the initial major adjustment loan may only be received within one full calendar year after the authorization date.

(8) An application received for an EM actual loss loan when the applicant is determined not to be eligible for an EM actual loss loan may be considered for other types of FmHA loans when appropriate.

(b) *Statement of losses.* The applicant's statement of loss or damage will be obtained in support of the

application on Form FmHA 1945-22, "Certification of Disaster Losses."

(1) Production losses will be shown on Form FmHA 1945-22, by listing the actual crop acres and yields, and livestock production for the disaster year; the crop acres and yields, and animal units produced for all farm enterprises for the 5 years immediately preceding the disaster year; and information stating when and how the disaster caused the production losses. Applications for actual losses must be processed within one calendar year after they are filed.

(2) Physical losses will also be shown on Form FmHA 1945-22.

(3) The applicant will provide the ASCS farm number or numbers and county where these farms are located for all farms the applicant tends.

(c) *ASCS Verification of Farm Acreages, Production and Benefits.* From information obtained on Form FmHA 1945-22, in accordance with paragraph (b)(3) of this section, the county supervisor will send a separate Form FmHA 1945-29, "ASCS Verification of Farm Acreages, Production, and Benefits," to the appropriate ASCS county office for each ASCS farm number that the applicant tends all or part of.

(d) *Evidence of operation.* If the applicant is a cooperative, corporation or partnership, it will provide evidence that it was operating as a qualifying farming enterprise at the time the loss occurred or has changed its form in accordance with § 1945.62 (j) after the loss occurred. The following information will be obtained and included in the loan docket:

(1) A complete list of members, stockholders, or partners showing the address, citizenship, principal occupation, and the number of shares and percentage of ownership, or stock held in the cooperative or corporation by each, or the percentage of interest held in the partnership by each.

(2) A current personal financial statement (not over 30 days old at the time of filing the application) from each of the principal members of a cooperative, principal partners of a partnership or principal stockholders of a corporation. Any other member, stockholder or partner, whose financial statement, in the judgment of the loan approval official, is pertinent to consideration of the financial strength of the cooperative, corporation, or partnership will also be required to provide personal financial statements.

(3) A current financial statement (not over 30 days old at the time of filing the application) from the cooperative, corporation, or partnership itself.

(4) A copy of the cooperative's or corporation's charter, or partnership agreement, articles of incorporation and by-laws, certificate or evidence of current registration (good standing), and a resolution(s) adopted by the Board of Directors, members or stockholders authorizing specified officers of the cooperative, corporation, or partnership to apply for and obtain the desired loan and execute required debt, security, and other instruments and agreements.

(5) A copy of any written lease, contract, or agreement entered into by the cooperative, corporation, or partnership which may be pertinent to a consideration of its application. When a written lease is not obtainable a statement setting forth the terms and conditions of the agreement will be included in the loan docket.

§ 1945.62 Eligibility requirements.

To be eligible for an EM loan, an applicant must possess the following characteristics at the time of actual loss, when the county committee certifies the applicant eligible, when the loan is approved, and when the loan is closed:

(a) *Test for credit.* An applicant must meet the "credit elsewhere" requirement set out in § 1945.56.

(b) *Citizenship.* (1) An individual applicant must be a citizen of the United States (see § 1945.54(a)(33) for the definition of "United States").

(2) A cooperative, corporation or partnership must meet the requirements set out in §§ 1945.54 (a)(7), (a)(8) or (a)(23). In addition, more than a 50 percent interest in the cooperative, corporation or partnership must be owned by United States citizens (see § 1945.54(a)(33) for the definition of "United States"). The member, stockholder or partner who manages the farming operation must be a United States citizen. Also, if another entity owns any interest in the applicant entity, more than a 50 percent interest in that other entity must be owned by United States citizens.

(c) *Established farmer.* An applicant must be an established farmer (as defined in § 1945.54(a)(11)) doing business either as an owner-operator or tenant-operator. An applicant who conducts the farming operation as an individual must manage the farming operation. If the applicant is a cooperative, corporation or partnership, at least one principal member, principal stockholder or principal partner must manage the farming operation. Also, the entity must be authorized to conduct the farming operations(s) in the State(s) in which the farming operation is conducted. One who does not devote

full time to the farming operation may be considered the manager provided that person visits the farm at sufficiently frequent intervals to exercise control over the farming operation, give directions as to how it should be run, and sees that the operation is being carried on properly. Any operation that involves an outside full-time hired manager or management service does not qualify, regardless of the number of visits made.

(1) An estate or trust; a corporation with over 50 percent of the ownership held by an estate, trust, another corporation, or a partnership; an individual partnership with over 50 percent of the ownership held by an estate, trust, corporation or other partnership is not considered to be a farmer for EM loan purposes.

(2) An individual engaged in a joint farming operation and/or owning an undivided interest in the property of such an operation is not considered to be an eligible farmer for EM loan purposes.

(3) Integrated livestock, poultry, and fish processors who operate primarily and directly as commercial businesses through contracts or business arrangements with farmers are not considered to be established farmers and are not eligible. However, a grower is considered an established farmer even though the applicant operates through a contract arrangement with an integrated processor, provided the operation is not managed by an outside full-time hired manager or management service. Farmers operating through contract may be considered for EM physical loss loan eligibility. However, eligibility for and the amount of their production losses will be determined from the applicant's share of the agricultural production as set forth in the contract.

(d) *Operate in a disaster area.* An applicant for an actual loss loan must have sustained qualifying losses in an area in which the availability of EM loans for actual losses has been determined in accordance with Subpart A of Part 1945 of this chapter and have filed an application before the expiration of the termination date.

(e) *Losses.* An applicant must have suffered qualifying production and/or physical losses to be eligible for an actual loss loan. Production losses must be to property in which the applicant has an ownership interest or an interest in which a security interest may be obtained. Physical losses must be to property in which the applicant has an ownership interest. See § 1945.63 for the methods of determining qualifying losses.

(f) *Legal capacity.* An applicant must possess the legal capacity to contract for the loan.

(g) *County Committee Certification.* The county committee will certify that the applicant meets the following additional eligibility conditions by using Form FmHA 440-2, "County Committee Certification or Recommendation:"

(1) An applicant must possess the training and/or experience, character (emphasizing repayment ability and reliability), industry and ability necessary to carry out the proposed farming operations to assure a reasonable prospect of success with the assistance of the loan, and

(2) The applicant will honestly endeavor to carry out the undertakings and obligations required of the applicant in connection with the loan.

(h) *Intent to Continue Farming.* An applicant must show an intent to continue the operation after the disaster. Those applicants who were required to stop temporarily because of the disaster loss or damage to their operations but intend to continue farming with EM loan assistance meet this requirement.

(i) *EM Loans(s) to Cooperatives, Corporations, or Partnerships.* When an EM loan is made to a cooperative, corporation, or partnership, only one initial EM actual loss loan can be made to the entity constituting the farming operation to cover the losses per disaster. However, an individual member, stockholder, or partner may obtain a separate EM actual loss loan to cover losses to a separate farming operation which the applicant conducts as an individual on a different farm tract.

(j) *Change in the form of an applicant.* A change in the form of an applicant between the time of a qualifying loss and the time an EM loan is closed does not make the applicant ineligible for EM loan assistance. (Examples of changes in form are as follows. An entity may split into its individual members or into more than one entity. One or more individuals may leave an entity. An individual may incorporate. A partnership may become a corporation, a cooperative, or another partnership. A corporation may become a partnership, a cooperative, or another corporation. A cooperative may become a partnership, a corporation, or another cooperative. Joint operators may become a partnership, a corporation, a cooperative or may split into individual members.) Such an applicant is eligible for EM loan assistance subject to all of the following limitations and qualifications:

(1) The applicant must meet all FmHA eligibility requirements at the time of loan closing.

(2) The applicant must not conduct an operation substantially larger in physical size than the operation at the time of the disaster.

(3) In the case of an entity applicant, all of the people who have an interest in the entity must have had an ownership interest (or an interest in which a security interest could be obtained) in the operation at the time of the disaster and/or must be heirs of those who had an ownership interest (or an interest in which a security interest could be obtained) in the operation at the time of the disaster. Heirs have to have been participating in the operation at the time the disaster occurred and have to be engaged in farming the operation at the time of loan approval.

(4) In the case of an individual applicant, that person must have had an ownership interest (or an interest in which a security interest could be obtained) in the operation at the time of the disaster and/or must be an heir of those who had an ownership interest (or an interest in which a security interest could be obtained) in the operation at the time of the disaster. An heir has to have been participating in the operation at the time the disaster occurred and has to be engaged in farming the operation at the time of loan approval.

(5) To determine the amount of an actual loss loan an applicant may receive, first calculate the actual loss suffered by the operation as it existed at the time of the disaster, in accordance with § 1945.63. Then look at the individual applicant or the individual members, partners, or stockholders of an entity applicant and determine each person's percentage of ownership interest (or interest in which a security interest could be obtained) in the operation as it existed at the time of the disaster. For an entity applicant, add the individual percentages together. Multiply the actual loss suffered by the operation as it existed at the time of the disaster by this percentage figure; the result is the amount of actual loss loan the applicant may receive. For example, if one partner withdraws from a four-partner partnership (each person owned a 25% interest), the remaining three partners are eligible for 75 percent of the actual loss suffered by the operation as it existed at the time of the disaster.

(6) The applicant may receive FmHA annual production and/or major adjustment assistance needed to conduct a sound farming operation in accordance with the loan purposes authorized in this Subpart.

(k) *Annual production and major adjustment loans.* For an applicant to be eligible for an annual production and/or major adjustment loans(s) the qualifying

losses as determined in accordance with § 1945.63 and the actual loss must have had such an impact on the farming operation that annual production and/or major adjustment loan(s) are actually needed to permit the applicant to continue the operation on a sound basis.

§ 1945.63 Determining qualifying losses, eligibility for actual loss loan(s) and the maximum amount of actual loss loan(s).

Disaster losses will be reported by applicants on Form FmHA 1945-22, which indicates physical and production losses suffered as the result of the qualifying disaster. On Form FmHA 1945-22, the applicant will report acres and actual yields for all crops planted in the disaster year and the number of all animal units and production per unit being maintained at the time of the disaster from the applicant's own records or from ASCS records of acres grown and proven actual yields. Applicants will report their previous 5-year production levels as set forth in paragraph (a) of this section. This form will be completed and submitted to the County Office with the application, as soon as the losses and/or damages can be accurately assessed. The information provided by applicants on Form FmHA 1945-22 will be the primary basis for FmHA's calculation of qualifying losses, eligibility for EM actual loss loan(s) based on production losses, and an applicant's maximum amount of actual loss loan. Therefore, applicants are required to certify, subject to penalties of law, that the accuracy and completeness of the information provided on Form FmHA 1945-22 can be supported by written records. Applicants will be asked to identify on that form one or more farming enterprises they consider basic to the success of their total farming operation and in which they have suffered a loss. When an applicant's production loss claims seem unreasonable, they will be verified. Physical loss claims will be verified by requiring the applicant to furnish evidence of ownership and proof of the property loss or damage. Proof of ownership could be by deeds, mortgages, financial statements, insurance policies, and the like. Proof of the loss or damage could be by the applicants' own pictures, written certification by other persons or, when practical, by visual inspections by FmHA employees.

(a) *Production losses.* (1) Applicants have several options under which their normal year's production may be reported and calculated for the farm currently being operated. (References herein to "County averages" is taken to be "State averages" when State

averages are set in accordance with § 1945.54(a)(22)).

(i) Applicants may elect to use their own accurate farm records of acres grown and yields obtained for all crops; and the number of all animal units and production per unit for all livestock being maintained at the time of the disaster, for the 5 years immediately preceding the disaster year.

(ii) Applicants may elect to accept county average yields per acre for crops and county average production per animal unit for livestock and livestock products which have been established as set forth in § 1945.54(a)(22) for the 5 years immediately preceding the disaster year. When this option is selected, applicants need provide only the number of acres and yield per acre for each crop grown and the production per animal unit produced for all livestock being maintained in the disaster year.

(iii) Applicants may elect to use applicant's ASCS records of acres grown and proven (actual) yields for crops grown in the 5 years immediately preceding the disaster year. For tobacco and other crops under acreage-poundage control, the normal year's production will be the pounds per acre as authorized by ASCS for the disaster year.

(iv) Applicants may elect to combine their own farm records and the ASCS records of acres grown and proven actual yields when neither the applicant nor ASCS can provide records of acres grown and proven (actual) yields for every crop grown in the 5 years immediately preceding the disaster year.

(v) Applicants may elect to combine the county average and the ASCS records of acres grown and proven (actual) yields when neither the county averages nor the ASCS can provide complete records for every crop grown in the 5 years immediately preceding the disaster year.

(vi) When none of the options in (a)(1) paragraphs (i), (ii), (iii), (iv), or (v) of this section can be used, applicants may be permitted to use combinations of their own records, ASCS records of acres grown and proven (actual) yields, and county averages provided:

(A) The applicant has been farming for fewer than 6 production years, or

(B) The applicant operated a different farm or conducted farming enterprises different from those conducted in the disaster year for one or more years of the 5 years prior to the disaster year.

(2) FmHA loan official(s) will complete Form FmHA 1945-26, "Calculation of Actual Losses."

(i) Production loss calculations will use the same established unit prices for

the disaster year and the normal year in computing the dollar value of each enterprise. Unit prices will be established in accordance with paragraph (a)(2)(iii) of this section. Production loss calculations will use those crop production yields and production per animal unit records authorized in accordance with § 1945.54(a)(22) and § 1945.63.

(ii) Actual disaster year and normal year production information for only those enterprises in which a loss occurred will be transposed from Form FmHA 1945-22 for each crop grown in the disaster year and each livestock enterprise maintained at the time of the disaster, to the appropriate places on Form FmHA 1945-26. The FmHA official completing Form FmHA 1945-26 is responsible for verifying loss information provided by the applicant when there is any question concerning the accuracy of such information. Information obtained from ASCS on Form FmHA 1945-29 will be cross checked with information provided by the applicant on Form FmHA 1945-22. Any discrepancies will be checked out and the correct information will be recorded in the County Office case file. When the applicant's disaster loss is due to a reduction in *quality* than can be substantiated, rather than due to a reduction in *quantity*, the applicant will be given credit for this by adjusting actual production downward enough to compensate for the quality loss.

(iii) The gross dollar amount of production losses will be computed for each basic part of the farming operation by calculating the value of the disaster year's production and subtracting that amount from the calculated production value in the normal year. Unit prices for agricultural commodities for the disaster used in these calculations will be established by the FmHA State Director from the current year's market price for the commodity involved if available, otherwise the prices will be for the calendar year immediately preceding the disaster year and distributed to all County Offices affected by the disaster. These prices (current or past calendar years) will be determined by averaging the market price for each commodity, on a countywide basis, if available, or on a Statewide basis. If Statewide figures are not available, the State Director will consult with other agricultural agency representatives and agricultural leaders in the local area before establishing commodity prices. State Directors and Farmer Program Chiefs in adjoining States should consult each other before releasing the figures. These prices will be based on information provided by the

State Crop and Livestock Reporting Service, the State Office of the SRS, USDA, or similar State or Federal agency or body. These prices will be established when EM actual loss loans are authorized and, once established, will not be changed for determining the production actual loss loan entitlement under that disaster authorization.

(iv) The amount of the actual production loss will be determined by subtracting all compensatory disaster payments which are related to the disaster and which have been received or will be received, *i.e.*, crop insurance claims settlements, ASCS disaster program payments or any other compensation for that enterprise from the gross dollar amount of production losses (as determined in paragraph (a)(2)(iii) of this section). For tobacco and other crops under acreage-poundage control the under produced pounds have a value since it can be sold or produced in future years. Therefore, the value of this under produced poundage must be subtracted from the loss. Price established locally will be used.

(v) The actual production loss for each basic part of the farming operation will be divided by the previously calculated normal year's gross income for that enterprise. This establishes the percentage reduction in production from normal for that enterprise. If the percentage loss in any basic part of the farming operation equals or exceeds 20 percent, the applicant is eligible for EM actual loss loan assistance.

(vi) Once eligibility is established, the total production loss sustained by the applicant and directly attributable to the disaster is computed by adding together the actual dollar amount of production losses of all single enterprises, whether or not they constitute a basic part of the farming operation, and subtracting from this total all compensatory disaster payments received or to be received and the value of any under-produced pounds.

(vii) The maximum production loss loan is limited to 90 percent of total actual production loss sustained by the applicant. A 10 percent drop in production from normal is not considered abnormal and applicants are expected to absorb their production losses to this extent.

(viii) Losses to pasture to be grazed by livestock are production losses and may be calculated by one of three methods as follows if approved by the State Director. The State Director will decide the method(s) that will be used throughout the State to calculate losses to pasture by issuance of a State supplement.

(A) The price per acre method. The price per acre method is used to calculate pasture losses in the following manner:

(1) Determine the normal year gross dollar value. To calculate this, multiply the number of acres available to be grazed for the disaster year; by the established rental charge per acre per month (this figure is established by the State Director in accordance with paragraph (a)(2)(iii) of this section); by the average number of months grazed per year during the highest 4 out of the preceding 5 years.

(2) Determine the disaster year gross dollar value. To calculate this, multiply the number of acres grazed during the disaster year; by the established rental charge per acre per month (as determined in accordance with paragraph (a)(2)(viii)(A)(1) of this section); by the number of months the livestock were able to be grazed during the disaster year.

(3) Subtract the disaster year gross dollar value (see paragraph (a)(2)(viii)(A)(2) of this section) from the normal year gross dollar value (See paragraph (a)(2)(viii)(A)(1) of this section) to determine the value of pasture loss suffered during the disaster year.

(B) The charge per head or animal unit method. The charge per head or per animal unit method is used to calculate pasture losses in the following manner:

(1) Determine the normal year gross dollar value. To calculate this, multiply the number of animals or animal units grazed per month during the disaster year; by the established rental charge per animal or per animal unit per month (this figure is established by the State Director in accordance with paragraph (a)(2)(iii) of this section); by the average number of months grazed per year during the highest 4 out of the preceding 5 years.

(2) Determine the disaster year gross dollar value. To calculate this, multiply the number of animals or animal units grazed per month during the disaster year; by the established normal rental charge per animal or per animal unit per month (as determined in accordance with paragraph (a)(2)(viii)(B)(1) of this section); by the number of months grazed during the disaster year.

(3) Subtract the disaster year gross dollar value (see paragraph (a)(2)(viii)(B)(2) of this section) from the normal year gross dollar value (See paragraph (a)(2)(viii)(B)(1) of this section) to determine the value of pasture loss suffered during the disaster year.

(C) The forage equivalent method. The forage equivalent is used to calculate pasture losses in the following manner:

(1) Determine the normal year gross dollar value. To calculate this, multiply the number of acres grazed during the disaster year; by the established price per pound or ton (this figure is established by the State Director in accordance with paragraph (a)(2)(iii) of this section); by the average number of pounds or tons of forage equivalent produced per acre per year during the 4 out of the preceding 5 years for forage of the type being used in this calculation. (The State Office will set forth the forage equivalent values to be used or the methodology to be used to derive this value in a State supplement. This information may be set forth on a countywide or statewide basis. The State Director may contact the State's Extension Service or other knowledgeable sources to assist in establishing the forage equivalent determination).

(2) Determine the disaster year gross dollar value. To calculate this, multiply the number of acres grazed during the disaster year; by the established price per pound or ton. (This figure is established by the State Director in accordance with paragraph (a)(2)(viii)(C)(1) of this section); by the number of pounds or tons of forage equivalent produced for forage of the type being used in this calculation produced in the disaster year. (See paragraph (a)(2)(viii)(C)(1) of this section for further information).

(3) Subtract the disaster year gross dollar value (See paragraph (a)(2)(viii)(C)(2) of this section) from the normal year gross dollar value (See paragraph (a)(2)(viii)(C)(1) of this section) to determine the value of pasture loss during the disaster year.

(ix) When a crop cannot be planted or can be only partially planted due to a disaster or when perennial crops (such as fruits or nuts) already growing cannot be produced or harvested due to a disaster, the loss will be a production loss. The loss will be calculated as follows: Add together any income that may be derived from the enterprise and the variable and fixed costs which will not be incurred because of the disaster. (The cost figures will be derived from current crop enterprise budgets prepared by State Agricultural Extension Service economists, based on normal farming conditions in the area.) Subtract this figure from the normal year's production; the result is the total production loss.

(x) When a crop is planted and completely destroyed by a disaster, a yield of "zero" may be shown on Form

FmHA 1945-22 during the disaster year only if no part of the crop could be harvested and no substitute crop could be planted and harvested. If a substitute crop is planted and harvested during the same crop year, a yield of "zero" should be shown for the original crop on Form FmHA 1045-22 and the yield from the substitute crop must be subtracted from the normal year's production of the destroyed crop.

(xi) When a crop cannot be planted, an applicant may treat the loss as a production loss (see paragraph (a)(2)(ix) of this section or as a physical loss (see paragraph (b) of this section).

(xii) Eligibility for production losses to livestock enterprises will usually be based on loss of feed crops to be fed and pasture to be grazed, and they should be calculated as crop losses rather than livestock losses. A livestock enterprise must be a basic part of the farming operation for losses to feed crops to be used in determining eligible qualifying production losses.

(xiii) Losses to crops to be fed to livestock will be established by determining the normal year's gross dollar value of feed produced for livestock and subtracting the disaster year's gross dollar value of feed produced for livestock from this figure. The difference establishes the disaster year's gross dollar loss for crops to be fed to livestock. The gross value of feed produced for livestock is derived by multiplying the number of crop acres to be fed to livestock by the yield per acre by the unit price.

(xiv) When an applicant elects to sell livestock at an earlier date or lighter weight than usual rather than purchase feed to replace that which was lost as a result of the disaster, the difference between what the sale price would have been if the livestock had been fed for the normal period and the disaster year's sale price may not be claimed as a loss.

(xv) Claims of production losses from the applicant will be verified by FmHA when the applicant's claims appear to be unreasonable.

(xvi) Production losses for orchard crops (fruit or nut) will be only for the crop loss due to the qualifying disaster and determined in accordance with paragraph (a)(2) of this section.

(b) *Physical losses.* (1) In order to qualify for EM loan assistance, the damaged or destroyed physical property must be essential to the successful operation of the farm and if not repaired or replaced, the farmer would be unable to continue operations on a reasonably sound basis. The financing necessary to recover from the physical loss must be

actually needed to permit the applicant to continue the operation.

(2) The claimed value of all physical losses due to disaster damage or destruction must be supported by written estimates for the necessary repair or replacement requested.

(3) Physical loss loan funds can be used to pay for only contracted or hired labor and materials and supplies purchased. Labor, machinery, equipment, and materials contributed by the applicant or borrower will not be chargeable to the cost of necessary repair and replacement.

(4) Damage to or destruction of nonessential buildings, structures or other items will not be repaired or replaced with EM physical loss loan funds. Any insurance compensation received or to be received for such losses will be considered as compensation for losses to essential farm buildings, structures and other items which need to be repaired or replaced.

(5) The maximum physical loss loan(s) will be determined by subtracting all insurance claims and any other compensation received or to be received for physical disaster losses from the value of all actual physical losses caused by the disaster.

(6) The actual physical loss equals the market value at the time of the disaster for the following items lost or destroyed by or as a result of the disaster:

- (i) Basic livestock.
- (ii) Livestock products.
- (iii) Harvested or stored crops.
- (iv) Supplies on hand.

(7) The actual physical loss for farm dwellings to be used by the operator and existing labor is the lesser of:

- (i) The market value of the property at the time it was damaged or destroyed; or
- (ii) The amount required to repair the dwelling or replace it with one of like quality and size which will meet all applicable code requirements and which will provide permanent, adequate, decent, safe, sanitary, and modest living quarters.

(8) The actual physical loss for farm service buildings and farm real estate other than buildings is the amount required to repair the property or replace it with a building or property of like quality and capacity which will meet all applicable code requirements and which will adequately meet the needs of the farming operation. This amount cannot exceed the market value of the property at the time of the disaster.

(9) If, in addition to the maximum physical loss loan made under this Subpart, an additional loan must be

made to repair, restore or replace damaged or destroyed essential farm property, it will be processed as a major adjustment loan.

(10) The actual physical loss for income-producing trees (fruit or nuts) is the cost of removing the damaged or destroyed trees, cleaning debris and preparing the land for replanting, plus the cost of suitable replacement trees and other expenses necessary to reestablish income-producing trees. Losses will not be determined by establishing a value for the trees destroyed or damaged. Any salvage value will be deducted from the loss. The applicant may choose to replace the damaged or destroyed trees with a different enterprise and use the actual loss loan fund for that purpose.

(11) The actual physical loss to trees (grown for timber) will be determined by establishing the value of trees less any salvage value. This estimate of value must be determined by a recognized forester who will cruise the timber and establish the value of the destroyed and damaged trees. The applicant may choose to replace the damaged trees enterprise with a different enterprise and use the actual loss loan funds for that purpose. Those applicants whose major farming enterprises are other than tree farming, but who have a wood lot that has been damaged, will have their tree losses considered as physical losses in the same manner as set forth for tree farms.

(12) The actual physical loss for crops or pasture is the cost of cleaning debris, preparing the land for replanting, seed, fertilizer, and other expenses necessary to reestablish the crops or pasture. These costs can exceed the market value of the crops or pasture at the time of the disaster.

(13) When a crop cannot be planted during the disaster year due to the disaster and the applicant chooses to treat the loss as physical loss, the actual physical loss is limited to the cost of land preparation, other expenses incurred to the date of the disaster for crops that could not be planted, and a pro rata share of the total operation's fixed costs such as rent, taxes, and insurance. The applicant must provide an itemized list of all the claimed expenses incurred in the disaster year for those enterprises for which disaster losses are claimed. This list must be signed by the applicant. The amount of an actual loss loan cannot exceed the total itemized expenses listed by the applicant.

(14) EM actual loss loans will not be made to flood and mudslide victims to repair or replace damaged or destroyed farm dwellings or farm service buildings

and their contents in areas where "National Flood Insurance" is available, except as authorized in Subpart B of Part 1806 of this chapter (FmHA Instruction 426.2).

(15) When an applicant has *only* housing losses and is eligible for an SBA physical loss loan in an area where SBA physical loss loans are available, only SBA will make the loans for restoration or replacement of farm housing.

(c) *Compensation for losses.* Compensation for losses from a disaster through insurance or government program(s) benefits reduces the applicants actual loss by the amount of such compensation and this reduces the amount of the EM actual loss loan. The amount of any SBA disaster loan assistance given for the same disaster, and the amount of any benefits from ASCS programs including the Emergency Feed Program (EFP), Emergency Conservation Program (ECP) payments, and Disaster payments will be considered as compensation for losses. Also, the amount of any crop, livestock or livestock product *physical loss* loan must be deducted from any *production loan* based on losses to the same enterprise(s) for which an applicant later qualifies.

(d) *Maximum actual loss loan.* This amount will be limited to the amount necessary to restore the farm to pre-disaster condition; however, this amount will not exceed the sum of the maximum production loss (paragraph (a) of this section) and the maximum physical loss (paragraph (b) of this section) or \$500,000 whichever is less. If the applicant has also received an SBA disaster loan for the same losses, the sum of the actual loss EM loan and the SBA disaster loan cannot exceed \$500,000. Indebted EM loan borrowers could receive later actual loss loans not to exceed \$500,000 for each additional qualifying disaster. However, for disasters occurring on or before September 30, 1978, the amount of the actual loss loan cannot exceed \$250,000 or the amount of the actual loss, whichever is less.

§§ 1945.64-1945.65 [Reserved]

§ 1945.66 Loan purposes.

EM loans may be made for the following purposes:

(a) *Loans for actual losses.* (1) The amount of the maximum actual loss loans in addition to the limitations contained in § 1945.63(d), is further limited to the actual dollar loss, or the actual amount of essential family, farm, and nonfarm enterprise credit that the applicant needs to carry on normal operations, *whichever is the lesser.*

However, actual loss loan funds will not be used to finance a nonfarm enterprise unless such enterprise is needed to support a reasonable standard of living for the family. Furthermore, actual loss loan funds *will not* be released to the applicant unless they are to be used for essential family living expenses, in the applicant's farming operation, or for eligible nonfarm enterprise expenses. The use of the loss loan funds will be identified in the farm and home plan so that a determination can be made as to whether such loans covered all or a portion of the actual dollar loss. Actual loss loan funds not needed immediately will be scheduled for later disbursement through the Finance Office "Loan Disbursement System".

(2) Actual loss loan funds may be used for any of the following:

- (i) Repair or replacement of disaster damaged or destroyed farm property;
- (ii) Payment of farm operating debts incurred during the disaster year;
- (iii) Making current capital loan payments, such as chattel and real estate debt payments;
- (iv) Meeting essential family living expenses;

(v) Payment of current taxes due;

(vi) Payment of other current debts;

(vii) Payment on delinquent debts;

(viii) Any major adjustment loan purpose, except refinancing of debts will be restricted to those debts (in whole or in part) that must be refinanced to provide a sound basis for making the EM actual loss loan.

(ix) Financing all or a part of the next years' production cost; and

(x) Payment of reasonable expenses customarily paid when obtaining, planning, and closing an actual loss loan, such as fees for legal, architectural and other technical services which are required to be paid by the borrower, and which cannot be paid from other funds. Loan funds also may be used to pay the borrower's share of social security taxes for labor hired by the borrower in connection with land and building development. It is not intended that this subparagraph be interpreted to include fees charged applicants by management consultants and other professionals for preparation of EM loan dockets, including farm and home plans and other FmHA forms used in processing such loans.

(b) *Annual production purposes.* (1) After an initial EM loan is made subsequent EM loans may be made for annual production purposes until the borrower is able to return to normal credit sources or for the periods contained in paragraphs (b)(1) (i) and (ii) of this section whichever is the shorter period. When more than one loan for

annual production purposes is made during the same production year, the loans will be treated as one loan.

(i) Borrowers with loans outstanding for any EM purpose on or before December 15, 1979, may receive subsequent EM loans for annual production purposes, provided no more than five (5) annual subsequent EM loans are made per disaster: *And provided*, They are made within six (6) full calendar years after the disaster. This includes all EM borrowers whose EM loan was approved on or before December 15, 1979.

(ii) Borrowers not having outstanding EM loans on or before December 15, 1979, may receive subsequent EM loans for annual production purposes, provided no more than two (2) annual subsequent EM loans are made per disaster and provided they are made within three (3) full calendar years after the disaster. This also includes borrowers indebted who are affected by a new disaster and who do not have entitlement for more than two years under a previous disaster.

(2) Annual production loans for operating purposes may be made for:

- (i) Payment of annual production expenses, including annual installments of principal and interest on debts.
- (ii) Payment of family living expenses.
- (iii) Refinancing debts when the amount loaned can be repaid from income received from crops or livestock produced during the production year.

(3) The total annual production loan indebtedness, owed by the borrower cannot exceed the annual production and major adjustment indebtedness ceiling established in paragraph (d) of this Section.

(c) *Major adjustment loans.* Major adjustment loans can only be made to applicants to assure the reasonable prospect of the farmers being able to maintain a sound farming operation after they have sustained severe losses as a result of a qualifying disaster. The major adjustment loan must actually be needed to permit the applicant to continue in operation. Major adjustment loans must assist the disaster victims in sustaining or rehabilitating their normal operations until such time as they are able to return to other sources of credit. These loans can be used for any crop or livestock changes needed to achieve these objectives and to overcome the financial difficulties caused by the disaster. The resulting operation must be one which does not substantially increase the overall size of the pre-disaster operation, does not realize a net farm income (gross income less annual farm operating expenses) substantially greater than that of the normal operation

conducted before the disaster, and is financially sound.

(1) The total major adjustment loan indebtedness, owed by the borrower cannot exceed the annual production and/or major adjustment indebtedness ceiling established in paragraph (d) of this section.

(2) Real estate purposes (Subtitle A). The following are authorized real estate purposes, and major adjustment loan funds may be used to:

(i) Purchase real estate necessary to (these funds may be used in conjunction with loss funds):

(A) Replace land that cannot be restored due to the disaster;

(B) Establish a new site for farm dwellings and service buildings so that the applicant can relocate outside of a flood or mudslide prone area;

(C) Provide land and water resources necessary to make a viable family farming operation; and

(D) Replace land necessary to restore an effective operation which was liquidated as a result of the disaster before an EM loan could be made.

(ii) Construct, buy, or improve buildings and facilities needed on the applicant's farm, including:

(A) The construction of an essential farm dwelling and service buildings of modest design and cost, including facilities and structures for nonfarm and recreational enterprise uses or fish farming such as docks, fish hatcheries, shooting blinds, refreshment or marketing stands, processing or assembly plants, sales buildings, repair shops, lodging facilities, trailer parks, picnic areas, target ranges, tennis courts, shuffleboard courts, golf driving ranges, campsites and modest rental housing.

(B) The improvement, alteration, repair, replacement, relocation, or purchase and transfer of such essential dwellings and service buildings, facilities, structures and fixtures that become part of the real estate or customarily pass with the farm when it is sold. This includes pollution control and energy saving devices.

(C) The purchase and/or installation of water and sewage systems and other equipment, including pollution control and energy saving devices necessary to operate a farm and/or a nonfarm enterprise, provided the items upon installation become part of the real estate, or customarily pass with the farm when it is sold.

(iii) Provide land and water development, pollution control and energy saving measures, acquire water supplies and rights, and promote the use and conservation essential to the operation of the farm and any nonfarm enterprise facilities. This includes

providing fencing, drainage and irrigation facilities, basic applications of lime and fertilizer, and facilities for land clearing. This also includes establishing approved forestry practices, fish ponds, trails and lakes, improving orchards, and establishing and improving permanent hay or pasture. Sources of water may be located outside the land owned provided appropriate rights or easements are obtained to ensure that the water and rights will pass with the farm when it is sold. The funds for land and water development may include the costs of machinery and equipment needed to do the development only when the total cost of the development and machinery or equipment would not exceed the cost of contracting the work or hiring the labor and machinery needed to do it. Loan funds may be used to pay that part of the cost of facilities, improvements, and "practices" which will be paid for in connection with participation in such programs as the Agricultural Conservation or Great Plains programs only when such costs cannot be covered by purchase orders or assignments to material suppliers or contractors. If loan funds are advanced and the portion of the payment for which the funds were advanced is likely to exceed \$1,000, the applicant will assign the payment to FmHA.

(A) Funds may be used for development costs on land owned with defective title provided:

(1) There is adequate security for the loan,

(2) The tract with defective title is not included in the appraisal report, and

(3) Not more than \$25,000 is loaned to an applicant to use for development costs on a tract with defective title.

(B) Funds may be used for real estate improvements or repairs on land leased by the applicant if all of the following conditions are met:

(1) EM loans will not be needed year after year to make substantial real estate improvements.

(2) The applicant is likely to continue to operate the farm for a sufficient period of time and under such terms as will yield a reasonable return on the investment.

(3) The applicant has reasonably secure tenure for a long enough period to enable the tenant to realize adequate benefits to justify the expenditures;

(4) A written lease is obtained which provides for payment, to the tenant or assignee, for any unexhausted value of the improvement if the lease is terminated;

(5) There is adequate security for the loan; and

(6) Not more than \$50,000 is loaned to a tenant for real estate improvements,

repairs, or for refinancing unsecured debts clearly incurred for such purposes.

(iv) Refinance secured and unsecured debts, including FmHA debts subject to all of the following:

(A) The applicant's present creditors will not furnish credit, even with an FmHA guaranteed loan, at rates and terms the applicant can meet.

(B) When applicants request refinancing of loans owed normal lenders, such as banks, Production Credit Associations, Federal Land Banks or insurance companies, the County Supervisor will obtain early in the loan processing such lender's determination with respect to furnishing the applicant the additional credit necessary to accomplish the objectives of the EM loan and reestablish the borrower's operations on a sound basis within the borrower's ability to pay.

(C) Major adjustment loans *will not* normally be made to refinance intermediate and long-term loans except in amounts necessary to cover only existing delinquencies plus the next installment that the applicant will be unable to pay unless the refinancing is necessary for the applicant to conduct a sound farming operation. Ordinarily, in the case of old unsecured debts or inadequately secured debts, applicants will be requested to contact their creditor(s) and attempt to obtain a substantial reduction of such debts before the refinancing.

(D) The County Supervisor, must contact the appropriate lender, verify and document, either in the running record or by letter from the lender, the need to refinance secured debts and major unsecured debts, and the reasons the lender will not carry the debt even with an FmHA guarantee. The unpaid balance of the debts to be refinanced will also be verified.

(E) Major adjustment loans for refinancing debts secured by real estate cannot exceed \$300,000 principal indebtedness regardless of the number of qualifying disasters.

(v) Pay reasonable expenses customarily paid when obtaining, planning, making and closing a loan made for real estate purposes, such as fees for legal, architectural and other technical services, which are required to be paid by the borrower, and which cannot be paid from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with land and building development. It is not intended that this subparagraph be interpreted to include fees charged applicants by agricultural management consultants and other professionals for preparation of EM loan

dockets including farm and home plans and other FmHA forms used in processing such loans.

(vi) Finance a nonfarm enterprise when it will provide another source of necessary income even though the owned acreage for such enterprise is not physically located on the farmland.

(vii) Pay the first year premium for required insurance on buildings on the property which are to serve as security for the loan. Buildings will be insured in accordance with Subpart A of Part 1806 of this chapter (FmHA Instruction 426.1), except when the appraisal report shows that the land alone adequately secures the loan. However, the applicant will be encouraged to take property insurance on essential buildings to protect the applicant's own interest. Borrowers eligible for insurance under the National Flood Insurance Act of 1968 will be advised of its availability in accordance with Subpart B of Part 1806 of this chapter (FmHA Instruction 426.2).

(3) Operating purposes (Subtitle B). The following are authorized operating purposes and loan funds may be used to:

(i) Purchase machinery and equipment, livestock, poultry, fur bearing and other farm animals, aquatic organisms, worms, birds, tools, bees, and supplies or to purchase an individual's or entity's undivided interest in such items, and pay costs incidental to reorganizing the farming system for a sound operation.

(ii) Purchase and repair essential home equipment and furnishings, and pay for family living expenses and home equipment repairs required by the applicant's family to sustain itself in a reasonably satisfactory manner.

(iii) Refinance secured and unsecured operating type debts in whole or in part, including FmHA debts.

(iv) Purchase milk base, either with or without cows, when such action is necessary to assure the borrower a satisfactory market for dairy production.

(v) Purchase grazing licenses, permits, or rights which can be validly sold and transferred.

(vi) Augment and improve existing water supplies to alleviate the adverse effects of drought and other natural disasters.

(vii) Purchase membership and stock in farm purchasing, marketing, or service-type cooperative associations, including grazing associations.

(viii) Pay a creditor an amount not to exceed 20 percent of the appraised market value of the essential farm and nonfarm equipment under prior lien to that creditor, or 20 percent of the amount owed to such creditor, whichever is less.

(ix) Purchase a franchise, contract, or privilege when necessary to the operation of the planned enterprise.

(x) Make a partial payment on crop storage and drying facilities when the Commodity Credit Corporation, through the ASCS, is providing the rest of the credit under the Commodity Credit Corporation Farm Storage and Drying Equipment Loan Program.

(xi) Pay reasonable expenses customarily paid when obtaining, planning and closing a loan made for operating purposes, such as fees for legal, architectural and the technical services which are required to be paid by the borrower and which cannot be paid from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for the labor hired by the borrower in connection with land and building development. It is not intended that this paragraph be interpreted to include fees charged applicants by agricultural management consultants and other professionals for preparation of EM loan dockets including farm and home plans and other FmHA forms used in processing such loans.

(d) *Annual production and major adjustment loan indebtedness ceiling.* The total annual production and major adjustment loan(s) indebtedness owed by the borrower, insured or guaranteed, cannot exceed \$1,500,000 principal indebtedness at any time regardless of the number of qualifying disasters. However, borrowers indebted for any EM loan on or before December 15, 1979, may receive subsequent annual production loans (§ 1945.66(b)) in amount necessary to continue their operations without regard to this indebtedness ceiling.

(e) *Relationship with Economic Emergency (EE) loans.* When an EM loan for annual production or major adjustment purposes is made at the same time as or after an EE loan, subtract the amount of the EE loan (outstanding principal only) from \$1,500,000; the result is the maximum loan which can be made for EM annual production or major adjustment purposes. However, borrowers indebted for any EM loan or before December 15, 1979 will not have the amount of the EE loan subtracted from any EM subsequent annual production loan.

§ 1945.67 Loan limitations and special provisions.

(a) *Applicants involved in more than one operation.* Loans to applicants involved in more than one operation will be considered as follows:

(1) If an applicant, in addition to the applicant's own farm operation, owns or

controls 50 percent or more of another farm operation(s), and the applicant is actively engaged in both operations, both the applicant and the other farm operation(s) may be considered for separate loans provided the combined total does not exceed the loan limitations as set out in § 1945.63(d), and § 1945.66(d).

(2) If the applicant is a cooperative, corporation, or partnership and any principal member, principal stockholder, or principal partner owns or controls 50 percent or more of another farm operation(s) and is actively engaged in both operations, both the applicant entity and the other farm operation(s) may be considered for separate loans: *Provided*, The combined total does not exceed the loan limitations as set out in § 1945.63(d) and § 1945.66(d).

(3) If an applicant, including any principal member, principal stockholder, and principal partner who, in addition to the applicant's own farm operation, owns or controls less than 50 percent of another farm operation(s), and is actively engaged in *separate* farm operation(s), the applicant and the other farm operation(s) will be considered as separate entities for application of the loan limitations.

(4) If the applicant described in paragraphs (a) (1), (2), and (3) of this section is deemed to be ineligible, such determination shall not preclude the other operation(s) in which the applicant holds an interest from being considered for an EM loan(s).

(b) *Insured and guaranteed loan making.* An insured EM loan will not be made simultaneously with a guaranteed EM loan or vice versa.

(c) *Refinancing guaranteed loans.* An insured loan will not be made to refinance a guaranteed loan, except when the following conditions are met:

(1) The circumstances causing the need to refinance were beyond the borrower's control.

(2) Refinancing is in the best interest of the Government.

(d) *Subsequent EM loans.* Subsequent (additional) EM loans may be made for the same purposes and under the same conditions as an initial EM loan.

(e) *New appraisals.* New appraisal of real estate reports are not required if the appraisal report in the file is not over two years old, unless the approval official requests a new appraisal report or unless significant changes in the market value of real estate have occurred in an area within the two year period. Any changes in the value of real estate or chattel security will be recorded, dated and initialed by the authorized appraiser on the appropriate appraisal reports in the file.

(f) *Record Keeping.* EM borrowers receiving or indebted for EM loans of \$100,000 or more are required to keep hard farm records on an approved format or use an accountant or a farm management service computer system as long as they are indebted for EM loans. The borrower is required to retain these records for three years. (See Subpart B of Part 1924 of this chapter.)

(g) *Disbursement of loan funds.* Loan funds; either actual loss, annual production, and major adjustment, which will not be disbursed for specific purposes at loan closing will *not* be requested in the initial request for funds from the Finance Office. The "Loan Disbursement System" will be used to make funds available when they are actually needed. Only in unusual cases will loan funds be kept in supervised bank accounts for more than 60 days and when such funds are placed in an interest bearing supervised bank account, the interest funds will be applied on the EM loan immediately or used for an authorized EM loan purpose when the planned EM funds are not sufficient to cover all of the planned items.

§ 1945.68 Rates and terms.

(a) *Interest rates.* Interest on the initial advance will accrue from the date of the promissory note. Interest on other advances will accrue from the date of the loan check for each such advance. Interest rates are specified in Subpart A of Part 1810 of this chapter (FmHA Instruction 440.1 Exhibit B, available at any FmHA office).

(b) *Terms of loans.* Loans will be scheduled for repayment at such time as the FmHA approval official may determine, consistent with the purpose of and need for the loan, and in accordance with the useful life of the security and the repayment ability of the applicant as reflected in the completed Form FmHA 431-2, "Farm and Home Plan." There must be at least an annual installment unless a deferment of principal and/or interest is authorized in accordance with paragraph (c)(4) of this section.

(1) *Operating purposes (Subtitle B).*

Actual losses of crops, livestock and chattels; annual production; and major adjustment (Subtitle (B)) loans will be scheduled for repayment as follows:

(i) Advances for items financed under § 1945.66 (a) or (c)(3) will be for a period not to exceed 7 years. Loans may be scheduled for a longer repayment period if the FmHA approval official determines that the needs of the applicant justify a longer repayment period. Such period may be approved as warranted but cannot exceed 20 years.

This longer repayment period will only be used when the applicant would be unable to repay the loan in a shorter period taking into consideration rescheduling possibilities. The reasons the longer period is given must be documented in the county office case file. Generally, real estate will be needed as security when the longer repayment period is authorized. When the longer period is used, rescheduling is not authorized to extend beyond 20 years from the date of the original note.

(ii) Advances for annual recurring operating expenses § 1945.66(b), or for paying bills incurred for such purposes for the operating or crop year being financed will be scheduled for payment when the principal income from the year's operations is normally received.

(iii) Advances to purchase or produce feed for productive livestock or livestock to be fed for the market, or to pay bills incurred for such purposes for the crop year being financed, will be scheduled for repayment when the principal income from the sale of such livestock or livestock products can be expected.

(iv) When conditions warrant, installments may vary in amount. However, the final installment will not be larger than the amount which can then be financed with other agricultural lenders or be repaid within a rescheduled period of not to exceed 7 years. The applicant must be advised before the loan is closed that FmHA will review each case at the end of the initial loan term to determine if rescheduling is warranted. There is no obligation for FmHA to continue with the borrower after the expiration of the initial loan term.

(2) *Real estate purposes.* Loans made for actual losses to real estate and loans made for major adjustment (Subtitle A) purposes (§ 1945.66 (c)(2)) will normally be scheduled for repayment in not to exceed 30 years. Loans may be scheduled for a longer repayment period if the FmHA approval official determines that the needs of the applicant justify a longer repayment period. Such period may be approved as warranted but cannot exceed 40 years. The longer repayment period will only be used when the applicant would be unable to repay the loan in a shorter period. The reasons the longer period is given must be documented in the county office case file.

(3) *Repayment terms when debts are refinanced.* When secured or unsecured debts are refinanced with a major adjustment loan, the type of basic security taken will determine the terms and interest rate charged.

(i) When basic security is other than real estate, the loan may be scheduled for repayment in accordance with paragraph (b)(1) of this section and the Subtitle B purpose interest rate will be charged.

(ii) When real estate will serve as basic security, the loan may be scheduled for repayment in accordance with paragraph (b)(2) of this section and the Subtitle A purpose interest rate will be charged.

(c) *Consolidation, rescheduling, reamortization and deferral.*—(1) *General requirements.* When the loan approval official determines that consolidation, rescheduling, reamortization, or deferral will assist in the orderly collection of an EM loan, the loan approval official may take such action. The requirements of paragraph (c) of this section apply when a new loan is being made. If only existing loans are involved and no new loan is being made, see Subpart A of Part 1951 of this chapter.

(i) When deferring, consolidating or rescheduling EM loans made for operating purposes, the requirements set out in Subpart A of Part 1951 of this chapter, § 1951.33 (b)(1) through (b)(6) must be met.

(ii) When deferring or reamortizing EM loans made for real estate purposes, the requirements of Subpart A of Part 1951 of this chapter, § 1951.40(b) that apply to EM loans must be met.

(2) *Consolidation and rescheduling.* EM loans made for operating purposes may be consolidated or rescheduled subject to the conditions set out in Subpart A of Part 1951 of this chapter, § 1951.33 (d)(1) through (d)(5) and (d)(7) that apply to EM loans.

(3) *Reamortization.* Existing EM loans made for real estate purposes may be reamortized when a new EM loan is made subject to the conditions set out in Subpart A of Part 1951 of this chapter, § 1951.40 (b)(1)(i) through (b)(1)(iii) that apply to EM loans.

(4) *Deferral.* Installments on EM loans, including loans which are consolidated, rescheduled or reamortized, may be deferred.

(i) When deferring installments on EM loans made for operating type purposes, the requirements set out in Subpart A of Part 1951 of this chapter, § 1951.33(e)(1) must be met.

(ii) When deferring installments on EM loans made for real estate purposes, the requirements set out in Subpart A of Part 1951 of this chapter, § 1951.40(b)(2) must be met.

(iii) Deferred installments on EM loans made for operating type or real estate purposes should be scheduled and repaid in accordance with Subpart

A of Part 1951 of this chapter, § 1951.33 (e)(2)(i) through (e)(2)(iv).

(5) *Terms.*—(i) *Consolidation and Rescheduling.* All EM loans made for Subtitle B (operating) purposes will be repaid over a period consistent with the borrower's repayment ability, but not in excess of 7 years from the date of the consolidation or rescheduling except in special cases authorized in § 1945.68(b)(1) where a longer term is needed. Initial EM loans for operating type purposes may be rescheduled for up to 20 years from the date of the original note.

(ii) *Reamortization.* Existing EM loans made for real estate purposes may be reamortized in accordance with § 1951.40(c)(1) of Subpart A of Part 1951 of this chapter.

(6) *Interest rates.* The interest rates for consolidated, rescheduled, and reamortized loans are as follows:

(i) For consolidated, reamortized, or rescheduled *non-actual loss* loans, the current rate specified in Subpart A of Part 1810 of this chapter (FmHA Instruction 440.1 Exhibit B, available in any FmHA office) at the time of consolidation, reamortization or rescheduling.

(ii) For reamortized or rescheduled *actual loss loans*, the interest rate will not be changed from that in the original note.

(7) *Processing consolidation, rescheduling, and/or deferral.* These functions will be performed in accordance with the FMI to Form FmHA 1940-17, "Promissory Note."

(8) *Disposition of promissory notes.* The original and County Office copy of all notes that are consolidated, rescheduled, reamortized or deferred will be stamped "CONSOLIDATED," "RESCHEDULED," "REAMORTIZED," or "DEFERRED," as appropriate, by the County Office. The original note will be filed with Form FmHA 452-1, "Renewal, Reamortization, Promissory Note," or Form FmHA 452-2, "Reamortization and/or Deferred Agreement," and the copy filed in the borrower's case file. When consolidated, rescheduled, reamortized or deferred notes(s) have been paid in full or otherwise satisfied, the note will be handled in accordance with the provisions of Subpart A of Part 1951 and Part 1864 (FmHA) Instruction 456.1 of this chapter.

(d) *Graduation.* Borrowers will be required to graduate when FmHA determines they are able to obtain their needed credit from conventional sources. All borrowers will be advised that their loans will be reviewed for graduation by FmHA. Applicants will also be advised during loan processing and again at loan closing that they will

be required to refinance at any time if other satisfactory credit is available to them even though their loans have not fully matured. This will be in accordance with the graduation procedure set forth in FmHA Instruction 451.6, a copy of which is available in any FmHA County Office. EM loans will be reviewed two years after they are made and every other year thereafter.

§ 1945.69 Security requirements.

(a) *Security.* (1) The County Supervisor is responsible for seeing that the proper security is given and maintained and the security instruments have been properly recorded to protect the interest of the Government.

(2) Except for the modifications contained in paragraph (d)(1) of this section, security must be of such a nature that repayment of the loan is reasonably assured considering the applicant's management ability, soundness of the operation, and the applicant's prospective earnings. When a major adjustment real estate loan is made the security will not be less than the best lien obtainable on all farm real estate and farm personal property. Security may include, but is not limited to the following: Livestock, livestock products, crops, land, buildings, machinery, equipment, furniture, fixtures, inventory, accounts receivable, cash or special cash collateral accounts, personal and corporate guarantees, marketable securities, and each surrender value of life insurance. Security may also include assignments of leases or leasehold interests, revenues, patents, and copyrights. In unusual cases, the loan approval official may require a co-signer or a pledge of security by a third party. Generally, a pledge of security in lieu of a co-signer is preferable.

(3) A lien will not be taken on property that cannot be made subject to a valid lien, nor will a lien be taken on subsistence livestock, household goods, and small tools and small equipment such as handtools, power lawn mowers, and other items of like type not needed for security purposes. A lien on feed crops does not have to be taken if the crops produced by the borrower are used to feed livestock, other than livestock being fed for market, and the loan is otherwise well secured.

(4) When insured and guaranteed loans are involved to the same borrower, separate security must be clearly identified for both the insured and guaranteed loans.

(b) *Personal liability.* The signatures of all principal partners of a partnership, principal members of a cooperative and principal stockholders of a corporation

are required to evidence their full personal liabilities on the Promissory Note as individuals, except in unusual circumstances including legal disability or extended absence from the country.

(1) When the applicant is an unincorporated farm cooperative, the promissory note will be executed so as to evidence the liability of the cooperative as well as each member as an individual. This will be accomplished by typing the name of the cooperative above the space provided for signatures and having the note executed by each member of the cooperative both as a member and as an individual. To evidence the liability of the cooperative, the words "As Members" will be typed immediately beneath the name of the cooperative and each member will sign thereunder. To evidence the members' liability as individuals, the words "As Individuals" will be typed at the top of the blank space to the left of the lines for signatures, and each member will sign thereunder.

(2) When the applicant is a corporation or an incorporated cooperative, the promissory note will be executed by the corporation or cooperative acting through its authorized officials. To evidence the principal stockholders' or members' liability as individuals, each principal stockholder or member will sign the note.

(3) When the applicant is a partnership, the promissory note will be executed so as to evidence the liability of the partnership as well as each principal partner as an individual. This will be accomplished by typing the name of the partnership above the space provided for signatures and having the note executed by the members of the partnership both as partners and as individuals. To evidence liability of the partnership, the words "As Partners" will be typed immediately beneath the name of the partnership and each partner will sign thereunder. To evidence the principal partners' liability as individuals, the words "As Individuals" will be typed at the top of the blank space to the left of the lines for signatures and each principal partner will sign thereunder.

(c) *Personal and corporate guarantees.* (1) If a review of all credit factors indicates the need for additional security, the loan approval official may require additional personal and/or corporate guarantees, including guarantees from principals of parent, subsidiary or affiliated companies. The loan approval official will require that such guarantees be secured by security which has an equity value. Any security referred to in paragraph (a)(2) of this

section may be used to secure the guarantees.

(2) Guarantors of applicants will:

(i) In the case of personal guarantees, provide current financial statements (not over 30 days old at time of filing), signed by the guarantors and disclosing community or homestead property.

(ii) In the case of corporate guarantees, provide current financial statements (not over 30 days old at time of filing), certified by an officer of the corporation.

(3) When security is taken under this paragraph (c) of this section it will be serviced in accordance with Subpart A of Part 1962 of this chapter, if chattels, and Subpart A of Part 1972 of this chapter (FmHA Instruction 465.1), if real estate.

(d) *Applicant's repayment ability.* If the present market value of the security is not at least equal to the amount of the loan, the applicant's repayment ability may be considered by the loan approval official in determining whether the loan should be made. When the applicant's repayment ability is so considered, the following conditions must also be met:

(1) Adequate security is not available because of the disaster or current economic conditions;

(2) The applicant's typical year operating plan indicates ability to repay the loan in full within the proposed repayment period which may provide for a deferment if necessary; and

(3) The applicant will give a lien on all available security.

(e) *Life insurance.* If the applicant's repayment ability is considered or if the loan approval official believes it is needed as additional security, life insurance may be required for the individual borrower or for the principals and key employees of an entity borrower and will be assigned or pledged to FmHA. This life insurance may be decreasing term insurance. A schedule of life insurance available as security for the loan will be included as part of the application.

(f) *Operating purposes.* (1) Loan funds used for annual production purposes will be secured by a first lien on the crop or livestock or both, being financed with EM loan funds plus enough other security, including personal property, real estate and crop insurance, to assure that the Government's financial interest will be protected. When the applicant can provide no security other than a first lien on the crop or livestock or both, the amount of the loan will be limited to the greater of \$100,000 or one-half of the estimated gross farm income planned as shown on Form FmHA 431-2, or as shown on another acceptable plan of operation based on normal production and prices authorized by the State

Director for developing annual farm plans within the State. When an EM borrower who is indebted for an annual operating loan which is secured only by a first lien on the crop or livestock or both, needs a subsequent EM loan for annual operating purposes during the current calendar year to complete that year's farming operation and the loan is needed to protect the Government's financial interest, the \$100,000 or fifty (50) percent gross income requirement will not apply, provided the loan is otherwise sound and proper.

(2) Loans made for operating purposes authorized in §§ 1945.66 (a) and (b) or 1945.66(c)(3) will be secured by a lien on sufficient equity in livestock, crops, equipment and machinery (including trucks and automobiles) and, if necessary, other personal property to protect the Government's interest. A lien on part or all of the real estate owned by the applicant may be taken as additional security, if the lien is needed to protect the interest of the Government. When the applicant can provide no security other than a first lien on crops or livestock or both, the policy outlined in paragraph (f)(1) of this section will apply. If the applicant has enough equity in real estate to secure the entire amount of the loan, no additional security is needed. A second crop lien may be taken when deemed necessary to assure repayment of the loan.

(3) Loans only for the acquisition of memberships or the purchase of stock in cooperative associations may be made on the basis of the borrower's promissory note without taking security except as follows:

(i) An assignment, pledge, or other security interest in the stock or other evidence of membership will be obtained provided it has security value. A security interest may also be taken on significant amounts of patronage, or on undivided profits and other holdings. The security interest will be in the form of an assignment, pledge, or other instrument and will be taken on forms and in the manner approved by OGC. Stock certificates and similar security will be kept in the County Office. A notation will be made on Form FmHA 405-1, "Management System Card-Individual," showing that such security has been retained.

(ii) In individual cases, loan approval officials may require a lien on crops or chattels as security for a loan made for the acquisition of a membership or stock if they determine that such action is necessary to protect the FmHA interest.

(4) The advice of OGC will be obtained as to how to perfect a security interest when milk base and grazing

permits are financed or taken as security.

(5) General intangibles, accounts, or contract rights may be taken as security for production loss loans made to contract feeders, tenants with share-lease arrangements, or other farmers with similar arrangements. National Office approval should be obtained before taking such items as security for a loan.

(g) *Real estate purposes.* Loans for the purposes authorized in §§ 1945.66(a) (real estate purposes only) and 1945.66(c)(2) will be secured by a lien on real estate. However, if the applicant does not have sufficient equity in the real estate to secure the entire amount of the loan, a lien also will be taken on personal property, plus, if necessary, a second lien on crops or livestock. An EM loan made to a tenant with a long-term lease will be secured by a lien on a transferable leasehold.

(h) *Abbreviated appraisals.* An abbreviated appraisal is one which is completed in accordance with paragraph (h)(2)(i) of this section. See § 1945.75 for instructions on complete appraisals. Loans may be approved when an abbreviated appraisal is made on the property being taken as security for the loan provided:

(1) The loan approval official determines that the applicant's equity in the security property will adequately secure the EM loan.

(2) When abbreviated appraisals are prepared:

(i) For real estate, the following portions of Form FmHA 422-1, "Appraisal Report—Farm Tract," will be completed: The heading of the report, Item A of Part 1, Part 2, Part 3, Part 6, Part 7, and Part 8. The report will be signed and dated by an FmHA authorized appraiser.

(ii) For chattel property, Form FmHA 440-21, "Appraisal of Chattel Property," will list, identify, and show the value of each chattel item and items A through E will be completed.

(i) *Combination of real estate and chattel security.* When an EM loan is to be secured by a lien on real estate or a combination of real estate and chattels, the security will be considered "basic security." However, notwithstanding the definition in § 1945.54(a)(32), when chattels are primarily relied upon as security and real estate is taken only as additional security to better protect the Government's interest in instances in which the amount of the loan does not exceed the value of the primary chattel security by more than \$10,000, the additional real estate security will not be considered basic security. For all loans over \$25,000 when real estate is

taken as basic security, title clearance is required. For loans of \$25,000 or less, and for loans for which real estate is taken as additional security, only a certification of ownership and verification of equity in real estate is required. Certification of ownership may be accepted in the form of a notarized affidavit from the applicant stating who is the owner of record of the real estate in question and acknowledging all known debts, with balances owed, against the real estate. Whenever the County Supervisor is uncertain of the ownership of or debts against the real estate security, and for all loans to cooperatives, corporations or partnerships, a title search is required.

(j) *Purchase contracts.* If the real estate offered as security is held under a purchase contract, the following conditions must exist:

(1) The applicant must be able to provide mortgageable interest in the real estate.

(2) The applicant and the seller must agree in writing that any insurance proceeds received for real estate losses will be used only to replace or repair the damaged real estate improvements which are essential to the farming operation, used for other essential real estate improvements, or paid on the EM loan or on any prior real estate indebtedness including the purchase contract. If necessary, the applicant will negotiate with the seller to arrive at a new contract without any provisions objectionable to FmHA.

(3) If a satisfactory contract of sale cannot be negotiated or the seller refuses to enter into the agreement described in paragraph (j)(2) of this section, the applicant will make every effort to refinance the existing purchase contract. If the applicant cannot obtain refinancing from another source, an EM loan will be considered to include funds to pay off the contract.

(4) If the conditions set out in paragraphs (j) (1), (2) and (3) of this section exist and an EM loan is approved, it can be closed provided the FmHA escrow agent or designated attorney certifies on Form FmHA 427-10, "Final Title Opinion", or in separate writing that:

(i) The purchase contract is not subject to summary cancellation on default and does not contain any other provisions which might jeopardize either the Government's security position or the borrower's ability to repay the loan.

(ii) The seller has agreed, in writing, to give FmHA notice of any breach by the purchaser, and has also agreed to give FmHA the option to rectify the conditions which amount to a breach within thirty days. The thirty days begin

to run on the day FmHA receives written notice of the breach.

(k) *Prior liens which may jeopardize the Government's security position.* If any prior liens against real estate offered as security contain future advance provisions or other provisions which might jeopardize the security position of the Government or the applicant's ability to meet the obligations of these prior liens and to pay the EM loan, the prior lienholders involved must agree in writing, before the loan is closed, to modify, waive, or subordinate such objectionable provisions to the interest of the Government. However, the Government's lien may be subject to the lien of another creditor for amounts advanced or to be advanced for annual operating and family living expenses for the operating or calendar year. The County Supervisor will determine if the creditor will be required to execute Form FmHA 441-13, "Division of Income and Nondisturbance Agreement," or a similar form approved by the OGC.

(l) *Circumstances under which advance notice of foreclosure or assignment is required.* When a junior lien on real estate is to be taken as security for a loan in States where a prior lienholder may foreclose the security instrument under power of sale or otherwise and extinguish junior liens of private parties without giving junior lienholders actual notice of the foreclosure proceedings, the prior lienholder must agree in writing to give FmHA advance notice of foreclosure or assignment of the mortgage.

(m) *Hazard insurance.* Hazard insurance with a standard mortgage clause naming FmHA as beneficiary may be required for every loan made. The minimum amount of insurance required is the lesser of the replacement cost of the property being insured or the amount of the loan. If essential insurable buildings are located on the property, or if new buildings are to be erected or major improvements are to be made to existing buildings, the applicant will provide adequate hazard insurance coverage at the time of the loan closing or as of the date materials are delivered to the property, whichever is appropriate. Notwithstanding the requirements of Subpart A of Part 1806 (FmHA Instruction 426.1) of this chapter, when the real estate appraisal report shows that the present market value of the land after deducting the value of buildings shown on the report exceeds the amount of the debt (including the EM loan) and the owner has equity equal to or exceeding the amount of the debt (including the EM loan), real estate

property insurance may not be required. However, the applicant will be encouraged to obtain such insurance, if the applicant does not already have it, to protect the applicant's interest. If insurance claims for loss or damage to buildings to be replaced or repaired with loan funds are outstanding at the time the loan is approved, the applicant will be required to agree in writing that, when settlement is made, the proceeds of such claims will be used for replacement or repair of buildings, application on debts secured by prior liens, or application on the EM loan.

(n) *Special security requirements where personal possessions or home furnishings are involved.* Loan amounts borrowed for repair or replacement of personal possessions and home equipment or furnishings will be secured by a lien(s) on crops, aquatic organisms, livestock, farm machinery, essential trucks or automobiles, and/or farm real estate.

(o) *Crop insurance.* Loan approval officials may require the borrower to carry Federal or other types of crop insurance with an assignment to FmHA during the repayment period of the EM loan if such insurance is available in the county. This decision should be based on the amount and type of security, other than crops, that the borrower can provide. *However, when only a crop lien is taken as security for an EM loan, the borrower will be required to carry Federal or other type of crop insurance during the repayment period of such loan if such insurance is available.* An assignment of Federal Crop Insurance proceeds will be prepared on Form FCI-20, "Collateral Assignment," furnished by the local representative of the Federal Crop Insurance Program. The assignment must be approved by the Federal Crop Insurance Corporation. An assignment of crop insurance proceeds is not required when the crop insurance policy contains a standard mortgage clause naming FmHA as mortgagee or secured party.

(p) *Indian trust lands.* EM loans which are secured by trust or restricted land will be handled as follows: USDA and the Department of the Interior have agreed that FmHA loans which are to be secured by real estate liens may be made to Indians holding land in severalty under trust patents or deeds containing restrictions against alienation, subject to statutes under which they may, with the approval of the Secretary of the Interior, give valid and enforceable mortgages on their land. These statutes include, but are not limited to, the Act of March 29, 1956 (70 Stat. 62). When a lien is to be taken on

trust or restricted property in connection with a loan to be made or insured by FmHA, the local representatives of the Bureau of Indian Affairs (BIA) will furnish requested advice and information with respect to the property and each applicant. The FmHA State Director should arrange with the Area Director or other appropriate local official of the BIA as to the manner in which the information will be requested and furnished. A State supplement will be issued to prescribe the actions to be taken by FmHA personnel to implement the making of loans under these conditions.

(q) *Unpatented public lands.* See Exhibit A of Subpart A of Part 1943 of this chapter for making EM loans to entrymen on unpatented public lands.

(r) *Taking security instruments.* The taking and filing of security instruments will be in accordance with Subpart B of Part 1941 of this chapter (chattels and crops) and with § 1945.69 and § 1945.89 (real estate). The borrower must have marketable title to the property which secures the loan and FmHA must ascertain that, when the security instruments are filed, no suits are pending or threatened which would adversely affect the interest of the borrower.

(s) *Assignments and consents.* (1) The value of stock required to be purchased by Federal Land Bank (FLB) Association borrowers may be added to the recommended market value of real estate, provided:

(i) An assignment can be obtained of the stock; or

(ii) An agreement is obtained which provides that:

(A) The value of the stock at the time the FLB loan is satisfied will be applied on the FLB loan as long as any FmHA loan is outstanding, or

(B) The stock refund check is made payable to the borrower and FmHA.

(iii) In either case the total of the stock value and the recommended market value of real estate are indicated in the comments section of Form FmHA 422-1.

(2) An assignment of all or part of the applicant's share of income is required when title to a livestock or crop enterprise is held by a contractor under a written contract or when the enterprise is to be managed by the applicant under a share lease or share agreement. The contract, share lease or share agreement will be described specifically as "Contract Rights" or "Contract Rights in Livestock or Crops," (or as "Accounts" or "Accounts in Livestock or Crops," if required by a State supplement) and so forth, in paragraph (1)(b) of the financing

statement. A form approved by OGC will be used to obtain the assignment.

(3) An assignment of income can also be taken when the County Supervisor determines it is necessary to protect FmHA's interests.

(i) Form FmHA 443-16, "Assignment of Income from Real Estate Security," will be used for assignments of real estate security income unless that form is legally inadequate in a particular State, in which case it may be adapted with the approval of OGC.

(ii) Form FmHA 441-8, "Assignment of Proceeds from the Sale of Agricultural Products," will be used for products or income in which FmHA does not have a security interest under the UCC. Other forms approved by OGC may be used when this form is not adequate.

(iii) Form FmHA 441-25, "Assignment of Proceeds from the Sale of Dairy Products and Release of Security Interest," will be used for dairy products in which FmHA has a security interest under the UCC.

(iv) Form FmHA 441-18, "Consent to Payment of Proceeds from Sale of Farm Products," will be used for products or income, except dairy products, in which FmHA has a security interest under the UCC.

(v) Forms provided by ASCS will be used for assignments of incentive and other agricultural program payments.

(4) In UCC States, an assignment of income constitutes a security agreement and should be treated accordingly.

§§ 1945.70-1945.72 [Reserved]

§ 1945.73 General provisions—compliance requirements.

(a) *Scope of operation to be financed.* No ceiling has been established on the size of operations that may be financed with EM loans. Therefore subject to the eligibility requirements, loan amount ceilings, repayment ability, need, available security and other provisions of this subpart, loans may be made to finance farming operations of any size.

(b) *Flood or mudslide hazard areas.* Flood or mudslide hazards will be evaluated whenever the farm to be financed is located in special flood or mudslide prone areas as designated by the Federal Emergency Management Agency (FEMA). Subpart B of Part 1806 of this chapter (FmHA Instruction 426.2) will be complied with when loan funds are used to construct or improve buildings located in such areas. This will not prevent making loans on farms if the farmstead is located in a flood or mudslide prone area and funds are not included for building improvements. The flood or mudslide hazard will be recognized in the appraisal report.

(1) In identified special flood or mudslide hazard areas as designated by FEMA, the following policies are applicable for EM loans being made to finance buildings or fixtures and furnishings contained therein.

(i) If flood or mudslide insurance is available and an applicant has not taken such insurance and had flood losses, an EM actual loss loan may be made provided flood or mudslide insurance is purchased before the EM loan is closed.

(ii) If flood or mudslide insurance is available and an applicant previously received and still is indebted for an EM loan, Rural Housing Disaster (RHD), or SBA disaster loan and a condition of the loan required the obtaining of flood insurance but the applicant allowed the insurance to lapse and the applicant has new flood or mudslide losses, the applicant will be considered to be in default on the loan agreement and dealt with accordingly. If it is determined to continue with the borrower and that the EM actual loss loan should be made, flood or mudslide insurance will be obtained before the EM loan is closed.

(iii) If flood or mudslide insurance is available and an applicant had previously received an EM, RHD, or SBA disaster loan and, a condition of the loan required obtaining flood or mudslide insurance and the applicant paid the loan in full and let the insurance lapse, the applicant will be handled in accordance with paragraph (b)(1)(i) of this section.

(iv) In those areas that have been designated by FEMA as special flood or mudslide hazard areas and flood or mudslide insurance is not available or has been withdrawn by FEMA an applicant can receive an EM actual loss loan provided the farm buildings, including the dwelling, are relocated outside the 100-year flood area.

(v) EM loans to repair or replace farm buildings, including dwellings, must meet the requirements of § 1806.25 (a) or (b) of Subpart B of Part 1806 of this chapter (paragraph V A or B of FmHA Instruction 426.2) as applicable, or be relocated outside the 100-year flood area.

(2) When land development or improvements such as dikes, terraces, fences, and intake structures are planned to be located in special flood or mudslide prone areas, loan funds may be used subject to the following:

(i) The Corps of Engineers or the SCS will be consulted concerning:

(A) Likelihood of flooding.

(B) Probability of flood damage.

(C) Recommendations on special design and specifications needed to minimize flood and mudslide hazards.

(ii) FmHA representatives will evaluate the proposal and record the decision in the loan docket.

(c) *Civil rights.* The provisions of Subpart E of Part 1901 of this Chapter will be complied with on all loans made which involve:

(1) Funds used to finance nonfarm enterprises and recreation enterprises. Applicants will sign Form FmHA 400-4, "Nondiscrimination Agreement," in these cases.

(2) Any development financed by FmHA that will be performed by a contract or subcontract of more than \$10,000.

(d) *Protection of historical and archaeological properties.* If there is any evidence to indicate the property to be financed has historical or archaeological value, the provisions of Subpart F of Part 1901 of this chapter will apply.

(e) *Environmental impact statements.* If EM loans are used in populated areas to finance an operation which has relatively large feedlots or holding facilities for livestock or aquatic organisms or smaller feedlots or holding facilities which are likely to have an effect on the environment, the applicant will be requested to complete Form FmHA 449-10, "Applicant's Environmental Impact Evaluation."

(1) The County Supervisor will complete Form FmHA 440-46, "Environmental Impact Assessment," considering information provided by the applicant in Form FmHA 449-10.

(2) The County Supervisor will forward a copy of the loan application, completed FmHA Forms 449-10 and 440-46, and any other information and docket material relevant to environmental considerations to the State Director. The State Director will determine whether an environmental impact statement should be prepared based on this submittal and any other available information.

(3) The provisions of Subpart G of Part 1901 of this chapter will be followed to the extent applicable for EM loans in making decisions on operations that may have a significant impact on the environment.

(f) *Truth in Lending—Real Estate Procedures Act.* Subpart I of Part 1901 of this chapter applies as follows:

(1) The provisions in § 1901.401 concerning Truth in Lending apply to any EM loan made to individuals if the amount of the loan is less than \$25,000 and involves credit transactions primarily for agricultural purposes including real property transactions.

(2) The provisions of the Real Estate Procedures Act outlined in § 1901.406 apply when EM funds are used involving tracts of less than 25 acres, if:

(i) Any part of the loan is used to purchase all or part of the land to be mortgaged, and

(ii) The loan is secured by a first lien on the property where a dwelling is located.

(g) *Nondiscrimination requirements.* In accordance with Federal Law, the FmHA will not discriminate against any otherwise qualified applicant on the basis of race, religion, sex, national origin, marital status, age, or physical/mental handicap (provided the applicant can execute a legal contract), with respect to any aspect of a credit transaction. The policy statement set forth in § 1945.51(a) will also apply to credit transactions.

(h) *Compliance with special laws and regulations.* (1) Applicants will be required to comply with Federal, State and local laws and regulations governing building construction; diverting, appropriating, and using water including use for domestic or nonfarm enterprise purposes; installing facilities for draining land; and making changes in the use of land affected by zoning regulations.

(2) State Directors and Farmer Programs Staff members will consult with SCS, U.S. Geological Survey, State Geologist or Engineer, or any board having official functions relating to water use or farm drainage requirements and restrictions for water and drainage development. State supplements will be issued to provide guidelines which:

(i) State all requirements to be met, including the acquisition of water rights.

(ii) Define areas where development of ground water for irrigation is not recommended.

(iii) Define areas where land drainage is restricted.

(3) Applicants will comply with all local laws and regulations, and obtain any special licenses or permits needed for nonfarm, recreation, specialized or aquaculture farming enterprises.

§ 1945.74 [Reserved]

§ 1945.75 Options, planning and appraisals.

(a) *Optioning Land.* An applicant is responsible for obtaining options on purchased real property in accordance with the provisions contained in § 1943.25(a) of Subpart A of Part 1943 of this chapter.

(b) *Planning.* (1) Form FmHA 431-2 and Form FmHA 431-4, "Business Analysis—Nonagricultural Enterprise," when appropriate will be completed as provided in Subpart B of Part 1924 of this chapter and in accordance with the FMI's. This planning process with the applicant is essential to making sound

loans and, therefore, must receive careful attention in development of the loan docket. However, when the EM loan will not be for more than \$25,000, Tables A, D, and E of Form FmHA 431-2 may be left blank and only the totals in Tables G and J should be shown, provided Form FmHA 410-1 is completed and is believed to accurately reflect the applicant's circumstances and no supervision is planned. The plan will show any major items of expenditure and the reason these items are needed. In addition, when all of the loan funds are not to be disbursed at loan closing, a *Monthly Budget* will be prepared showing the specific amount to be disbursed by each associated loan purpose for each month. The funds will be disbursed through use of the loan disbursement system or, when needed, supervised bank accounts may be used.

(2) Development work will be planned and completed in accordance with Subpart A of Part 1804 of this chapter (FmHA Instruction 424.1). The provisions of Subpart E of Part 1901 will be met in connection with EM loans involving recreational enterprises and the construction of buildings.

(c) *Appraisals.* (1) Real estate appraisals will be completed by an FmHA employee authorized to make farm appraisals when real estate is taken as security. Appraisals are not required if:

(i) The amount of the EM loan is \$10,000 or less, and

(ii) The loan approval official determines the loan is adequately secured without an appraisal, and

(iii) The County Supervisor indicates in the loan docket an estimate of the market value of the real estate to be given as security.

(2) Real estate appraisals will be completed as provided in Subpart A of Part 1809 of this chapter (FmHA Instruction 422.1).

(3) See § 1945.69(s)(1) when FLB stock is to be used in the recommended market value of the real estate.

(4) When real estate is taken as additional security (for loans in which the primary security is subject to rapid depreciation or is of a high risk nature, such as crops) no appraisal report will be required for the additional security. For loans including any existing indebtedness of not more than \$25,000, or for loans for actual losses of not more than \$50,000, including any existing FmHA indebtedness, an appraisal report will not be required. In both instances the County Supervisor will determine that security is adequate and record the estimate of value in the running case record; showing the date the property was inspected and certifying that in the

County Supervisor's opinion the estimates are correct based on knowledge of the value of comparable properties in the area. For actual loss loans of not more than \$50,000, including any existing FmHA indebtedness, an appraisal is required if the value shown on the applicant's financial statement is not in keeping with comparable values in the community.

(5) A chattel appraisal will be required when chattels are taken as security.

(i) Form FmHA 440-21 will be used.

(ii) The property which will serve as security will be described in sufficient detail so it can be identified.

(iii) Its current market value or, if appropriate, the current cash value will be determined.

(6) See § 1945.69(h) for instruction on using abbreviated appraisals.

§§ 1945.76-1945.79 [Reserved]

§ 1945.80 County Committee certification.

The County Committee will review the application and determine whether or not the applicant meets EM loan eligibility requirements.

(a) *Certification.* If the County Committee finds the applicant eligible, it will prepare Form FmHA 440-2, "County Committee Certification or Recommendation." This form will be retained in the County Office file. The County Committee will comply with Subpart A of Part 1910 of this chapter.

(b) *Rejection.* If the County Committee rejects the application, the County Supervisor will inform the applicant in writing of the reasons for rejection. Reasons for unfavorable action will be given in the space provided on Form FmHA 440-2 above the space for signatures. The County Committee will comply with Subpart A of Part 1910 of this chapter. Also, the County Supervisor will complete Part III of all Forms FmHA 1945-29 to show the rejection of the application, sign, date and forward to the appropriate ASCS county office in accordance with the FMI.

(c) *Amount of EM loan assistance.* The County Committee will establish the maximum amount of credit that may be extended under the certification to meet the applicant's total actual needs for which financing has been requested. The applicant will not be notified of the maximum credit as certified by the County Committee for the calendar year.

(d) *Recertification.* If it is found, after an applicant is initially certified as eligible, that there has been an increase in the amount of EM loan assistance needed, it will be necessary for the County Committee to again certify the

applicant as eligible on the basis of the changed circumstances. When the County Committee has agreed to certify an increase over the original amount certified, a new Form FmHA 440-2 will be prepared and executed by inserting the following statement on the form: "We, the undersigned members of the County Committee, have again reviewed the applicant's situation and credit needs for the calendar year and find those needs are as indicated above rather than the amount shown on Form FmHA 440-2 dated . . ." The Form FmHA 440-2 previously executed will be retained in the case files.

§ 1945.81 [Reserved]

§ 1945.82 Loan docket preparation.

(a) *Processing guide.* See Exhibit A of this subpart for Insured Emergency Loan Processing Guide. When a packager has developed the loan docket the County Supervisor will fully *analyze* the docket to assure it is complete and conforms with this EM loan regulation. The County Supervisor will verify calculations in accordance with § 1945.83(b) and insure that the provisions of § 1945.83 are met before final action is taken on the loan request.

(b) *Form FmHA 440-1, "Request for Obligation of Funds."* A separate Form FmHA 440-1 will be prepared for amounts of the total loan which have different interest rates or repayment periods as determined in accordance with § 1945.68 (a) and (b). Also, on Form FmHA 440-1, for EM loans approved for borrowers presently indebted for an EM loan but have NEW qualifying losses from a different qualifying disaster, the new appropriate disaster authorization number will be shown. This number will be used for all subsequent EM loans approved, unless the borrower has new qualifying losses from a different disaster for which another disaster authorization number has been assigned.

(c) *Promissory note.* A separate promissory note will be prepared for each Form FmHA 440-1 used in obligating the total amount of the loan. Each scheduled installment will include interest in addition to principal unless deferral of principal is authorized in accordance with § 1945.68(c).

(d) *Lease agreements.* Generally, a copy of the lease agreement between tenant applicants and their landlords will be obtained and made a part of the loan docket. When it is not obtainable, a statement setting forth the terms and conditions of the agreement which are not clearly reflected in Form FmHA 431-2 will be prepared and made a part of the loan docket.

§ 1945.83 Loan approval or rejection.

Loans will be approved in accordance with the authorities and provisions contained in this Subpart and the loan approval conditions and authorities contained in Subpart A of Part 1901 of this chapter.

(a) *Approval after termination date for receiving actual loss loan applications.* Applications for EM actual loss loans may be approved after expiration of the period for receiving such applications, provided they were filed in the County Office before the termination date for receiving applications had expired.

(b) *Reverification before approval.* Before an EM loan is approved the following action must be taken:

(1) The County Supervisor will verify information provided by ASCS on all Forms FmHA 1945-29 in accordance with the FMI. If there have been any changes from the information originally provided and used in the loan docket preparation, the changes must be made where appropriate.

(2) The County Supervisor will verify information provided by the Federal Crop Insurance Corporation regarding any insurance benefits. If there have been any changes from the information originally provided and used in the loan docket preparation, the changes must be made where appropriate.

(3) All calculations on Form FmHA 1945-22 and Form FmHA 1945-26 will be checked by a County Office clerical employee (either regular or temporary), using a calculator with a paper tape, to assure that mathematical errors are detected. The County Supervisor will make any changes in the loan docket necessary when errors are located. The paper tape will be attached to Form FmHA 1945-22 or Form FmHA 1945-26 as appropriate.

(4) The County Supervisor will contact the local SBA representative, if appropriate, to determine if the applicant has applied for or received an SBA disaster loan for the same disaster and document the result of this discussion in the County Office case file. If the applicant has received an SBA disaster loan for the same disaster the Emergency actual loss loan will *not* be approved until it is determined that the requirements of § 1945.63 (c) and (d) can be met. If the actual loss EM loans is approved the SBA will be advised by telephone and confirmed by letter by the County Supervisor.

(c) *Administrative determination and responsibilities.* When the County Committee certification has been made and the reverification has been done, the loan approval official will determine administratively whether:

(1) The applicant is eligible, likely to be successful in the proposed operations, and likely to achieve the objectives of the loan.

(2) The applicant has satisfactory tenure arrangements on the farm to be operated.

(3) The proposed farm and home operations of the applicant are reasonably sound.

(4) The loan is proper and can be repaid from farm or other income as scheduled.

(5) The security requirements can be met.

(6) The certification required of the applicant and County Committee have been made and are a part of the loan docket.

(7) If a major adjustment loan is being approved that these changes in the operation are needed and that the county office case file reflects the need for these changes.

(8) The loan meets all other FmHA requirements.

(d) *Loan docket transmitted to Administrator.* (1) Transmittal memoranda accompanying EM loan dockets requiring authorization for approval from the National Office must summarize the following:

(i) Proposed loan(s) purpose(s), associated amount(s) of assistance, and rates and terms.

(ii) Outstanding FmHA loan(s) balances.

(iii) Status of outstanding FmHA loan(s).

(iv) Brief statements regarding:
(A) Cause and type of disaster losses.
(B) Inability to obtain other suitable credit.

(C) Purposes for which loan funds are to be used.

(D) Feasibility and soundness of the planned operation.

(E) Security offered in support of the loan.

(v) The State Director's specific positive recommendation that the requested loan(s) be authorized for approval.

(2) Loan dockets should not be forwarded to the National Office requesting authorization to approve unless the State Director is able to make a positive recommendation. Loan requests for which the State Director is unable to make a positive recommendation for approval, should be denied at the State level, and applicants advised of their appeal rights in accordance with Subpart B of Part 1900 of this chapter.

(3) Memoranda transmitting problem cases, on which State Directors are only seeking National Office counsel, should also contain their thinking, their

interpretation of the appropriate FmHA regulations and policies, and recommendations on how they believe the case in question should be handled.

(e) *Loan approval.* (1) The loan approval official will date, sign and distribute Form FmHA 440-1 in accordance with the FMI and set forth any special conditions of approval, including any special security requirements in the appropriate section on Form FmHA 440-1.

(2) The County Supervisor will complete Part III of Form FmHA 1945-29 and forward to the appropriate ASCS county office(s).

(f) *Rejection of loans.* (1) If a loan is rejected, the loan approval official will indicate the reasons for the rejection in the running case record.

(2) The County Supervisor will notify the applicant by letter of the reason(s) for rejection and will make sure that the requirements set out in Subpart B of Part 1900 of this chapter are met.

(3) The County Supervisor will complete Part III of Form FmHA 1945-29 and forward to the appropriate ASCS county office.

(4) In areas where EM loans are being made under a *major disaster declaration*, and where FEMA has advised the State Director that Section 408 grants are available, a list of applicants with physical losses who do not qualify for EM loans will be prepared and sent to FEMA by County Supervisors as of the close of business each week. The names of applicants who do not qualify because they are able to obtain credit elsewhere will be marked by an asterisk (*) before each name. Those applicants who are not eligible for a loan because they are not farmers as defined in § 1945.54 will be screened and disqualified immediately. The State Director will be advised by FEMA where to send the list and the State Director will so advise the County Supervisors. The list will be prepared in the following format:

United States Department of Agriculture;
Farmers Home Administration

To: _____

The following is a list of applicants not qualifying for Farmers Home Administration's Emergency loans in _____ County during the week ending _____, 19____. Applicants who do not qualify because they are able to obtain credit from other sources are indicated by an "*" before their names.

Name _____
Address _____
County Supervisor _____

§ 1945.84 [Reserved]

§ 1945.85 Actions after loan approval.

(a) *Cancellation of loan check and/or obligation.* The County Supervisor will notify the State and Finance Offices of loan cancellation by using Form FmHA 440-10, "Cancellation of Loan or Grant Check and/or Obligation," and the appropriate FMI. If a check received in the County Office is to be cancelled, the check will be returned to the Disbursing Center, U.S. Treasury Department, Post Office Box 3329, Kansas City, Kansas 66103, with a copy of Form FmHA 440-10 (see FmHA Instruction 102.1, a copy of which is available in any FmHA Office).

(b) *Cancellation of advances.* When an advance is to be cancelled the County Supervisor must take the following actions:

(1) Complete and distribute Form FmHA 440-10.

(2) When necessary, obtain a substitute promissory note reflecting the revised total of the loan and the revised repayment schedule. When it is not necessary to obtain a substitute promissory note, the County Supervisor will show on Form FmHA 440-10 the revised amount of the loan and the revised repayment schedule.

(c) *Increase or decrease in loan amount.* If it becomes necessary to increase or decrease the amount of the loan before closing, the County Supervisor will request that all distributed docket forms be returned to the County Office for reprocessing, unless the change is minor and replacement forms can be readily completed and submitted. In the latter case, a memorandum to that effect will be attached to the revised forms for referral to the Finance Office.

§§ 1945.86-1945.87 [Reserved]

§ 1945.88 Chattel lien search.

See § 1941.63 Subpart B of Part 1941 of this chapter for regulations concerning lien searches covering chattels.

§ 1945.89 Loan closing.

(a) *Closing loans secured by real estate.*—(1) *General.* Loans secured by real estate are considered closed on the date the mortgage is filed for record. Such loans will be closed in accordance with the applicable provisions of Part 1807 of this chapter (FmHA Instruction 427.1).

(2) *Security instruments.* Security instruments referred to in this paragraph (a) are real estate mortgages or deeds of trust.

(i) FmHA real estate mortgage or deed of trust Form FmHA 427-1 (State), "Real Estate Mortgage for _____," will be

used in *all* cases where real estate is taken as security.

(ii) Promissory note(s) will be prepared and completed at the time of loan closing in accordance with the FMI. If insured Rural Housing (RH) funds are advanced simultaneously with EM funds the RH loan will be evidenced by a separate note on the proper form as provided in Subpart A of Part 1822 of this chapter (FmHA Instruction 444.1). However, all notes will be described on the same security instruments. When a loan is closed between December 1 and January 1, the first installment will be collected at the time of loan closing unless deferment is approved.

(iii) When subsequent loans are made, a new security instrument is required only when the existing instruments do not cover all required security or do not secure the subsequent loan.

(iv) A subsequent loan for any authorized purpose may be made without taking new security instruments when the existing security instruments cover all the property required to serve as security for the subsequent loan, the State law and the language of the existing security instruments will permit the future loan advance to be secured by the existing security instruments, and the existing security instruments will provide the same lien priority for the subsequent loan as for the initial loan. A new security instrument will be taken if one of these requirements is not met.

(3) *Leaseholds.* Security instruments for loans secured by leaseholds will describe security in accordance with Part 1807 of this chapter (FmHA Instruction 427.1), and the following provisions will also apply:

(i) The following language, or similar language which in the opinion of the OGC is legally adequate, will be inserted just before the legal description of the real estate:

All Borrower's right, title, and interest in and to the leasehold estate for a term of _____ years beginning on _____, 19____, created and established by a certain lease dated _____, 19____ executed by _____, as lessor(s), recorded on _____, 19____, in Book _____, page _____ of the _____ Records of said County and State, and any renewals and extensions thereof, and all Borrower's right, title, and interest in and to said Lease, covering the following real estate:

(ii) An additional covenant will be inserted in the mortgage to read as follows:

Borrower will pay when due all rents and any and all other charges required by said lease, will comply with all other requirements of said Lease, and will not surrender or relinquish, without the Government's written

consent, any of the Borrower's right, title, or interest in or to said leasehold estate or under said Lease while this instrument remains in effect.

(iii) A copy of the lease will made part of the loan docket.

(4) *Filing or recording security instruments.* The following appropriate actions will be taken after loan closing:

(i) If the original security instrument is returned by the recording official, it will be retained in the borrower's case folder. If the original is retained by the recording official, a conformed copy, showing the date and place of recordation and the book and page number, will be prepared and filed in the borrower's case folder. A conformed copy of the security instrument will be sent to a prior lienholder if a substantial interest is held by that lienholder, or if it is required by a working agreement provision with that lender.

(ii) The original deed of conveyance, if any, and a copy of the security instrument will be delivered to the borrower.

(5) *Abstracts of Title.* Any abstract of title will be delivered to the borrower and Form FmHA 140-4, "Transmittal of Documents," will be prepared and a receipt obtained in accordance with the FMI. However, when an abstract is obtained from a third party with the understanding it will be returned, such abstract will be sent directly to the third party and a memorandum receipt will be obtained.

(6) *Requesting title service.* When the loan is approved, the County Supervisor will see that title service is requested in accordance with Part 1807 of this chapter (FmHA Instruction 427.1), if this has not already been done.

(7) *Fees.* The borrower will pay all filing, recording, notary and lien search fees incident to loan transactions from personal or loan funds. When FmHA employees accept cash for these purposes Form FmHA 440-12, "Acknowledgment of Payment for Recording, Lien Search, and Releasing Fees," will be executed. FmHA employees will make it clear to the borrower that any fee so accepted is only for paying fees on behalf of the borrower, and is not accepted as partial payment on a loan.

(8) *Supervised bank accounts.* If a supervised bank account is required, loan funds usually will be deposited following loan closing. Supervised bank accounts will be established in accordance with Subpart A of Part 1902 of this chapter. Loan funds not to be disbursed for specific purposes at loan closing or to be used in 60 days after closing will not be requested until they

are needed using the "Loan Disbursement System."

(b) *Closing loans secured by chattels and crops.* See Subpart B of Part 1941 of this Chapter.

§ 1945.90 Revision of the use of EM loan funds.

(a) *Requirements.* Loan approval officials or their delegates are authorized to approve changes in the purposes for which loan funds are to be used provided:

(1) The loan, as changed, is within the respective loan approval official's authority.

(2) Such a change is for an authorized purpose and within applicable limitations.

(3) Such a change will not adversely affect either the feasibility of the operation or the Government's interest.

(4) Such a change is approved in advance.

(b) *Additional authority.* The State Director may delegate additional authority to approval officials to approve certain kinds of changes in the use of loan funds by issuing a State supplement describing such changes, provided prior approval is obtained from the National Office.

(c) *Revisions.* When changes are made in the use of loan funds, no revision will be made in the repayment schedule on the promissory note. Appropriate changes with respect to the repayment will be made in Table K of Form FmHA 431-2 and will be initialed by the borrower. The County Supervisor will also make appropriate notations in the "Supervisory and Servicing Actions" section of Form FmHA 405-1.

§ 1945.91 [Reserved]

§ 1945.92 Loan servicing.

Loans will be serviced in accordance with Subpart A of Part 1806, Part 1863 and Subpart A of Part 1872 of this chapter (FmHA Instructions 426.1, 425.1 and 465.1, respectively) and Subpart A of Part 1962 of this Chapter.

§§ 1945.93-1945.100 [Reserved]

Exhibit A

Processing Guide—Insured Emergency (EM) Loans

I. Purpose

This Exhibit outlines the basic steps involved in processing a loan application including an application kit, and identifies the FmHA forms which should be considered for use at each step as appropriate for EM loans.

II. General

A. The forms listed in this Exhibit will be considered in development of the application. forms designated with an "x" are required

and those designated with a "*" are used when applicable.

B. Consult the appropriate Forms Manual Insert (FMI) for instructions for completion, distribution, and procedural reference for each form.

III. Application Processing

A. *Application Filing.* The following should be done at the time the applicants file their applications.

1. County Office Assistants (COA) normally will have first contact with potential applicant. During this contact:

- Be sympathetic and sensitive to applicant's needs.
- Set up appointment for applicant to meet with supervisory personnel.
- Inform applicant of the last date for receiving applications.
- Discuss credit needs and FmHA's services.

e. Advise that applicant's eligible for other credit will be referred to other creditors. Applicants appearing eligible for other credit will be referred to other lenders.

f. Begin running case record.

g. Provide applicant with an application kit and any other instructions that are needed to help expedite processing of application and FmHA forms to be completed.

2. The application kit should have cover sheet with instructions to the applicant, for individuals, corporations, cooperatives, and partnerships. The cover sheet will include a notice to the applicant that the application must be returned by the termination date shown on the cover sheet to be considered for an EM loan. The following FmHA Forms should be included 410-1, 410-9, 431-2, and 1945-22.

3. COA will set up a list of the name and address for the recipient of each application given out. This list will be monitored daily or weekly and if the applicant does not keep appointment, follow up with a memo or phone call.

4. Applications should be acted upon by County Committee within 15 days and in any event 30 days from receipt of application.

5. Applicants will be promptly notified of their eligibility status and if additional information is needed they will be so advised.

6. The following FmHA Forms will be used as appropriate:

Form No. and name	Use
410-1 Application for FmHA Services	X
410-5 Request for Verification of Employment	*
410-7 Notification to applicant on Use of Financial Information from Financial Institution	X
410-8 Applicant Reference Letter	*
410-9 Statement Required by the Privacy Act	X
410-10 Privacy Act Statement to References	*
431-1 Long-Time Farm and Home Plan	*
431-2 Farm and Home Plan	X
431-4 Business Analysis—Nonagricultural Enterprise	*
440-32 Request for Statement of Debts and Collateral	*
440-34 Option to Purchase Real Property	*
440-58 Estimate of Settlement Costs "Settlement Costs" Booklet	*
443-2 Option for Purchase of Farm—Land to be Subdivided	*
443-3 Assignment of Interest in Option (Land to be Subdivided)	*
449-10 Applicant's Environmental Impact Evaluation	*
1940-38 Request for Lender's Verification of Loan Application	*

Form No. and name	Use
1940-51 Crop-Share-Cash Farm Lease.....	*
1940-53 Cash Farm Lease.....	*
1940-55 Livestock-Share Farm Lease.....	*
1940-56 Annual Supplement to Farm Lease.....	*
1945-22 Certification of Disaster Losses.....	X
1945-29 ASCS Verification of Farm Acreages, Production and Benefits.	X

B. Field visit. Notify applicant of planned visit and its purpose.

1. Verification of disaster losses.

2. Evaluate the resources available to the applicant and their adequacy in fulfilling the requirements of the proposed plan of operation, taking into consideration development work planned.

3. Obtain information needed to complete required appraisals (chattel and real estate).

4. If development is planned, discuss plans, specifications, and estimates.

5. Hold landlord-tenant meeting, if necessary, to reach an agreement on the terms of the lease, resolve any problems, etc.; record in running case record.

6. Determine security requirements and record in running case record.

7. The following FmHA forms will be used as appropriate.

Form No. and name	Use
422-1 Appraisal Report—Farm Tract.....	*
422-2 Supplemental Report—Irrigation, Drainage, Levee and Minerals.	*
422-3 Map of Property.....	*
422-10 Appraiser's Worksheet—Farm Tracts for Study of Comparable Properties.	*
424-1 Development Plan.....	*
424-2 Description of Materials.....	*
440-13 Report of Lien Search.....	*
440-21 Appraisal of Chattel Property.....	*
1945-26 Calculation of Actual Losses.....	X

C. Eligibility determination.

1. Obtain all needed application forms and other information from the applicant. Assist the applicant in completing these forms and/or in obtaining needed information, as necessary.

2. Request deed or other evidence of title.

3. Schedule meeting for County Committee, review application and determine eligibility.

4. Inform applicant of the results of Committee action.

5. The following FmHA forms will be used as appropriate:

Form No. and name	Use
403-1 Debt Adjustment Agreement.....	*
440-2 County Committee Certification or Recommendation.	X

IV. Docket Preparation

A. Obtain all information from the applicant, prior lienholder(s) landlord(s), etc., needed for the loan docket to be prepared.

B. Check to assure all security requirements have been or will be met by loan closing.

C. Prepare a loan narrative and enter it into the running case record.

D. The following FmHA forms will be used as appropriate:

Form No. and name	Use
400-4 Nondiscrimination Agreement.....	*
427-8 Agreement with Prior Lienholder.....	*
440-1 Request for Obligation of Funds.....	X
440-4 Security Agreement (Chattels and Crops).....	*
440-4A Security Agreement (Crops).....	*
440-6 Severance Agreement.....	*
440-15 Security Agreement (Insured Loans to Individuals).	*
440-25 Financing Statement.....	*
440-A25 Financing Statement (Carbon-Interleaved).	*
440-26 Consent and Subordination Agreement.....	*

Form No. and name	Use
440-41 Disclosure Statement for Loans Secured by Real Estate.	*
440-41A Disclosure Statement for Loan Not Secured by Real Estate.	*
440-43 Notice of Right to Rescind.....	X
440-46 Environmental Impact Assessment.....	*
441-5 Subordination Agreement.....	*
441-8 Assignment of Proceeds from the Sale of Agricultural Products.	*
441-10 Nondisturbance Agreement.....	*
441-12 Agreement for Disposition of Jointly Owned Property.	*
441-13 Division of Income and Nondisturbance Agreement.	*
441-17 Certification of Obligation to Landlord.....	*
441-18 Consent of Payment of Proceeds from Sale of Farm Products.	*
441-25 Assignment of Proceeds from the Sale of Dairy Products and Release of Security Interest.	*
443-16 Assignment of Income From Real Estate Security.	*
443-17 Agreement to Sell Nonessential Real Estate.	*

V. Loan Approval and Closing

A. Loan approval.

1. Establish loan closing conditions and enter them in the running case record.

2. Execute and distribute all forms necessary for loan approval.

3. For chattel loan—file financing statement or chattel mortgage, and obtain a lien search.

4. For real estate loan—request preliminary title opinion.

B. Loan closing.

1. Arrange for loan closing by escrow agent, designated attorney, or other authorized loan closing agent; furnish loan closing agent with appropriate instructions, forms, and other needed information for loan closing.

2. The following FmHA forms will be provided to and used by the appropriate loan closing agent, in addition to those forms listed under docket preparation which must be executed by the borrower or other party:

Form No. and name	Use
140-4 Transmittal of Documents.....	*
400-1 Equal Opportunity Agreement.....	*
400-3 Notice to Contractors and Applicants.....	*
400-6 Compliance Statement.....	*
402-1 Deposit Agreement.....	*
402-2 Statement of Deposits and Withdrawals.....	*
402-5 Deposit Agreement (Non FmHA Funds).....	*
426-2 Property Insurance Mortgage Clause (Without Contribution).	*
427-1 Real Estate Mortgage or Deed of Trust for.....	*
427-4 Transmittal of Title Information.....	*
427-5 Affidavit of Borrowers (or Transferees).....	*
427-6 Affidavit of Sellers (or Transferors).....	*
427-9 Preliminary Title Opinion.....	*
427-10 Final Title Opinion.....	*
427-11 Warranty Deed.....	*
440-45 Nondiscrimination Certificate (Individual Housing).	*
440-59 Settlement Statement.....	*
1940-17 Promissory Note.....	X
1951-4 Change in Rates and Terms.....	*

Exhibit B

Memorandum of Understanding Between Small Business Administration and the U.S. Department of Agriculture—Farmers Home Administration Pertaining to Disaster Type Loan Assistance

I. Preamble

Pub. L. 94-305, which amended the Small Business Act, authorized the Small Business Administration (SBA) to assist small business engaged in farming and related activities under all of its programs including its physical and economic injury loan programs. This legislation did not create any new SBA loan programs but merely included the

agricultural industries among the small businesses eligible for assistance under existing SBA programs. Neither did the legislation diminish, in any way, the responsibility of the Farmers Home Administration (FmHA) to meet the financial and other needs of farmers.

This joint memorandum reaffirms the mutual desire of SBA and FmHA to cooperate in the use of their respective loan making authorities to complement the activities of each other, and, to the extent possible, to improve and expand the delivery of financial assistance to the agricultural segment of the country; all with the least possible degree of overlapping, confusing or duplicating activities.

II. Definitions

1. *Farming* is defined as the business of producing crops, livestock, livestock products, and aquatic organisms through the management of land, water, labor, capital and basic raw materials, e.g., seed, feed, fertilizer and fuel.

2. *Natural disaster* (As declared by the Secretary of Agriculture) is caused by such natural phenomena as hurricanes, tornadoes, cyclones, excessive rainfall, floods, earthquakes, blizzards, freezes, electrical storms, snowstorms, drought, excessively high temperatures, and hail; insects where abnormal weather contributed substantially to the spreading and flourishing of such insects; fire resulting from lightning, and fires of other origins which could not be controlled because of abnormal weather; and plant and animal diseases where abnormal weather contributed substantially to such diseases spreading into epidemic stages.

3. *Physical disaster* (As declared by the Administrator of SBA) may be caused by a flood, riot, civil disorder, hurricane, tornado, storm, high water, wind-driven water, tidal wave, snowstorm, drought, fire, explosion or other catastrophic event.

4. *Major disaster* (As declared by the President) may be caused by any catastrophic event of sufficient magnitude to warrant major disaster assistance by the Federal Government, under the Disaster Relief Act of 1974.

5. *Housing losses* refer to any real estate damage to the farm owner's home, tenant housing or farm labor housing and the contents and other personal property contained therein.

III. General Guidelines

1. The FmHA administers its financial assistance programs through its State, District and County offices.

The SBA administers its financial assistance programs through its Regional, District and Branch offices.

2. The FmHA National Office and SBA Central Office will immediately notify each other of areas where disaster financial assistance is made available.

3. FmHA State Directors and SBA District Directors will exchange addresses of their offices and identify the geographical area served by each. This information will be available in all field offices of both agencies so applicants can be referred to the appropriate offices. The FmHA will use local county offices to administer disaster

programs. SBA will either establish special local offices for disaster assistance, or utilize permanent SBA offices, as appropriate.

IV. How Loans Are Made Available

1. How FmHA emergency (EM) loans are made available. EM loans will be made available in counties named by FDAA as eligible for Federal assistance under a major disaster or emergency declaration by the President; in counties where a natural disaster is designated by the Secretary of Agriculture; and in counties authorized by the State Director because of a natural disaster.

2. How SBA Disaster loans are made available. SBA physical and economic injury disaster loans will, as determined to be necessary and appropriate, be made available in counties named by FDAA under the authority for a major disaster declaration by the President or a physical disaster declaration by the Administrator of SBA. An SBA declaration also includes adjacent counties. Also, Economic Injury Disaster loans are available to small business concerns in those counties named in a Natural Disaster declaration by Secretary of Agriculture.

3. FmHA and SBA will establish a liaison at both the State Director/District Director level and the national level and periodically coordinate their activities to: (a) Exchange detailed information concerning the disaster loan program, (b) define areas of cooperation between the two agencies, (c) assure that their programs are servicing the intended recipients, (d) establish new methods to serve the public more expeditiously, and (e) achieve maximum utilization of their respective resources.

4. The SBA and FmHA agree that the interests of agricultural industries will be best served and that each agency will achieve better utilization of available resources through the following operating guidelines in areas where both agencies offer disaster assistance.

a. In order to avoid a duplication of effort, potential applicants may contact either agency for an interview but may file an application with only one agency at a time except as provided in "h" below. However, SBA will encourage those potential applicants that have been or are borrowing through the FmHA to continue their relationship with that agency.

b. FmHA personnel will, at the time of initial interview, refer those disaster victims that are not eligible for FmHA assistance (such as corporations and partnerships not directly engaged in farming, subsistence

farmers or aliens) to SBA if they appear to be eligible for SBA assistance.

c. Potential applicants are not to be referred back and forth between FmHA and SBA. Representatives of each agency must be reasonably certain that the disaster victim is eligible for assistance from the other agency before a referral is made.

d. Disaster victims filing for financial assistance from either agency will give written permission for FmHA and SBA to exchange whatever prior or current loan application and loan experience information, including appraisals, either may have in its file. The format for this permission must be developed to comply with the Privacy Act.

e. Applicants who are denied SBA or FmHA assistance for losses for any reason, including lack of funds, may contact the other Agency for assistance.

f. Applicants filing for financial assistance from either agency must use the forms and procedures of the agency being requested to provide the assistance. An applicant who is denied assistance by either agency must use a new application to file with the other in accordance with that agency's forms and procedures. However, the earliest date of filing applications for losses with either agency will constitute the filing date with regard to termination dates for receiving applications, for either agency, provided that not more than six months have elapsed since the termination date of the second agency contacted when that agency is requested to process an application.

g. Applicants should not have to apply to two Federal agencies to borrow funds for a single purpose. Therefore, if either FmHA or SBA can make the entire loan, the applicant should not be referred to the other agency for part of the funds needed. If either FmHA or SBA cannot make the entire loan, the applicant should be referred to the other agency for the full amount. Joint funding of a single loan with collateral shared between the agencies is not encouraged and should be used only as a last resort. However, SBA and FmHA will cooperate in making their respective loan, collateral requirements, repayment terms, etc. when necessary to assure that the disaster victim receives all appropriate assistance.

h. When an applicant has only housing losses in areas where SBA's physical loss loans are available, only the SBA will make loans for the restoration or replacement of housing losses as defined above. When a farmer has suffered production and farm losses, as well as housing losses, FmHA or

SBA may make the loans for the housing losses and for nonhousing losses.

V. Description of Lending Policies

The FmHA makes guaranteed loans and insured emergency loans. Guaranteed emergency loans are loans where the lending institution advances the entire loan from its account and the FmHA guarantees repayment of a certain percentage of principal and interest. Insured emergency loans are those made from an FmHA insurance fund.

The SBA makes direct, immediate participation and guaranteed loans. Direct loans are made with SBA funds only. In immediate participation loans SBA agrees to purchase an agreed percentage of a loan from a lender immediately after disbursement. Guaranteed loans are made by a conventional lender from its own funds and SBA guarantees a percentage of the unpaid balance.

VI. Loan Programs

The emergency and disaster loan programs of FmHA and SBA are outlined in Table I.

VII. Administrative Guidelines

1. The services of FmHA and SBA to lenders and applicants are by mutual agreement services that each agency would provide any eligible applicant in the normal course of business, and there will be no reimbursement by either agency to the other for such services.

2. The National Office of FmHA and the Central Office of SBA will cooperate in counseling their field offices and in resolving problems in specific cases.

3. This Memorandum of Understanding in no way alters or supersedes the existing Memorandums between the two agencies covering FmHA regular farmer loan authorities and Business and Industrial Loan Program and all of SBA's regular loan programs. However, this memorandum does supersede and replace the previous agreement on disaster type loan assistance.

4. This agreement may be amended at any time by written agreement of both parties.

5. This agreement shall take effect upon the date of execution thereof.

A. Vernon Weaver,

Administrator, SBA.

Dated: July 21, 1977.

Gordon Cavanaugh,

Administrator, FmHA.

Dated: August 25, 1977.

Exhibit B

Table 1.—SBA/FmHA Memorandum of Understanding

Farmers Home Administration	Small Business Administration
ELIGIBILITY	ELIGIBILITY
1. An applicant must be a citizen of the United States, if an individual. If the applicant is a partnership, the individual partners must be citizens. If the applicant is a corporation it must be incorporated under the laws of the United States or any State thereof and the principal stockholders must be citizens.	1. Citizenship is not required. However, use of disaster loan proceeds outside the United States or its possessions and territories is not permitted.
2. The applicant must be unable to obtain the necessary credit from other sources, exclusive of an SBA disaster loan.	2. Physical disaster loans are made without regard to the availability of other financing or resources. Also, the age of an applicant shall not be a consideration in making the loan provided the disaster victim is of legal age to contract.
3. The applicant must be an established farm, ranch or aquaculture operator, either tenant or owner-operator, who manages the operations. If the applicant is a partnership or corporation it must be primarily engaged in farming operations and the operation(s) must be managed by one or more of the partners or stockholders.	3. Most home owners, businesses and nonprofit institutions are eligible for physical disaster assistance.

Exhibit B

Table 1.—SBA/FmHA Memorandum of Understanding

Farmers Home Administration	Small Business Administration
ELIGIBILITY	ELIGIBILITY
4. The applicant must operate in a county or counties where EM loans have been authorized.....	4. The applicant's physical loss must be within the disaster area as defined by the disaster declarations.
5. The applicant must have suffered qualifying property damage or production losses.....	5. The applicant must have suffered real or personal property damage as a direct result of the disaster.
6. The applicant must be of good character and have necessary experience, ambition, and managerial ability to carry out the proposed operation.	6. The applicant must be able to provide reasonable assurance of ability to repay the loan.
LOAN PURPOSES	LOAN PURPOSES
1. Cover actual losses and expenses for damaged or destroyed nonhousing farm property and production	1. The purpose of these physical disaster loans is to restore the victim's home or business property, real or personal, as nearly as possible to predisastrer condition. No up-grading is permitted.
2. Housing losses—only when SBA's physical disaster assistance is <i>not</i> available.....	2. Housing losses—SBA will make all loans when the only losses are housing losses whether on farm housing, rural housing or urban housing.
3. Annual operating loans.....	3. Economic Injury Loans are similar.
4. Major adjustment loans.....	4. No comparable disaster loan programs.
TERMS	TERMS
1. Actual loss loans—5% interest for disasters occurring prior to July 1, 1976, disasters occurring on or after July 1, 1976, and prior to October 1, 1978—primary residence and personal property related to the residence 1% on the first \$10,000, 3% on the balance not to exceed \$40,000, and 5% on the amount over \$40,000; and for all other actual loss loans, 3% on the first \$250,000 and 5% on the amount over \$250,000—for crop and livestock production and chattel losses up to 7 years with a 5 year renewal, in some cases up to 20 years and for real estate losses or damages up to 40 years.	1. Interest rate based on a statutory formula. Maturity based on the victim's ability to repay but cannot exceed 30 years.
2. Annual operating—at prevailing current market rate—paid when principal income from year's operation is received.	2. No comparable terms.
3. Major Adjustment Loans at prevailing current market rate—chattels up to 7 years with a 5 year renewal, and for real estate up to 40 years.	3. No comparable disaster loan program.
LOAN LIMITS	LOAN LIMITS
No statutory dollar limit; determined by amount of loss and credit factors.....	No statutory dollar limit. However, administrative ceilings have been established as follows: a. Home Loans: \$50,000 for real estate, \$10,000 for personal property, \$55,000 for combined purposes. b. Business Loans: \$500,000; exception by the Administrator authorized to avoid substantial hardship
GRADUATION POLICY	GRADUATION POLICY
Reviewed to determine ability to receive credit from other credit sources after 5 years for operating type purposes and after 10 years for real estate purposes and every other year thereafter, if necessary. Refinancing when able is mandatory.	No such policy.
ECONOMIC INJURY LOANS	ECONOMIC INJURY LOANS
Emergency Loans for annual operating purposes are similar.....	SBA is authorized to make Economic Injury Disaster loans to small business concerns that have suffered a cash flow problem that is related to the disaster. These loans are for working capital only and do not allow for any expansion. See paragraph IV, 2.

Exhibit C

Memorandum of Understanding Between Agricultural Stabilization and Conservation Service and Farmers Home Administration on Disaster Assistance

I. General

Federal agencies that provide financial assistance to farmers suffering losses as a result of a disaster are required to ensure that there is not duplication of benefits under other programs. Within USDA it is very important that the Agricultural Stabilization and Conservation Service (ASCS) and the Farmers Home Administration (FmHA) maintain close coordination of their assigned disaster programs.

II. Purpose

The purpose of this memorandum of understanding is to coordinate certain ASCS disaster activities with the FmHA actual loss emergency loan program.

III. ASCS and FmHA Coordination on Disaster Activities to Farmers and Ranchers

The amount of any benefits received from ASCS disaster programs, including disaster payments and cost-sharing payments under the Emergency Conservation Program Emergency Feed Program, will be considered by FmHA in determining the maximum amount of an actual loss emergency loan that a farmer can receive. This will be done in accordance with FmHA regulations.

IV. Understanding Reached

A. FmHA County Supervisors prior to determining the maximum amount of any actual loss emergency loan, will consult with ASCS County Executive directors regarding ASCS disaster benefits provided or to be provided to FmHA emergency loan applicants.

B. ASCS County Executive Directors, at the request of the FmHA County Supervisors, will provide FmHA with the following information from ASCS county office records: farmland and cropland acreages on the applicant's farm(s), production on crops, and amounts of payments or assistance provided

or to be provided by ASCS to such applicant. Form FmHA 1945-29, "ASCS Verification of Farm Acreage, Production, and Benefits", will be used for this purpose.

C. FmHA County Supervisor will, in a timely manner, provide ASCS county offices with the names and addresses of farmers or ranchers who have had an actual loss emergency loan approved.

D. ASCS County Executive Directors will consult with FmHA County Supervisors before issuing disaster payments to farmers or ranchers for whom Form FmHA 1945-29 has been received. Sight drafts for payments of ASCS disaster benefits for farmers and ranchers whose FmHA loan application has been approved, will be prepared to show FmHA as joint payee and forwarded to the FmHA county office.

V. Supersedeure

This memorandum of understanding supersedes the one signed by the Administrator of FmHA on April 18, 1975, and the Administrator of ASCS on April 23, 1975.

VI. Amendment

This memorandum of understanding may be amended at any time by mutual consent of the agencies involved.

Ray V. Fitzgerald,

Administrator, Agricultural Stabilization and Conservation Service.

Dated: November 8, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

Dated: October 30, 1979.

Subpart C—Economic Emergency Loans

§ 1945.117 [Amended]

2. Section 1945.117, paragraph (d)(1) is amended to read as follows:

§ 1945.117 Loan Limitations and Special Provisions.

* * * * *

(d) *Relationship with other FmHA insured or guaranteed loans.*

(1) If an applicant qualifies for an EM loan in an authorized area, the applicant's total credit needs will be first considered under EM loan authorities.

* * * * *

Part 1980—General

§ 1980.170 [Temporarily suspended]

3. Section 1980.170 of Subpart B of Part 1980 relating to guaranteed EM loans is temporarily suspended. Accordingly, authority to approve guaranteed EM loans is temporarily suspended.

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

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant" under those criteria.

Implementing this action as a final rule is justified because of its emergency nature. This action is essential to protect the fiscal integrity of the EM loan program and to strengthen various regulation provisions over which concern has been expressed by those identified above. The maximum loan limitations will primarily affect less than two percent of FmHA's largest farm

applicants and borrowers, and will effectively limit the amount of assistance the agency will be able to render to these farm operators. The intended effect is not to threaten the ability of these operators to successfully recover from losses sustained as a result of a natural disaster. These operators will be able to receive additional credit from other lending institutions. This action should not force those affected farm operators to abandon farming.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other 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 60 days after publication of this document in the *Federal Register*.

Further, this final rule has been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and the Secretary's Memorandum 1955. It has been determined by Gordon Cavanaugh, Administrator, Farmers Home Administration, 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 implements the regulations in Subparts A and B of Part 1945. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under provisions of Executive Order 12044 and the Secretary's Memorandum 1955. The agency will accept public comments for 60 days from the date of publication in the *Federal Register* and will consider these comments in its review. Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, at the address indicated herein.

A copy of the forms referenced in this document may be obtained from Mr. James E. Lee at the address and telephone number given herein.

The public recordkeeping requirement contained in this publication is found in Subpart B of Part 1945, § 1945.67. The remaining public information requirements contained in this publication are found in the following sections of Subpart B of Part 1945:

1945.56, 1945.61, 1945.63, 1945.66, 1945.68, 1945.69, 1945.73, 1945.75, 1945.82, 1945.85, 1945.89, 1945.90.

Exhibit A of Subpart B of Part 1945

The Office of Management and Budget has given temporary approval of all recordkeeping and reporting

requirements found in Subpart B of Part 1945 through May 30, 1980.

Dated: February 4, 1980.

Approval:

Alex P. Mercure,

Assistant Secretary for Rural Development, Department of Agriculture.

[FR Doc. 80-4170 Filed 2-12-80; 8:45 am]

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Federal Register

Wednesday
February 13, 1980

Part III

Department of Agriculture

Foreign Agricultural Service

Price-Undercutting of Domestic Cheese
by Quota Cheese

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

7 CFR Part 6

Price-Undercutting of Domestic Cheese by Quota Cheese

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: The procedures set forth herein shall be applicable to determinations by the Secretary of Agriculture concerning whether the price at which any article of quota cheese is being offered for sale in the United States on a duty-paid wholesale basis is less than the domestic wholesale market price of similar articles produced in the United States as provided in Section 702 of the Trade Agreements Act of 1970 (P.L. 96-39) (hereinafter referred to as the Act). The Act requires the issuance of regulations pursuant to which determinations as to the "domestic wholesale market", "domestic wholesale market price", and the "duty-paid wholesale price" shall be made.

EFFECTIVE DATE: February 14, 1980.

FOR FURTHER INFORMATION CONTACT:

Carol M. Harvey, Head, Dairy and Import Group Dairy, Livestock and Poultry Division, Commodity Programs, Foreign Agricultural Service, Room 6616, South Agriculture Building, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-5270.

SUPPLEMENTARY INFORMATION: Section 702 of the Act requires the President to prohibit, in whole or in part, the entry of or to impose a fee on the importations of any article of quota cheese with respect to which it has been determined (1) by the Secretary of Commerce that a foreign government has been providing a subsidy and (2) by the Secretary of Agriculture that the duty-paid wholesale price of such cheese is less than the domestic wholesale price of a similar article produced in the United States, if the subsidy permitting the occurrence of price-undercutting is not eliminated or action is not taken to eliminate price-undercutting within 15 days of notification of the foreign government by the U.S. Trade Representative. Such notifications must take place within three days of the Secretary of Agriculture's determination. A proposed rule governing the making of determinations with respect to the providing of subsidies was published by the Department of Treasury in 44 FR 57044. Final rules pertaining to such determinations will be published by the

Department of Commerce, rather than the Department of Treasury, in accordance with the transfer of functions prescribed by Executive Order No. 12185.

The proposed regulation implementing procedures for the determination required of the Secretary of Agriculture by Section 702 of the Act was published in the *Federal Register* on October 30, 1979. A sixty-day comment period ended on December 31, 1979. Written comments were received from 11 different entities. This final rule incorporates those meritorious comments which either serve to clarify the regulation or are administratively possible to implement and consistent with the intent of law.

Discussion of Major Comments; Definition and Finding of Subsidy

Two entities commented with regard to the definition of subsidy. One suggested a definition conforming with the definition found in the Act which indicates that a bounty or grant is synonymous with a subsidy. Although the final determination of what constitutes a subsidy is a function delegated to the Administering Authority (the Department of Commerce), this final rule changes the definition of subsidy as used in the proposed rule in order to reflect consideration of this comment. The second commentator felt that a definition should be more specific. However, the definition used here need not go beyond the statutory definition since the Administering Authority will make the final determination.

A third entity commented that the burden of proof to establish the existence of a subsidy not previously determined should be on the complainant. This observation was rejected since it appears that this would be contrary to the Act which requires only that the complainant allege that a foreign government is providing a subsidy with respect to the article of quota cheese alleged to be involved in the price-undercutting.

The Domestic Wholesale Market

The definition of "domestic market area" has been revised to make it clear that such area shall be one or more of the three major U.S. market areas, viz., New York City, Chicago and San Francisco, and/or any other market area within the Customs Territory of the United States which is determined by the Investigating Authority to be most representative of the area specified in the complaint.

Similar Domestic Article

Five entities commented on the indicia proposed to be used in determining whether an item is a similar domestic article. Generally the concern was that the indicia were too broad and unclear, and that in each case the Investigating Authority would have to find that there was a similar domestic article. Such was not intended in the proposed rule. The Investigating Authority will go through the steps indicated in § 6.43(a)(4) to determine similarity of end use of the cheese identified in the complaint, and once such similarity is established, will examine the characteristics which make the cheese truly similar. These have been somewhat more clearly defined for retail cheese in § 6.43(a)(4) than they were in the proposed rule. Language has been added to § 6.43(a)(4) to assure that imported imitation cheese will only be compared with imitation domestic cheese. Also it is now explicitly stated that if it is determined that the domestic cheese and the quota cheese designated in the complaint are not found to be similar, then there will be no finding of price-undercutting.

The Determination of Representative Duty-Paid and Domestic Wholesale Market Prices

Four entities presented various comments regarding the representative duty-paid and domestic wholesale market prices. The Act authorizes comparison of the price at which imported cheese is offered for sale with the domestic wholesale market price. Since any sale price was at one time an offer price, we have provided in the regulation for the use of sale or offer prices in determining the duty-paid wholesale price of the article of quota cheese. It was meticulously pointed out by the Department of Justice in its comments on the proposed rule that the Act does not authorize the use of offer prices in deriving representative domestic wholesale market prices. The use of offer prices, which may or may not be representative of actual transaction prices, could and probably would artificially raise the price level at which price-undercutting could occur. The words "or offered for sale" have accordingly been deleted from reference to the domestic wholesale price.

Two other commentators suggested that the concept of an average price be replaced by consideration of a specific transaction price for both the quota cheese and the domestic article determined to be similar to it. It appears that this is not consistent with the purpose of Section 702 of the Act, viz., to

prevent a subsidized quota cheese from a particular country from undercutting the U.S. market; therefore, the averaging procedure provided for in the proposed rule has been retained.

Further comments regarding the averaging of prices indicate some clarification was needed. In that respect it should be noted that a new proviso has been added to the definitions of "duty-paid wholesale price" and "domestic wholesale market price" to make it clear that for a designated area which is not or does not include one of the major market areas, the Investigating Authority could adjust the average of prices determined for such area on the basis of the average of prices determined for the major market area which is determined to be the most representative of the designated area, while taking into account any special factors which may effect the prices in the designated area. The substance of this proviso was included in the definition of "domestic wholesale market" in the proposed rule but it has been determined that such material more appropriately belonged in the definitions of "duty-paid wholesale price" and "domestic wholesale market price."

Finally, one commentator expressed concern that notice in the *Federal Register* would alert importers to an investigation and cause them to raise their offer prices during the investigation. Since neither the Act nor the legislative history require such notification, and since the effect noted by the commentator might result from such notice, this provision has been eliminated.

An Acceptable Complaint

One entity pointed out that an acceptable complaint required to initiate an investigation was not described. However, it appears that the contents of § 6.42(b) constitute the description necessary. The appropriate reference is now made in § 6.43(a).

Two entities commented further that the item in § 6.42(b)(8), i.e., the names and addresses of the firms benefitting from the subsidy in the exporting country, would in all likelihood not be available to a complainant. For this reason it has been eliminated from the contents required in a complaint. The remaining items listed in that section should be available to any complainant; where there might be some difficulty the requirement is qualified by the phrase "to the extent known to the complainant."

Another entity proposed a mandatory requirement that every acceptable complaint be accompanied by a sample.

Providing a sample will be helpful where available, but a sample often may not be available to a private individual. In such a case the Investigating Authority has the authority to obtain the necessary samples.

Who May Submit a Complaint

Four entities opposed the idea of allowing "any person" to file a complaint. However, this wording has been used in accordance with the Act which specifically provides that any person may file a complaint.

Other

All references to the Secretary of the Treasury in the proposed rule have been changed to the Secretary of Commerce in accordance with the reorganization of international trade functions of the executive as directed in Executive Order No. 12185, signed on January 2, 1980.

Section 702 of the Act and the legislative history (S. Rep. No. 249, 96th Cong., 1st Sess. 199 (1979), H. Rep. No. 317, 96th Cong., 1st Sess. 140 (1979)) related thereto indicate that Congress intended the provisions contained herein to be issued on or as near to January 1, 1980, as possible. In view of this constraint, it has been determined that good cause exists for not postponing the effective date of this final rule until 30 days after publication in the *Federal Register* (5 U.S.C. 553).

Accordingly, 7 CFR, Part 6, is amended by adding a new Subpart—Price-Undercutting of Domestic Cheese by Quota Cheeses—as follows:

Subpart—Price-Undercutting of Domestic Cheese by Quota Cheeses

- § 6.40 General.
- § 6.41 Definitions.
- § 6.42 Complaints of Price-Undercutting.
- § 6.43 Determinations.
- § 6.44 Delegation of Authority.

Authority: Sec. 702, P.L. 96-39, 93 Stat. 144, 19 U.S.C. 1202 note.

§ 6.40 General.

This subpart sets forth the procedures applicable to the determination by the Secretary of Agriculture as to whether the price at which any article of quota cheese is being offered for sale in the United States on a duty-paid wholesale basis is less than the domestic wholesale market price of similar articles produced in the United States (i.e., price-undercutting) in accordance with Section 702 of the Trade Agreements Act of 1979 (Pub. L. 96-39, 93 Stat. 144, 19 U.S.C. 1202 note) (hereinafter referred to as the Act).

§ 6.41 Definitions.

(a) "Complainant" means the person who has filed with the Investigating

Authority, in accordance with the procedures set forth in this Subpart, a written complaint alleging that price-undercutting is occurring.

(b) "Country of origin" means the country, as defined in 19 CFR 134.1(b), in which the quota article subject to this regulation was produced or manufactured.

(c) "Foreign government" means the government of the country of origin or, for purposes of determining whether a subsidy has been provided for the member states of the European Economic Community, the subsidy granting bodies of the European Economic Community.

(d) "Investigating Authority" means the Director, Dairy, Livestock and Poultry Division, Commodity Programs, Foreign Agricultural Service.

(e) "Quota cheese" means the articles provided for in the following items of the Tariff Schedules of the United States:

- 117.00 (except Stilton produced in the United Kingdom);
- 117.05 (except Stilton produced in the United Kingdom);
- 117.15;
- 117.20;
- 117.25;
- 117.42;
- 117.44;
- 117.55;
- 117.60 (except Gammelost and Nokkelost);
- 117.75 (except goat's milk cheeses and soft-ripened cow's milk cheeses);
- 117.81;
- 117.86;
- 117.88 (except goat's milk cheeses and soft-ripened cow's milk cheeses);

(f) "Secretary" means the Secretary of Agriculture.

(g) "Subsidy" has the same meaning as such term has in Section 771(5) of the Tariff Act of 1930 as added by Section 101 of the Trade Agreements Act of 1979 (19 USC 1677(5)).

(h) The "United States" means the Customs Territory of the United States, which is limited to the United States, District of Columbia and Puerto Rico.

§ 6.42 Complaints of price-undercutting.

(a) *Submission of complaint.* Any person who has reason to believe that the price at which any article of quota cheese is offered for sale or sold in the United States on a duty-paid wholesale price basis is less than the domestic wholesale market price of similar articles produced in the United States and that a foreign government is providing a subsidy with respect to such article of quota cheese may file with the Investigating Authority a written complaint making such allegation.

(b) *Contents of complaint.* Such complaint shall contain, or be

accompanied by, information to substantiate complainant's allegations, in substantially the following form:

- (1) The name and address of the complainant.
- (2) The location of the domestic wholesale market in which price-undercutting is alleged to be occurring.
- (3) The article of quota cheese involved in the alleged price-undercutting.
- (4) The country of origin of such article of quota cheese.
- (5) The similar domestic article, the price of which the complainant believes is being undercut.
- (6) The month and year that the complainant first concluded that the price-undercutting was taking place.
- (7) To extent known to the complainant, all pertinent facts with regard to the alleged subsidy, and, if known, the statutory or other authority under which it is paid, the manner in which it is paid, and the value of such subsidy when received and used by producers or sellers of such quota cheese.
- (8) All other information which the complainant believes substantiates the allegation of price-undercutting, including the complainant's estimate of the domestic wholesale market price of the similar article produced in the United States and the duty-paid wholesale price of the quota cheese involved. If available, samples of the domestic and imported cheese products should be submitted.

§ 6.43 Determinations.

(a) *Making determinations.* Not later than 30 days after receiving an acceptable complaint, as described in § 6.42(b), alleging price-undercutting, the Secretary shall make a determination as to the validity of the allegation. In making such determination, the following shall apply:

(1) The "domestic wholesale market" shall be one or more of the three major U.S. market areas, viz., New York City, Chicago, and San Francisco, and/or any other market area within the Customs Territory of the United States, which the Investigating Authority determines most representative of the area specified by the complainant as the one in which price-undercutting is alleged to be occurring (hereinafter referred to as "designated area").

(2) The "duty-paid wholesale price" determined by the Investigating Authority shall be the average of prices at which wholesalers have sold or offered for sale in the designated area the article of quota cheese alleged to be involved in price-undercutting, as obtained in a survey directed by the

Investigating Authority during the investigation: Provided, That whenever the designated area is not or does not include one of the major market areas specified in paragraph (a)(1) of this section, the Investigating Authority may adjust the average of prices determined for such designated area on the basis of the average of prices determined for the major market area which is determined to be the most representative of the designated area, taking into consideration any special factors which may be affecting prices in the designated area.

(3) The "domestic wholesale market price" determined by the Investigating Authority for a similar article produced in the United States to that article of quota cheese which is alleged to be involved in price-undercutting shall be the average of prices at which wholesalers have sold the similar article produced in the United States in the designated area, as obtained in a survey directed by the Investigating Authority during the investigation: Provided, That whenever the designated area is not or does not include one of the major market areas specified in paragraph (a)(1) of this section, the Investigating Authority may adjust the average of prices determined for such designated area on the basis of the average of prices determined for the major market area which is determined to be the most representative of the designated area, taking into consideration any special factors which may be affecting prices in the designated area.

(4) "Similar article produced in the United States" shall be an article of cheese, cheese product, or imitation cheese produced in the United States and marketed in the domestic wholesale market, which is determined by the Investigating Authority, based upon available information to be most like the imported article of quota cheese alleged to be involved in price-undercutting, in terms of its physical properties and end use. In making this determination, first consideration shall be given to the normal end uses of the article produced in the United States in comparison with the end use of the article of quota cheese alleged to be involved in price-undercutting. If the end use of both articles is determined to be the same (e.g., processing or retail sale), the physical characteristics of the two articles shall be considered.

If the common end use of the two articles is processing, the representative samples of the two articles shall be examined in terms of processing quality, taking special note of processing yields. If the common end use of the two

articles is retail sale, representative samples of the two articles shall be examined in terms of similarities of taste, texture, general appearance, quality, age, and packaging. Imported imitation quota cheese shall only be compared with imitation domestic cheese. If it is determined that the domestic cheese the price of which is claimed to be undercut is not similar to the quota cheese allegedly undercutting it, there shall be no finding of price-undercutting.

(b) *Reporting determinations.* Determinations by the Secretary as to the validity of allegations of price-undercutting made under this Subpart shall be published in the *Federal Register* not later than 5 days after the date the determination is made.

§ 6.44 Delegation of authority.

The powers vested in the Administrator, FAS, insofar as such powers relate to the functions of the Investigating Authority by this regulation are hereby delegated to the Investigating Authority.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Carol M. Harvey, in Room 6622, South Agriculture Building, 14th and Independence Ave., SW., Washington, D.C. 20250.

Signed this 12th of February, 1980.
 Thomas R. Hughes,
 Administrator, Foreign Agricultural Service.
 [FR Doc. 80-4889 Filed 2-12-80; 11:10 am]
 BILLING CODE 3410-10-M

Reader Aids

Federal Register

Vol. 45, No. 31

Wednesday, February 13, 1980

INFORMATION AND ASSISTANCE

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Federal Register, Daily Issue:

- 202-783-3238 Subscription orders (GPO)
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- 202-523-5022 Washington, D.C.
- 312-663-0884 Chicago, Ill.
- 213-688-6694 Los Angeles, Calif.
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- 523-5240 Photo copies of documents appearing in the Federal Register
- 523-5237 Corrections
- 523-5215 Public Inspection Desk
- 523-5227 Index and Finding Aids
- 523-5235 Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

- 523-3419
- 523-3517
- 523-5227 Index and Finding Aids

Presidential Documents:

- 523-5233 Executive Orders and Proclamations
- 523-5235 Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

- 523-5266 Public Law Numbers and Dates, Slip Laws, U.S.
- 5282 Statutes at Large, and Index
- 275-3030 Slip Law Orders (GPO)

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- 523-5239 TTY for the Deaf
- 523-5230 U.S. Government Manual
- 523-3408 Automation
- 523-4534 Special Projects
- 523-3517 Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

7227-7534.....	1
7535-7770.....	4
7771-7996.....	5
7997-8276.....	6
8277-8538.....	7
8539-8932.....	8
8933-9250.....	11
9251-9726.....	12
9727-9884.....	13

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:

Presidential Determination:

- No. 80-10 of
- January 24, 1980..... 9251
- No. 80-11 of
- January 28, 1980..... 8539

Executive Orders:

- 12190..... 7773
- 12191..... 7997
- 12192..... 9727

Proclamations:

- 4334 (Amended by
- Proc. 4720)..... 7771
- 4463 (Amended by
- Proc. 4720)..... 7771
- 4466 (Amended by
- Proc. 4720)..... 7771
- 4539 (Amended by
- Proc. 4720)..... 7771
- 4720..... 7771
- 4721..... 8277

4 CFR

Proposed Rules:

- 331..... 8677
- 332..... 8677
- 351..... 8677

5 CFR

- Ch. XIV..... 8933
- 317..... 8541
- 432..... 9253
- 737..... 7402, 8544, 9253
- Proposed Rules:
- 351..... 7818, 8630
- 550..... 7263

6 CFR

- 705..... 7535

7 CFR

- 6..... 9881
- 16..... 7999
- 20..... 8561
- 210..... 7227
- 220..... 7227
- 225..... 7227, 8562
- 235..... 8562
- 272..... 7229
- 273..... 7229
- 371..... 8564
- 723..... 8570
- 724..... 8572
- 726..... 8578
- 781..... 7775
- 905..... 7999
- 907..... 8279
- 910..... 7243, 8579
- 959..... 7243
- 1000..... 7777

- 1464..... 9253
- 1701..... 9258
- 1900..... 8933
- 1945..... 9848
- 1980..... 9848
- 2006..... 7245

Proposed Rules:

- 246..... 8876, 9304
- 301..... 8630, 8654
- 971..... 9010
- 1701..... 7819
- 2851..... 8637

8 CFR

- Ch. II..... 7778

Proposed Rules:

- Ch. I..... 7265

9 CFR

- 75..... 8580
- 78..... 7246
- 92..... 7778, 8581

Proposed Rules:

- 307..... 8662
- 381..... 8662

10 CFR

- 9..... 9729
- 212..... 9526
- 375..... 9526, 9536
- 376..... 9536
- 391..... 9526
- 455..... 7779
- 470..... 8926
- 475..... 9542
- 477..... 8462
- 714..... 7768
- 1014..... 7768

Proposed Rules:

- 212..... 8025
- 376..... 8662
- 390..... 8662
- 436..... 7496
- 477..... 8309
- 1024..... 8920

11 CFR

- 9032..... 9559
- 9033..... 9559
- 9034..... 9559
- 9035..... 9559

12 CFR

- 1..... 8934
- 202..... 9259
- 205..... 8248
- 225..... 8279
- 226..... 8000, 9259
- 304..... 8940
- 329..... 8937
- 349..... 8940

590.....	7535, 8000
701.....	8280
Proposed Rules:	
Ch. I.....	9743
Ch. II.....	7591
7.....	8025
205.....	8268
210.....	7819
720.....	7596

13 CFR

400.....	8940, 8942
Proposed Rules:	
Ch. I.....	7553
121.....	7555

14 CFR

23.....	7750
25.....	7750
27.....	7750
29.....	7750
39.....	7536-7539, 8297, 8943-8952
71.....	7539, 8286, 8287
73.....	7539
91.....	7750
97.....	8287
121.....	7750
135.....	7246, 7540
223.....	8955
297.....	7542
1214.....	8001
385.....	9260
Proposed Rules:	
39.....	7555-7558
71.....	7558, 7559, 8309-8311
205.....	7566
208.....	7566
291.....	7566
298.....	7566
399.....	9747

15 CFR

303.....	8955
376.....	8289
386.....	8289
399.....	8289, 8293
2301.....	7780, 8582

16 CFR

13.....	8583, 8959
Proposed Rules:	
13.....	8663

17 CFR

200.....	8001
231.....	8960
Proposed Rules:	
180.....	8312
200.....	7781
230.....	7578, 8313
239.....	7578
240.....	8313
274.....	7578

18 CFR

46.....	9729
271.....	7248, 7781
Proposed Rules:	
292.....	8665, 9011
401.....	8665

19 CFR

353.....	8182
----------	------

Proposed Rules:

353.....	8026
Ch. I.....	7533

20 CFR

Proposed Rules:	
404.....	8586
616.....	7974

21 CFR

5.....	7782, 8586
14.....	8587
16.....	7474
20.....	7474
146.....	7784
193.....	8979
510.....	7249
520.....	8587
558.....	7249, 7787
606.....	9261
809.....	7474
861.....	7474
870.....	7904-7971

Proposed Rules:

Ch. II.....	8666
Subchapter J.....	8870
25.....	9286
58.....	7268
182.....	9286
184.....	9286
348.....	7820
353.....	7268
357.....	9286
1312.....	9289

22 CFR

Proposed Rules:	
208.....	9293

24 CFR

570.....	9730
841.....	7787

Proposed Rules:

Subtitle A.....	7978
Subtitle B.....	7978
200.....	8026
885.....	9748

25 CFR

256.....	8002
273.....	9241

26 CFR

1.....	8003
5.....	8295
25.....	8003
138.....	8589
601.....	7250
Proposed Rules:	
31.....	8666, 8668
48.....	8669

27 CFR

19.....	7528
72.....	8592
250.....	7528

Proposed Rules:

Ch. I.....	7533
------------	------

28 CFR

Proposed Rules:	
Ch. I.....	7268
Ch. V.....	8666
16.....	7820

29 CFR

403.....	7525
1601.....	7542
1910.....	8593
1952.....	8594-8596
Proposed Rules:	
1603.....	7514
2550.....	7521

30 CFR

700.....	8240
785.....	8240
816.....	8240
817.....	8240
820.....	8240
Proposed Rules:	
700.....	8241
701.....	8241
761.....	8241
786.....	8241
816.....	8241
817.....	8241

31 CFR

51.....	8296
240.....	7259

32 CFR

562.....	9262
701.....	8598
720.....	8598
722.....	8598
728.....	8598
730.....	8598
737.....	8598
750.....	8598
755.....	8598
757.....	8598

32A CFR

106.....	8600
----------	------

33 CFR

117.....	8980
165.....	7543
183.....	7544

Proposed Rules:

161.....	9011
207.....	9296

35 CFR

253.....	7788
----------	------

38 CFR

8.....	9732
--------	------

Proposed Rules:

3.....	9297
17.....	7268

39 CFR

10.....	8297
601.....	9732

Proposed Rules:

111.....	9011
----------	------

40 CFR

35.....	7788
51.....	7800
52.....	7544, 7800, 7801, 7803, 8004, 8009, 8299, 9733
60.....	8010
81.....	7544, 8011, 9262
180.....	8012, 8980, 9742

211.....	8272
----------	------

Proposed Rules:

52.....	7821, 8004, 8009, 8313, 8669, 8670, 9012, 9749, 9750, 9752
---------	--

60.....	7758
81.....	7582, 8670, 9012
86.....	9753
125.....	9548
180.....	7821, 7822
250.....	9755
446.....	8028
447.....	8028

41 CFR

Ch. 101.....	7260, 9267
1-1.....	8602
1-3.....	8602
3-3.....	7545
8-3.....	7813
8-5.....	7813
8-8.....	7813
8-11.....	9266
8-76.....	8981
60-1.....	9271
60-250.....	9271
60-741.....	9271
105-61.....	8603
105-735.....	9272

Proposed Rules:

101-19.....	8028
-------------	------

42 CFR

54a.....	8528
66.....	9742
433.....	8982
435.....	8982
436.....	8982

Proposed Rules:

51g.....	9755
55a.....	9298
36.....	8314

43 CFR

1780.....	8176
3100.....	8885

Public Land Orders:

726 (Revoked by PLO 5695).....	7816
995 (Amended by PLO 5692).....	7815
5692.....	7815
5693.....	7815
5694.....	7815
5695.....	7816
5696.....	9565
5697.....	9578
5698.....	9587
5699.....	9593
5700.....	9604
5701.....	9623
5702.....	9632
5703.....	9640
5704.....	9649
5705.....	9663
5706.....	9668
5707.....	9674
5708.....	9691
5709.....	9699
5710.....	9704
5711.....	9716

Proposed Rules:

8340.....	8672
-----------	------

44 CFR

64.....8603
 67.....8013, 8988
 70.....8605-8624

Proposed Rules:

67.....8672, 9033-9035

20.....9028

602.....8686

611.....8030

651.....8030

680.....8327, 9303

691.....8328

45 CFR

121a.....7550
 134.....7261
 134a.....7261
 134b.....7261
 302.....8982
 304.....8982
 306.....8982
 801.....7269, 7261
 1050.....8299
 1061.....8303
 1071.....8299

Proposed Rules:

161n.....8314

179.....7582

194.....7582

196.....7582

232.....8316

233.....8316

302.....8316

46 CFR

4.....8989
 5.....8989
 25.....7551
 252.....8023

47 CFR

83.....8989
 90.....9283
 97.....8990

Proposed Rules:

2.....7583

42.....9020

73.....8029, 8673, 8674, 9021-
 9025, 9755

76.....9021

83.....7269

90.....7269, 7583

99.....7583

48 CFR**Proposed Rules:**

52.....9302

49 CFR

1.....8992
 10.....8993
 193.....9184
 571.....7551
 1033.....7551, 8303-8306

Proposed Rules:

193.....9044

195.....8323

571.....8324

640.....9244

1034.....9027

50 CFR

26.....8306
 32.....7816
 33.....8307
 216.....7262, 9284
 451.....8624

Proposed Rules:

Ch. I.....8675

17.....8029, 8030

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of

the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

ENVIRONMENTAL PROTECTION AGENCY

- 2319 1-11-80 / Approval and promulgation of implementation plans; Wisconsin

HEALTH, EDUCATION AND WELFARE DEPARTMENT

National Institute for Occupational Safety and Health—

- 2651 1-14-80 / Implementation of Federal Mine Safety and Health Act of 1977; Amendments to NIOSH research regulations

Deadlines for Comments on Proposed Rules for the Week of 2-17 through 2-23-80

AGRICULTURE DEPARTMENT

Commodity Credit Corporation—

- 75650 12-21-79 / Price support program for milk; Terms and conditions of 1979-80 price support program; comments by 2-18-80

- 5307 1-23-80 / 1980 crop extra long staple cotton loan and payment program determinations; comments by 2-19-80
Food and Nutrition Service—

- 75648 12-21-79 / National school lunch program; Elimination of certain restrictions on the use of program funds by participating schools; comments by 2-19-80
Office of the Secretary—

- 74842 12-18-79 / Export Sales reporting of cattle hides and skins; comments by 2-19-80

CIVIL AERONAUTICS BOARD

- 3595 1-18-80 / International air cargo rate changes; policy statement; comments by 2-19-80

COMMUNITY SERVICES ADMINISTRATION

- 3335 1-17-80 / CSA income poverty guidelines; comments by 2-19-80

CONSUMER PRODUCT SAFETY COMMISSION

- 73121 12-17-79 / Provisions for consumer products containing asbestos; comment period extended to 2-18-80

[Originally published at 44 FR 60057, October 17, 1979]

DEFENSE DEPARTMENT

- 6801 1-30-80 / Excess profits, recovery; naval vessels and military aircraft contracts (Vinson-Trammell Act); hearing, Washington, D.C. 2-19-80

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

- 75956 12-21-79 / Residential Conservation Service program; comments by 2-19-80

ENVIRONMENTAL PROTECTION AGENCY

- 3603 1-18-80 / Alabama; proposed 1979 plan revisions for sulfur dioxide nonattainment areas; comments by 2-19-80

- 3334 1-17-80 / Approval and promulgation of State plans for designated facilities and pollutants; comments by 2-19-80

- 3929 1-21-80 / Approval of Oregon State implementation plan; proposed rulemaking; comments by 2-20-80

- 7127 12-7-79 / Commercial and industrial use of asbestos fibers; comment period extended to 2-18-80

[Originally published at 44 FR 60061, October 17, 1979]

- 4365 1-22-80 / Illinois; revision of implementation plans; comments by 2-21-80

- 3928 1-21-80 / Miscellaneous revisions to Massachusetts implementation plan; comments by 2-20-80

- 75926 12-21-79 / Petroleum refining point source category effluent limitations guidelines; pretreatment standards, and new performance standards; comments by 2-19-80

- 6960 1-31-80 / Policy and procedures for identifying, assessing, and regulating airborne substances posing a risk of cancer; comments by 2-21-80

- 3938 1-21-80 / Proposed tolerances for the pesticide chemical methomyl; comments by 2-20-80

- 75016 12-18-79 / Rubber manufacturing point source category; comments by 2-22-80

FEDERAL COMMUNICATIONS COMMISSION

- 3353 1-17-80 / American Telephone and Telegraph Co., private line rate structure and volume discount practices; comments by 2-22-80
- 1919 1-9-80 / FM Table assignment to Greenwood, Ark.; comments by 2-19-80
- 1920 1-9-80 / FM assignment to Malakoff, Tex.; comments by 2-19-80
- 1923 1-9-80 / FM assignment to Middletown, Md.; comments by 2-19-80
- 1921 1-9-80 / FM assignment to Petersburg, W. Va.; comments by 2-19-80
- 1922 1-9-80 / FM assignment to Steelville, Mo.; comments by 2-19-80
- 2060 1-10-80 / Providing regulation for use of radio in public utility distribution automation systems; reply comments by 2-19-80
- 2060 1-10-80 / Radio in public utility distribution automation systems; comments by 2-19-80
- 37520 6-27-79 / Television waveform standards concerning horizontal and vertical banking intervals; reply comments by 2-19-80

FEDERAL DEPOSIT INSURANCE CORPORATION

- 75654 12-21-79 / Loans in areas having special flood hazards; comments by 2-19-80
- 75652 12-21-79 / Proposed amendment conforming existing regulations to the Right to Financial Privacy Act of 1978; comments by 2-19-80

FEDERAL EMERGENCY MANAGEMENT AGENCY

- 75408 12-20-79 / Project administration; application procedures for governmental bodies and eligible private nonprofit facilities; comments by 2-19-80

FEDERAL HOME LOAN BANK BOARD

- 4360 1-22-80 / Investment in guaranteed commercial real estate loans; comments by 2-21-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT**Civil Rights Office—**

- 75676 12-21-79 / Equal opportunity in employment provisions applicable to the Public Broadcasting Service, National Public Radio, and Public Telecommunications entities receiving Federal funds from the Corporation for Public Broadcasting; comments by 2-19-80

Food and Drug Administration—

- 75659 12-21-79 / Nitrites in bacon; proposed exception from the color additive definition and request for information on other meat products that may qualify for the exception to the color additive definition; comments by 2-19-80

- 74845 12-18-79 / Phosphates; proposed affirmation and deletion from GRAS status as direct and human food ingredients; comments by 2-19-80

- 60316 10-19-79 / Stomach acidifier drug products for over-the-counter human use; classification as unsafe and ineffective; reply comments by 2-18-80

Health Care Financing Administration—

- 75673 12-21-79 / Medicaid agency fraud detection and investigation program; Verification of services; comments by 2-19-80

National Institutes of Health—

- 75415 12-20-79 / Conduct of persons and traffic on Federal enclaves; comments by 2-19-80

HOUSING AND URBAN DEVELOPMENT**Community Planning and Development, Office of Assistant Secretary—**

- 75332 12-19-79 / Community Development Block Grants for Indian Tribes and Alaska Natives, housing assistance plan; comments by 2-19-80

Government National Mortgage Association—

- 75348 12-19-79 / Guaranty of mortgage-backed securities; amendment to establish rules covering issuers' securities marketing and trading activities; comments by 2-19-80

Office of the Assistant Secretary for Housing—Federal Housing Commissioner—

- 75383 12-20-79 / Housing assistance payments; contract rent automatic annual adjustment factors publication method; comments by 2-19-80

INTERIOR DEPARTMENT**Heritage Conservation and Recreation Service—**

- 74826 12-18-79 / National Historic Landmarks Program; comments by 2-18-80

- 3924 1-21-80 / Recreation fees; comments by 2-20-80

Surface Mining Reclamation and Enforcement Office—

- 5540 1-23-80 / Civil penalties provisions; comments by 2-22-80

INTERSTATE COMMERCE COMMISSION

- 1434 1-7-80 / Platform handling costs; filing date change; reply comments period extended from 1-4-80 to 2-19-80

[Originally published at 44 FR 53190, Sept. 13, 1979]

- 3912 1-21-80 / Practices of motor common carriers of passengers-checked baggage liability provisions; comments by 2-20-80

JUSTICE DEPARTMENT**Drug Enforcement Administration—**

- 3923 1-21-80 / Denial of petitions to control dextropropoxyphene in Schedule II; Classification of dextropropoxyphene as a narcotic; comments by 2-20-80

Prisons Bureau—

- 76727 12-27-79 / Control, custody, care, treatment and instruction of inmates; comments by 2-25-80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

- 75395 12-20-79 / Space transportation system; comments by 2-19-80

- 75656 12-21-79 / Space transportation system; Use of small self-contained payloads; comments by 2-19-80

NUCLEAR REGULATORY COMMISSION

- 3913 1-21-80 / Emergency planning; draft negative declaration for proposed rule changes; comments by 2-18-80

- 75167 12-19-79 / Nuclear power; emergency planning; comments by 2-19-80

- 3250 1-17-80 / Rules of practice for domestic licensing proceedings; comments by 2-19-80

PERSONNEL MANAGEMENT OFFICE

- 75615 12-21-79 / Competitive service and competitive status; excepted service; senior executive service; appointment, reassignment, transfer and development in the senior executive service; comments by 2-19-80

SMALL BUSINESS ADMINISTRATION

- 3917 1-21-80 / Maximum annual cost of money to small concerns; comments by 2-20-80

TRANSPORTATION DEPARTMENT**Coast Guard—**

- 1431 1-7-80 / Great Lakes pilotage; comments by 2-21-80

- 1431 1-7-80 / Tank vent piping for Great Lakes vessels; comments by 2-21-80

Federal Aviation Administration—

- 66324 11-19-79 / Proposal to upgrade regulation of certain large general aviation airplanes and replace commercial operator and air travel club regulations; comments by 2-19-80

Federal Highway Administration—

- 952 1-3-80 / Bicycle grant program; comments by 2-19-80

TREASURY DEPARTMENT

Alcohol, Tobacco, and Firearms Bureau—

- 53178 9-13-79 / Recodification of wine regulations; comments extended to 2-20-80

[Originally published at 44 FR 19691, May 22, 1979]

Internal Revenue Service—

- 75185 12-19-79 / Furnishing statement explaining estate or gift evaluation; comments by 2-18-80
- 75183 12-19-79 / Unemployment compensation taxation; comments by 2-18-80

VETERANS ADMINISTRATION

- 74858 12-18-79 / Improving Government regulations; semiannual agenda; comments by 2-19-80
- 3926 1-21-80 / Loan guaranty; acquisition and improvement loans; comments by 2-20-80
- 3330 1-17-80 / Loan guaranty; increase in the maximum charge for legal services allowed to a holder on a claim under the guaranty; comments by 2-19-80
- 5348 1-23-80 / Medical benefits provisions; comments by 2-21-80
- 5350 1-23-80 / Suspension of educational assistance allowance payments; comments by 2-22-80

WAGE AND PRICE STABILITY COUNCIL

- 4338 1-22-80 / Noninflationary pay and price behavior; comments by 2-21-80

Deadlines For Comments On Proposed Rules for the Week of 2-24 through 3-1-80**AGRICULTURE DEPARTMENT**

Agricultural Marketing Service—

- 3593 1-18-80 / Milk marketing orders; New England, et al.; comments by 2-29-80

[Originally published at 44 FR 65989, 11-16-79]

Animal and Plant Health Inspection Service—

- 1003 1-4-80 / Importation of horses from countries affected with contagious equine metritis; comments by 3-1-80

Farmers Home Administration—

- 77183 12-31-79 / Appeal procedure; comments by 2-29-80

Office of the Secretary—

- 77187 12-31-79 / Definition of "process fuel" as it relates to amounts of interstate natural gas needed for essential agricultural uses; comments by 2-29-80

Soil Conservation Service—

- 76299 12-26-79 / Water resources project type activities; channel modification guidelines; comments by 2-25-80

CIVIL AERONAUTICS BOARD

- 77189 12-31-79 / Amendment of statistical reporting requirements for small carriers and new entrants and elimination of certain reporting requirements for all certified carriers; comments by 2-26-80

- 3595 1-18-80 / International air cargo rate changes; policy statement; reply comments by 2-29-80

- 76771 12-28-79 / Settlement of enforcement proceedings; comments by 2-26-80

COMMERCE DEPARTMENT

International Trade Administration—

- 4932 1-22-80 / Countervailing duties; comments by 2-29-80

- 1595 1-8-80 / Export controls maintained for foreign policy purposes; comments by 2-29-80

[Corrected at 45 FR 6362; 1-28-80]

National Oceanic and Atmospheric Administration—

- 3590 1-18-80 / Confidentiality of statistics; interim rules; comments by 2-25-80

- 2636 1-11-80 / Fishing vessel financing programs; amendment of conditional fisheries concept; comments by 2-25-80

- 76810 12-28-79 / Voluntary laboratory accreditation program, National; inclusion of additional relevant standards and test methods; comments by 2-26-80

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

- 68120 11-28-79 / Energy performance standards for new buildings; comments by 2-26-80

Federal Energy Regulatory Commission—

- 5309 1-23-80 / Amendment of Form No. 16, report of Gas Supply and Requirements; comments by 2-29-80

ENVIRONMENTAL PROTECTION AGENCY

- 3335 1-17-80 / Gum and wood chemicals processing point source category; comments by 2-26-80

- 77470 12-31-79 / Health and safety data reporting; submission of lists and copies of health and safety studies; comments by 2-29-80

- 69688 12-4-79 / Leather tanning and finishing point source category effluent limitations guidelines; pretreatment standards and new source performance standards; comments period extended to 2-25-80

[Originally published at 44 FR 38746, July 2, 1979]

- 6417 1-28-80 / Maryland; proposed variance of State Implementation Plan; comments by 2-27-80

- 6802 1-30-80 / Prevention of significant air quality deterioration; comments period extended from 12-10-79 to 2-29-80

[Originally published at 44 FR 51924, Sept. 5, 1979]

- 6962 1-31-80 / Standards for control of air pollution from aircraft and aircraft engines; comments period extended to 2-29-80

[Originally published at 43 FR 12615, Mar. 24, 1978]

- 6120 1-25-80 / State implementation plans; discretionary authority of State and local agency officials; comments by 2-25-80

- 6121 1-25-80 / State implementation plan; Missouri; comments by 2-25-80

FEDERAL COMMUNICATIONS COMMISSION

- 75418 12-20-79 / Fayette and Port Gibson, Miss.; radio station table of assignments; reply comments by 2-28-80

- 73131 12-17-79 / FM broadcast station in Marana, Ariz.; changes in table of assignments; reply comments by 2-25-80

- 75683 12-21-79 / FM broadcast station in Bernalillo, N. Mex.; proposed changes made in table of assignments; reply comments by 2-28-80

- 3064 1-16-80 / Policy and rules on rates for competitive common carrier services and facilities authorizations; period for related docket/complaints comments extended to 2-28-80

[Originally published at 44 FR 67445, Nov. 26, 1979 and corrected at 44 FR 73130, Dec. 17, 1979]

- 75419 12-20-79 / Rio Grande City and Roma-Los Saenz, Tex.; radio stations table of assignments; reply comments by 2-28-80

- 3070 1-16-80 / Use of subcarrier frequencies in the aural base band of television transmitters; reply comments period extended to 2-28-80

[Originally published at 44 FR 70201, Dec. 3, 1979]

- 75420 12-20-79 / Warsaw, Ky.; radio station table of assignments; reply comments by 2-28-80

FEDERAL DEPOSIT INSURANCE CORPORATION

- 76800 12-28-79 / Securities of insured nonmember State banks; comments 2-26-80

- FEDERAL EMERGENCY MANAGEMENT AGENCY**
- 76510 12-27-79 / Floodplain management and protection of wetlands; interim rule; comments by 2-25-80
- 70197 12-6-79 / National Environmental Policy Act; implementation; comments by 2-24-80
- FEDERAL RESERVE SYSTEM**
- 76551 12-27-79 / Regulation F; financial statements form and content; reports of condition and income; conformance with SEC regulations; comments by 3-1-80
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
- Food and Drug Administration—
- 6631 1-29-80 / Frozen desserts; ice cream and frozen custard; standard of identity; comments by 2-28-80
- 76811 12-28-79 / Hepatitis B surface antigen antibody; diagnostic test kit samples reduction; comments by 2-26-80
- 67673 11-27-79 / Lead in food; comments period extended to 2-29-80
[Originally published at 44 FR 51233, 8-31-79]
[Corrected at 44 FR 71428, 12-11-79]
- 63270 11-2-79 / Oral mucosal injury drug products for over-the-counter human use, establishment of a monograph; comments by 2-25-80
- Human Development Services Offices—
- 68564 11-23-79 / Vocational rehabilitation and independent living rehabilitation programs; comments by 2-27-80
- INTERIOR DEPARTMENT**
- Fish and Wildlife Service—
- 67902 11-27-79 / Proposed reclassification of red lechwe (*Kobus lechwe*), the bontebok (*Damalisca dorcas dorcas*) and the argali (*Ovis ammon hodgsoni*); comments by 2-25-80
- 76299 12-26-79 / Water resources project type activities; channel modification guidelines; comments by 2-25-80
- INTERSTATE COMMERCE COMMISSION**
- 809 1-3-80 / Cost center accounting and reporting system for Class I railroads; comments by 2-29-80
- 6634 1-29-80 / Elimination of notification procedure in the processing of emergency temporary authority applications; comments by 2-28-80
- 71849 12-12-79 / Notice to shippers of freight refused or unclaimed at destination; comments by 1-28-80
- JUSTICE DEPARTMENT**
- Law Enforcement Assistance Administration—
- 2808 1-14-80 / Formula grants for criminal and juvenile justice; comments by 2-28-80
- LABOR DEPARTMENT**
- Employment Standards Administration—
- 77036 12-28-79 / Labor standards for Federal services contracts; comments by 2-26-80
- 77026 12-28-79 / Procedures for predetermination of wage rates; comments by 2-26-80
- Federal Contract Compliance Programs Office—
- 77006 12-28-79 / Government contractors; affirmative action requirements; comments by 2-26-80
- Pension and Welfare Benefit Programs—
- 7521 2-1-80 / Definition of plan assets and establishment of trust; comments by 2-27-80
- Wage and Hour Division—
- 77080 12-28-79 / Labor standards for federally financed and assisted construction contracts; comments by 2-26-80
- MANAGEMENT AND BUDGET OFFICE**
- 76828 12-28-79 / Draft Federal acquisition regulation; comments by 2-29-80
- PERSONNEL MANAGEMENT OFFICE**
- 76799 12-28-79 / Political participation by U.S. Government Employees in local elections in the City of Manassas Park, Va.; comments by 2-26-80
- 76799 12-28-79 / Reduction in force; retention preference; comments by 2-26-80
- PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH**
- 6791 1-30-80 / Privacy Act; implementation; comments by 3-1-80
- SECURITIES AND EXCHANGE COMMISSION**
- 72604 12-14-79 / Review of guides for the preparation and filing of registration statements and reports; comments by 2-29-80
- TRANSPORTATION DEPARTMENT**
- Federal Aviation Administration—
- 2661 1-14-80 / Dulles Airport access highway; comments by 2-29-80
- 799 1-3-80 / Petition of the Dallas/Fort Worth Regional Airport (DFW); comments by 3-1-80
- 68759 11-29-79 / Tires on turbo jet-powered transport category airplanes; comments by 2-27-80
- Materials Transportation Bureau—
- 68491 11-29-79 / Transportation of natural and other gas by pipeline; hot taps in gas pipelines; comments by 3-1-80
- 68493 11-29-79 / Transportation of natural and other gas by pipeline; maps and records; comments by 3-1-80
- National Highway Traffic Safety Administration—
- 68501 11-29-79 / Evaluation plan for Federal Motor Vehicle Safety Standard No. 208; comments by 2-29-80
- Research and Special Programs Administration—
- 57952 10-9-79 / Transportation of liquids by pipeline, valve spacing on pipelines carrying highly volatile liquids; comments by 2-29-80
[Originally published at 44 FR 53187, 9-13-79]
- TREASURY DEPARTMENT**
- Internal Revenue Service—
- 76813 12-28-79 / Continuity of business enterprise requirement for corporate reorganizations; comments by 2-25-80
- 76817 12-28-79 / Credit for employment of certain new employees; comments by 2-25-80
- 76815 12-28-79 / Discharge of liabilities on the sale or other disposition of property; comments by 2-25-80
- 75670 12-21-79 / Excess profits on contracts for naval vessels or military aircraft; comments by 2-26-80
- 76563 12-27-79 / Payments to be made to aerial applicators in certain cases; comments by 2-25-80
- Revenue Sharing Office—
- 77356 12-31-79 / Revenue sharing regulations; comments by 2-29-80
- VETERANS ADMINISTRATION**
- 6416 1-28-80 / Increased compensation rates; comments by 2-27-80
- Next Week's Meetings**
- AGRICULTURE DEPARTMENT**
- Forest Service—
- 7824 2-5-80 / Gospel-Hump Advisory Committee, Moscow, Idaho (open), 2-23-80
- 57 1-2-80 / Rights-of-Way Corridor Planning, Salt Lake City, Utah (open), 2-22-80
- Science and Education Administration—
- 6980 1-31-80 / National Agricultural Research and Extension Users Advisory Board, Orlando, Fla. (open), 2-18 and 2-20-80
- ARTS AND HUMANITIES, NATIONAL FOUNDATION**
- 5844 1-24-80 / Federal Graphics Advisory Panel, Washington, D.C. (open), 2-21-80
- 3976 1-21-80 / Humanities Panel Advisory Committee, Washington, D.C. (closed), 2-20-80

- 7353 2-1-80 / National Council on the Humanities Advisory Committee, Washington, D.C. (open), 2-22-80
- 7353 2-1-80 / Visual Arts Panel (Artists' Fellowships), Washington, D.C. (closed), 2-19 through 2-22-80
- CIVIL RIGHTS COMMISSION**
- 6816 1-30-80 / Alaska Advisory Committee, Juneau, Alaska (open), 2-22-80
- 6816 1-30-80 / Maryland Advisory Committee, Annapolis, Md. (open), 2-20-80
- 5787 1-24-80 / New Mexico Advisory Committee, Taos, N.M. (open), 2-21-80
- 6817 1-30-80 / Pennsylvania Advisory Committee, Harrisburg, Pa. (open), 2-21-80
- COMMERCE DEPARTMENT**
- National Oceanic and Atmospheric Administration—
- 6982 1-31-80 / Marine Fisheries Advisory Committee, San Diego, Calif. (open), 2-21 and 2-22-80
- National Telecommunications and Information Administration—
- 2682 1-14-80 / Grant Appeals Board of the Public Telecommunications Facilities Program, Washington, D.C. (open), 2-20-80
- [Originally published at 44 FR 70513, December 7, 1979]
- DEFENSE DEPARTMENT**
- Defense Nuclear Agency—
- 77237 12-31-79 / Scientific Advisory Group on Effects (SAGE), Monterey, CA (closed), 2-19 through 2-22-80
- Navy Department—
- 7279 2-1-80 / Chief of Naval Operations Executive Panel Advisory Committee, Washington, D.C. (closed), 2-20 and 2-21-80
- Office of the Secretary—
- 6424 1-28-80 / Defense Science Board Task Force on Particle Beam Technology, Washington, D.C. (closed), 2-20 and 2-21-80
- 76576 12-27-79 / Wage Committee, Washington, D.C. (closed), 2-19-80
- ENERGY DEPARTMENT**
- 6640 1-29-80 / National Petroleum Council's Refinery Flexibility Committee, Coordinating Subcommittee, San Francisco, Calif. (open), 2-19-80
- Conservation and Solar Energy Office—
- 6986 1-31-80 / Federal Photovoltaic Utilization Program Advisory Committee, Washington, D.C. (open), 2-20-80
- 6986 1-31-80 / Food Industry Advisory Committee and Subcommittees, 2-19-80
- ENVIRONMENTAL PROTECTION AGENCY**
- 8159 2-6-80 / FIFRA Scientific Advisory Panel, Tucson, Ariz. (open), 2-21 and 2-22-80
- 7000 1-31-80 / Science Advisory Board, Water Quality Criteria Subcommittee, Arlington, Va. (open), 2-22-80
- FEDERAL COMMUNICATIONS COMMISSION**
- 7839 2-5-80 / Radio Technical Commission for Marine Services, Washington, DC (open), 2-20, 2-21-80
- FEDERAL PREVAILING RATE ADVISORY COMMITTEE**
- 4470 1-22-80 / Meeting, Washington, D.C. (partially open), 2-21-80
- FOREIGN CLAIMS SETTLEMENT COMMISSION**
- 7671 2-4-80 / Meeting, Washington, D.C. (open), 2-20-80
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
- Alcohol, Drug Abuse, and Mental Health Administration—
- 6171 1-25-80 / Alcohol Biomedical Research Review Committee, Rockville, Md. (partially open), 2-20 through 2-22-80
- 1-25-80 / Criminal and Violent Behavior Review Committee, Washington, DC (partially open), 2-20 through 2-22-80
- 6171 1-25-80 / Mental Health Services Manpower Development Review Committee, Rockville, Md. (partially open), 2-20 through 2-22-80
- 6171 1-25-80 / Paraprofessional Education Review Committee, Silver Spring, Md. (partially open), 2-21 through 2-23-80
- 7841 2-5-80 / Psychology Education Review Committee, Silver Spring, Md. (partially open), 2-23 through 2-25-80
- Center for Disease Control—
- 7311 2-1-80 / National Immunization Records Work Group, Atlanta, Ga. (open), 2-21-80
- Education Office—
- 4471 1-22-80 / National Advisory Council on Adult Education, Washington, D.C. (open) 2-21 through 2-22-80
- Food and Drug Administration—
- 2904 1-15-80 / Anesthetic and Life Support Drugs Advisory Committee, Rockville, Md. (open), 2-19 and 2-20-80
- 2904 1-15-80 / Antimicrobial Panel, Bethesda, Md. (open), 2-22 and 2-23-80
- 2904 1-15-80 / Cardiovascular and Renal Drugs Advisory Committee, Rockville, Md. (open), 2-21 and 2-22-80
- 6702 1-29-80 / Infant formulas, Washington, D.C. (open), 2-19 and 2-20-80
- 2904 1-15-80 / Miscellaneous Internal Drug Products panel, Bethesda, Md. (open), 2-23-80
- 2904 1-15-80 / Peripheral and Central Nervous System Drugs Advisory Committee, Rockville, Md. (open), 2-22-80
- Health Services Administration—
- 5839 1-24-80 / Interagency Committee on Emergency Medical Services, Rockville, Md. (open), 2-20-80
- National Institutes of Health—
- 73162 12-17-79 / Pulmonary Diseases Advisory Committee, Bethesda, Md. (open), 2-21 and 2-22-80
- 76863 12-28-79 / Sickle Cell Disease Advisory Committee, Bethesda, Md. (open), 2-21 and 2-22-80
- 7009 1-31-80 / Study Sections, various cities in California, Louisiana, and Maryland, and Washington, D.C. (partially open), 2-17 through 2-23-80
- Office of the Secretary—
- 5839 1-24-80 / Secretary's Advisory Committee on the Rights and Responsibilities of Women, Denver, Colorado (open), 2-21-80
- 7842 2-5-80 / Secretary's Advisory Committee on the Rights and Responsibilities of Women, Denver, Colo. (open), 2-21-80
- INTERIOR DEPARTMENT**
- Indian Affairs Bureau—
- 847 1-3-80 / Mount Tolman Copper-Molybdenum Mine Scoping meeting, Nespelem, Washington, D.C. (open), 2-20-80
- Land Management Bureau—
- 7013 1-31-80 / Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Group committee, Anchorage, Alaska (open), 2-19 and 2-20-80
- 3113 1-16-80 / Salmon District Grazing Advisory Board, Salmon, Idaho (open), 2-22-80
- National Park Service—
- 6850 1-30-80 / Fort Pulaski, National Monument Land Acquisition Plan; public forum, Tybee Island, Ga., 2-20-80
- 6850 1-30-80 / Morres Creek National Military Plan Land Acquisition Plan; public forum, Currie, N.C., 2-19-80

6480 1-28-80 / New River Gorge National River, W.Va., Mt. Hope, W.Va. (open), 2-18-80

8165 2-6-80 / Upper Delaware Citizens Advisory Council, Narrowsburg, NY (open), 2-22-80

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

6178 1-25-80 / Mining and Mineral Resources Research Advisory Committee, Washington, DC (open), 2-19 and 2-20-80

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration—

6868 1-30-80 / Juvenile Justice and Delinquency Advisory Committee, Columbia, SC (open), 2-21 through 2-23-80

LABOR DEPARTMENT

Bureau of Labor Statistics—

7879 2-5-80 / Business Research Advisory Council, Washington, DC (open), 2-20-80

MARINE MAMMAL COMMISSION

3684 1-18-80 / Marine Mammal Commission and Committee of Scientific Advisors on Marine Mammals, Tampa, Fla. (closed), 2-21 through 2-23-80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

6871 1-30-80 / NASA Advisory Council, Aeronautics Advisory Committee, Washington, D.C. (open), 2-21 and 2-22-80

3685 1-18-80 / NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Rotorcraft Technology, Moffett Field, Calif. (open), 2-20 through 2-22-80

6872 1-30-80 / NASA Advisory Council, Historical Advisory Committee, Moffett Field, Calif. (open), 2-22-80

NATIONAL SCIENCE FOUNDATION

7881 2-5-80 / Behavioral and Neural Sciences Advisory Committee; Neurobiology Subcommittee, Washington, D.C. (closed), 2-20 through 2-22-80

7881 2-5-80 / Behavioral and Neural Sciences Advisory Committee; Social and Developmental Psychology Subcommittee, Washington, D.C. (closed), 2-21 and 2-22-80

7881 2-5-80 / Physiology, Cellular and Molecular Biology Advisory Committee; Developmental Biology Subcommittee, Washington, D.C. (closed), 2-21 through 2-23-80

7882 2-5-80 / Physiology, Cellular and Molecular Biology Advisory Committee; Molecular Biology, Group B Subcommittee, Washington, D.C. (closed), 2-21 and 2-22-80

NUCLEAR REGULATORY COMMISSION

6507 1-28-80 / Reactor Safeguards Advisory Committee, Washington, D.C. (partially open), 1-22-80

7883 2-5-80 / Reactor Safeguards Advisory Committee; Plant Arrangements Subcommittee, Washington, D.C. (partially open), 2-20 and 2-21-80

STATE DEPARTMENT

7026 1-31-80 / Advisory Committee on International Investment Technology, and Development, Washington, D.C. (open), 2-22-80

4489 1-22-80 / Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Washington, D.C. (open), 2-20-80

TRANSPORTATION DEPARTMENT

Federal Railroad Administration—

7038 1-31-80 / Minority Business Resource Center Advisory Committee, Washington, D.C. (open), 2-21-80

National Highway, Traffic Safety Administration—

2141 1-10-80 / Heavy Truck Safety Panel, Washington, D.C. (open), 2-19-80

TREASURY DEPARTMENT

Internal Revenue Service—

3997 1-21-80 / Art Advisory Panel, Washington, D.C. (closed), 2-20 and 2-21-80

VETERANS ADMINISTRATION

6226 1-25-80 / Station Committee on Educational Allowances, Des Moines, Iowa (open), 2-21-80

6225 1-25-80 / Station Committee on Educational Allowances, Great Falls, Mont. (open), 2-22-80

5881 1-24-80 / Station Committee on Educational Allowances, Nashville, Tenn. (open), 2-19-80

Next Week's Public Hearings

CIVIL AERONAUTICS BOARD

4369 1-22-80 / Trans World Airlines, Inc., discount fare advertising enforcement proceeding; hearing, Washington, D.C., 2-21-80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

6127 1-25-80 / Fishery management plan for Pacific salmon, Astoria, Ore., 2-20-80

6127 1-25-80 / Fishery management plan for Pacific salmon, Eureka, Calif., 2-22-80

6127 1-25-80 / Fishery management plan for Pacific salmon, North Bend, Ore., 2-21-80

6127 1-25-80 / Fishery management plan for Pacific salmon, Sacramento, Calif., 2-19-80

6127 1-25-80 / Fishery management plan for Pacific salmon, Seattle, Wash., 2-22-80

6127 1-25-80 / Fishery management plan for Pacific salmon, Twin Falls, Idaho, 2-19-80

ENERGY DEPARTMENT

70390 12-6-79 / Outer Continental Shelf Oil and gas leasing; fixed net profit share bidding system; hearing Washington, D.C., 2-20-80

HEALTH, EDUCATION AND WELFARE DEPARTMENT

Education Office—

1455 1-7-80 / National Advisory Council on Vocational Education, hearings, Huntsville, Tex., 2-21 and 2-22-80

Social Security Administration—

6977 1-31-80 / Proceedings on proposed presence of SSA representative at disability claimants' hearings: Roanoke, Va., 2-20-80 Columbia, S.C., 2-21-80

INTERIOR DEPARTMENT

Indian Affairs Bureau—

8002 2-6-80 / Great Lakes and connecting waters in Michigan ceded in Treaty of 1836; off reservation fishing; hearing, Lansing, Michigan, 2-22-80

TREASURY DEPARTMENT

Internal Revenue Service—

75670 12-21-79 / Reasonable funding methods; Amortization of experience gains by pension plans funded by group deferred annuity contracts, Washington, D.C., 2-21-80

Listing of Public Laws

Last Listing January 31, 1980

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-375-3030).

H.R. 4320 / Pub. L. 96-189 To consent to the amended Bear River Compact between the States of Utah, Idaho, and Wyoming. (Feb. 8, 1980; 94 Stat. 4) Price: \$1.25.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **FEDERAL REGISTER** during the previous week.

Rules Going Into Effect

- 7780** 2-5-80 / Commerce/NTIA—Public Telecommunications Facilities Program; Filing amendments to FY 1980 grant applications; effective date extended to 3-21-80
- 8299** 2-7-80/CSA—Uniform Federal property standards; effective 3-10-80
- 8926** 2-8-80 / DOE—Appropriate Technology Small Grants Program; effective 2-8-80
- 7779** 2-5-80 / DOE/Solar—Energy conservation; Change in allocation of funds among States for first grant program cycle; effective 1-29-80
- 8528** 2-7-80 / HEW/PHS—Special grants for implementation of Uniform Alcoholism and Intoxication Treatment Act; effective 2-7-80

DEADLINES FOR COMMENTS ON PROPOSED RULES

- 7582** 2-4-80 / HEW/OE—Graduate and Professional Study Fellowships and Institutional Grants, Public Service Education Program, and Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships; increase stipend amount; comments by 3-20-80
- 8314** 2-7-80 / HEW/OE—Safe Schools Program; comments by 4-7-80
- 8751** 2-8-80 / Labor/ETA—Employment Transfer and Business Competition Determinations Under the Rural Development Act; comments by 2-22-80

APPLICATIONS DEADLINES

- 7601** 2-4-80 / ACTION—Implementation of joint ACTION/LEAA Urban Crime Prevention Program for fiscal year 1980; apply by 5-9-80
- 8690** 2-8-80 / Commerce/MBDA—Financial Assistance Application Announcement; apply by 3-31-80
- 8162** 2-6-80 / HEW/OE—Basic Educational Opportunity Grant Program; apply by 3-15-80
- 7625** 2-4-80 / HEW/OE—Grants to State educational agencies to meet special educational needs of migratory children; apply by 4-15-80
- 7601** 2-4-80 / Justice/LEAA—Implementation of joint ACTION/LEAA Urban Crime Prevention Program; apply by 5-9-80
- 7879** 2-5-80 / Justice/LEAA—Organized Crime Problem in United States; apply by 4-4-80
- 8751** 2-8-80 / Justice/NIJ—Solicitation to assess performance of forensic toxicology laboratories; apply by 4-4-80
- 8387** 2-7-80 / Justice/NIJ—Research on crime causation among minorities; preliminary proposals by 5-1-80
- 8520** 2-7-80 / USDA/SEA—High priority regional agricultural research; grants for FY 1980; proposals by 4-21-80

MEETINGS

- 7841** 2-5-80 / HEW/ADAMHA—Psychiatric Nursing Education Review Committee, Rockville, Md. (partially open), 2-13 and 2-14-80
- 7841** 2-5-80 / HEW/ADAMHA—Psychology Education Review Committee, Silver Spring, Md. (partially open), 2-23 through 2-25-80
- 7841** 2-5-80 / HEW/ADAMHA—Social Work Education Review Committee, Rockville, Md. (partially open), 2-26 through 2-29-80
- 8358** 2-7-80 / HEW/ADAMHA—Various committee meetings during March 1980
- 7879** 2-5-80 / Labor/BLS—Business Research Advisory Council Committees, Washington, D.C. (open), 2-19 through 2-21-80

- 8169** 2-6-80 / NFAH—Design Arts Panel, meeting, Washington, D.C. (closed), 3-12 and 3-13-80
- 8170** 2-6-80 / NFAH—Design Arts Panel (Fellowships), Washington, D.C. (closed), 3-10 through 3-12-80
- 8169** 2-6-80 / NFAH—Design Arts Panel (Challenge), Washington, D.C. (closed), 2-25 and 2-26-80
- 8170** 2-6-80 / NFAH—Design Arts Panel (Design Communication), Washington, D.C. (closed), 3-3 and 3-4-80
- 8170** 2-6-80 / NFAH—Design Arts Panel (Design Demonstration), Washington, D.C. (closed), 3-5 and 3-6-80
- 7881** 2-5-80 / NSF—Behavioral and Neural Sciences Advisory Committee; Memory and Cognitive Processes Subcommittee, Washington, D.C. (closed), 2-25 and 2-26-80
- 7881** 2-5-80 / NSF—Behavioral and Neural Sciences Advisory Committee; Neurobiology Subcommittee, Washington, D.C. (closed), 2-20, 2-21, and 2-22-80
- 7881** 2-5-80 / NSF—Behavioral and Neural Sciences Advisory Committee; Social and Developmental Psychology Subcommittee, Washington, D.C. (closed), 2-21 and 2-22-80
- 7881** 2-5-80 / NSF—Physiology, Cellular and Molecular Biology Advisory Committee; Developmental Biology Subcommittee, Washington, D.C. (closed), 2-21, 2-22, and 2-23-80
- 7882** 2-5-80 / NSF—Physiology, Cellular, and Molecular Biology Advisory Committee; Molecular Biology, Group B, Subcommittee, Washington, D.C. (closed), 2-21 and 2-22-80
- 7882** 2-5-80 / NSF—Physiology, Cellular and Molecular Biology Advisory Committee; Regulatory Biology Advisory Committee, Washington, D.C. (closed), 2-27, 2-28, and 2-29-80
- OTHER ITEMS OF INTEREST**
- 8534** 2-7-80 / DOE/Solar—List of Federal assistance programs for conservation of petroleum and natural gas; comments by 4-7-80
- 7788** 2-5-80 / EPA—Cooperative agreements for protecting and restoring publicly owned freshwater lakes
- 8359** 2-7-80 / HEW/NIH—Availability of "National Primate Plan" regarding non-human primates used in research
- 8168** 2-6-80 / Justice/LEAA—Hamilton, N.J. Police Department; hearing on denial of grant, Philadelphia, Pa., 2-8-80